

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, ROBERT C. BEVIS, and LAW
WEAPONS, INC., d/b/a LAW WEAPONS &
SUPPLY, an Illinois corporation,

Plaintiffs,

v.

CITY OF NAPERVILLE, ILLINOIS, and
JASON ARRES,

Defendants.

Case No. 1:22-cv-04775

Hon. Virginia M. Kendall

**CITY OF NAPERVILLE AND JASON ARRES' RESPONSE IN OPPOSITION TO
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs' motion seeks a TRO preventing Naperville's Police Chief, Jason Arres, from enforcing the Protect Illinois Communities Act, HB 5471—the comprehensive statute adopted by the State of Illinois on January 10, 2023, concerning assault weapons and large capacity magazines. Plaintiffs' motion fails on procedural, legal and factual grounds. As set forth at oral argument and in more detail below, Plaintiffs' Motion for TRO and Preliminary Injunction should be denied.¹

Plaintiffs' motion ignores that nearly identical prohibitions on the sale of such weapons have been found constitutional in the Seventh Circuit and other circuits across the country. The Seventh Circuit held in *Friedman v. City of Highland Park* that a municipal's ban on assault weapons and large capacity magazines (sale, possession and ownership) was constitutional.

¹ Naperville's Ordinance is attached as Ex. B. Naperville previously filed a motion opposing Plaintiffs' Motion For Temporary Restraining Order And Preliminary Injunction filed attacking the Ordinance. Dkt. 12.

Friedman is binding precedent, and Plaintiffs cite nothing that says otherwise. Despite Plaintiffs' contention, *Friedman* has not been abrogated by the Supreme Court's decision in *New York State Rifle and Pistol Association v. Bruen*, 521 U.S. 898 (2022). In fact, while the *Bruen* decision lists a series of cases ostensibly abrogated by its holding, *Friedman* is not among them.

Because of the problems with their constitutional arguments, Plaintiffs will not succeed on the merits. Plaintiffs also cannot establish any irreparable harm that demands this Court immediately enjoin HB5471 in its entirety given that only the prohibition on the sale of assault weapons took immediate effect and the remainder of HB5471 will not take effect until January 1, 2024. In fact, Plaintiffs' "irreparable harm" argument focuses solely on Plaintiff Robert Bevis and his corporation Law Weapons, Inc. because "[t]he State Law prohibits or soon will prohibit us from exercising their Second Amendment rights" Decl. of Robert Bevis, at ¶ 5, Dkt. 10 at 4. Additionally, in oral argument, Plaintiffs' counsel noted that Bevis' inability to sell the prohibited assault weapons constituted irreparable harm. The absence of a preliminary injunction will not stop Bevis or his store from selling firearms generally, nor will it deprive Bevis from exercising his Second Amendment right to arm himself in self-defense. He may still lawfully sell firearms that fall outside the scope of the HB5471. *See* Exhibit C, HB5471, 102nd Gen. Assembly (Ill.). Because an adequate alternative "can be had," "the lack of an injunction does not lead to irreparable harm." *Second City Music, Inc. v. City of Chicago*, 333 F.3d 846, 850 (7th Cir. 2003) (affirming denial of preliminary injunction in First Amendment case because plaintiff had not shown an irreparable harm).

Even if Plaintiffs could establish the elements necessary for emergency injunctive relief, the balance of hardships tip in Defendants' favor. Any alleged hardships to Plaintiffs are clearly avoidable. Defendants, on the other hand, have a compelling interest in protecting the public within

its jurisdictional limits from the horrible risk of assault weapons. HB5471 was passed by a publicly elected legislature and is a legitimate exercise of the State's police power to regulate behavior for the betterment of its citizens health and safety. Plaintiffs allege no harm that would justify, in the absence of a fully-developed record, upending a democratically-enacted law. The balance of hardships favors Naperville and the State of Illinois, and Plaintiffs' Motion should be denied.

FACTUAL BACKGROUND

Because the Court is familiar with the core factual issues in this case, Defendants describe here only those new elements introduced by Plaintiffs' attack on the Protect Illinois Communities Act, HB 5471. Specifically, on January 10, 2023, Governor Pritzker signed the Act into law immediately banning the commercial sale of assault weapons and, beginning January 1, 2024, banning the possession, use, delivery, and manufacture of assault weapons and large capacity magazines.² In doing so, Illinois joined multiple states and municipalities with similar bans. In all, approximately 30 percent of the United States population lives under the safety of bans of these highly dangerous weapons and accessories.

HB5471, the portion of the Act specifically banning assault weapons in Illinois, is attached as Ex. C.³ Under, HB5471, it is illegal in Illinois to manufacture, deliver, sell, import, or purchase"

² HB5471's definition of assault weapons is similar to that of the Naperville Ordinance. HB5471's definition of "large capacity ammunition feeding device" is "(1) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition for long guns and more than 15 rounds of ammunition for handguns; or (2) any combination of parts from which a device described in paragraph (1) can be assembled." *See* Ex. C.

³ Under HB5471, and as previously noted, every ban on the possession, ownership, or use of assault weapons in Illinois will not take effect until January 1, 2024 making Plaintiffs' motion irrelevant for every aspect of HB5471 except the immediate statewide prohibition on the sale of assault weapons, which Defendants address. *See* Ex. C ("[B]eginning January 1, 2024, it is unlawful for any person within this State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge."). On the other hand, the ban of sale of assault weapons takes effect immediately. *See id.* ("[O]n or after the effective date of this amendatory Act of the 102nd General Assembly, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, import, or purchase or cause to be manufactured, delivered, sold, imported, or purchased by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge."

any “assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber rifle.” 720 ILCS 5/24-1.9. The law defines “assault weapon” in great detail. *See* Ex. C at p. 84-93 or 720 ILCS 5/24-1.9(a)(1).

Under the Act, Illinois exercised its police power to address the public safety threats posed by assault weapons. While HB5471 was passed in reaction to the devastating Highland Park parade, it is a reaction to mass shootings across the country in Uvalde, Texas; Buffalo, New York; El Paso, Texas; Pittsburgh, Pennsylvania; Parkland, Florida; Sutherland Springs, Texas; Las Vegas, Nevada; San Bernadino, California; Orlando, Florida; and Newtown, Connecticut. As the full record will establish, in each of these mass shootings, the gunman used an assault weapon covered by HB5471 to kill multiple people.

ARGUMENT

Temporary restraining orders and preliminary injunctions are “extraordinary and drastic” remedies. *See, e.g., Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997); *Roland Mach. Co. v. Dresser Indus., Inc.*, 749 F.2d 380, 389 (7th Cir. 1984) (“[G]ranting of a preliminary injunction is an exercise of a very far-reaching power, never to be indulged in except in a case clearly demanding it.”); *Pozo v. Hompe*, 2002 WL 32357081, at *2 (W.D. Wis. July 30, 2002) (“[T]emporary restraining orders are disfavored because they deprive the opposing parties of the opportunity to respond to the movant's allegations.”). Courts must carefully scrutinize any request for either form of relief.

Under controlling law, movants must demonstrate, “*by a clear showing*,” the following four elements: “(1) they have a reasonable likelihood of success on the merits; (2) no adequate remedy at law exists; (3) they will suffer irreparable harm which, absent injunctive relief, outweighs the irreparable harm the respondent will suffer if the injunction is granted; and (4) the injunction will not harm the public interest.” *E.g., Goodman v. Illinois Dep't of Fin. & Pro. Regul.*,

430 F.3d 432, 437 (7th Cir. 2005) (emphasis in original). Plaintiffs, however, ask this Court to ignore clear, binding authority and fashion a new standard under which the “the analysis begins and ends with the likelihood of success on the merits” in cases relating to firearms regulations. *See* Dkt. 50 at 5. In other words, they manufacture a standard that excises three of the four elements they are required to prove. But even under their own proffered test, Plaintiffs’ Motion fails because they cannot establish a likelihood of success on the merits. For this reason alone, the Court should deny Plaintiffs’ Motion.

A. Plaintiffs’ Motion is Premature Because FRCP 5.1 Has Not Been Satisfied

This Motion is improperly before the court because Rule 5.1 has not been satisfied. Rule 5.1 requires that a pleading involving a constitutional question must: (1) provide notice to the government and the court of the specific constitutional issue involved; (2) the constitutional issue must then be certified by the court; and (3) the government must then be afforded an opportunity to intervene and to assert the fundamental interests of its citizens under 28 U.S.C. § 2403. Plaintiffs completed the first step on January 24, 2023 (Dkt. 49), and this Court completed the second step on January 30, 2023. However, under Rule 5.1, “the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier.” Therefore, the Illinois attorney general has 60 days from January 24, 2023 (March 25, 2023) to intervene in this litigation. Until Rule 5.1 is fully satisfied, litigation attacking HB5471—including litigation on this motion—is improperly before the court. Plaintiffs could have avoided this procedural delay by simply adding the State of Illinois or a state actor as a defendant. They chose not to do so. 28 U.S.C. §2403 and Rule 5.1(b) provide critical protections for the government in the event Plaintiffs seek to bypass their interests as Plaintiffs have done here.

B. Plaintiffs Do Not Have a Likelihood of Success on the Merits.

The Seventh Circuit has explicitly ruled that a ban on the commercial sale of assault weapons does not violate the Second Amendment. In *Friedman v. City of Highland Park*, the Seventh Circuit upheld a prohibition that banned the sale, transfer, manufacture, and ownership of assault weapons. *Friedman v. Cty. of Highland Park, Ill.*, 784 F.3d 406 (7th Cir. 2015). Plaintiffs’ reliance on the recent Supreme Court decision in *Bruen* does not affect the analysis. *Bruen* did not concern the sale of assault weapons and, like *Friedman*, relied on *Heller*. Even if the Court finds *Bruen* does affect this analysis, HB5471 survives under the text-and-history standard established by the *Bruen* court. Plaintiffs cite no case that confers a constitutional right to sell or even own assault weapons like those contemplated in the State law. Plaintiffs cannot succeed on the merits and their Motion should be denied.

1. Illinois HB5471 Comports with the Second Amendment Under Both *Heller* and *Friedman*.

Plaintiffs flatly ignore controlling law that prohibitions like HB5471 on the sale, transfer, manufacture, ownership, and possession of assault weapons are constitutional. While the Supreme Court in *Heller* recognized a limited constitutional right to handguns for self-defense in the home, it made clear that “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” *D.C. v. Heller*, 554 U.S. 570, 626–27 (2008). Notably, the Court explicitly left open the ability for municipalities to regulate the commercial sales of arms. *Id.* (“Nothing in our opinion should be taken to cast doubt on . . . laws imposing conditions and qualifications on the commercial sale of arms.”).

Heller carefully explained that the Second Amendment does not guarantee “a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Id.* at 626. Rather, “the Second Amendment right . . . extends only to certain types of weapons.” *Id.* at

623. Since *Heller* was decided, Courts of Appeals have uniformly rejected claims that state and local bans on ownership of assault weapons violate the Second Amendment. *See Wilson*, 937 F.3d 1028 (7th Cir. 2019); *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019) (same); *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011).

In *Friedman*, the Seventh Circuit relied on *Heller* to uphold Highland Park’s ban on the sale, transfer, manufacture, or ownership of assault weapons and large capacity magazines. Similar to Illinois, Highland Park passed its ordinance to “address the potential threat of mass shooting involving semi-automatic weapons.” *See Friedman v. City of Highland Park*, 68 F. Supp. 3d 895, 897 (N.D. Ill. 2014), *aff’d* 784 F.3d 406 (7th Cir. 2015). After establishing a full record, the District Court granted Highland Park’s summary judgment and ruled the ordinance should remain in full force. *Friedman*, 68 F. Supp. 3d at 909. The *Friedman* holding is fatal to Plaintiffs’ claim. Plaintiffs do not confront that the *Friedman* Court conducted a similar historical analysis as the one Plaintiffs demanded, but reached the opposite conclusion. *See generally* Dkt. 50. Applying *Heller*, the Seventh Circuit queried whether (1) the banned weapons were “common at the time of ratification [of the Second Amendment] or those that have ‘some reasonable relationship to the preservation or efficiency of a well-regulated militia,’” and (2) whether “law-abiding citizens retain adequate means of self-defense.” *Id.* at 410 (quoting *Heller*, 544 U.S. at 622–25).⁴ *Bruen* has not abrogated *Friedman* because *Friedman* did not apply the means-end test *Bruen* held was inconsistent with *Heller*. *See Bruen*, 142 S. Ct. at 2129, (“[T]he Courts of Appeals’ second step is inconsistent with *Heller*’s historical approach and its rejection of means-end scrutiny.”). Instead of applying the means-end test, *Friedman* rooted its analysis in *Heller*. *See Friedman*, 784 F.3d at 410 (declining

⁴ In their Motion, Plaintiffs apply a similar *Heller* analysis, which they claim the Supreme Court “reaffirmed” in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). *See* Motion at 6-8 (asking the Court to apply a test “based on historical practice and the historical understanding of the scope of the right, but with reference to modern realities of firearm ownership.”).

to “decide what level of scrutiny applies”).

In fact, the dissenting opinion in *Friedman* specifically criticize the majority for not using the means-end test. *See id.* at 415 (Manion, J., dissenting) (arguing that the court should “assign a level of scrutiny . . . and determine whether the regulation survives such scrutiny”). *Friedman* applied the test the *Bruen* Court kept intact. *See Bruen*, 142 S. Ct. at 2127 (“Step one of the predominant framework is broadly consistent with *Heller*, which demands a test rooted in the Second Amendment's text, as informed by history.”). Unless Plaintiffs argue that *Bruen* abrogated *Heller* (which they do not), *Friedman* remains good law and is binding precedent. *Reiser v. Residential Funding Corp.*, 380 F.3d 1027, 1029 (7th Cir. 2004) (“[D]istrict judges must follow the decisions of this court whether or not they agree.”).

Ezell v. City of Chicago, decided before *Friedman*, is similarly unavailing. *Ezell v. City of Chicago*, 651 F.3d 684, 689–90 (7th Cir. 2011). *Ezell* did not concern a ban on assault weapons and the Seventh Circuit has subsequently held that *Friedman* fits comfortably with *Ezell*. *See Wilson v. Cook Cnty.*, 937 F.3d 1028, 1036 (7th Cir. 2019) (holding that Cook County’s ban on the sale and possession of assault rifles is constitutional). Moreover, *Ezell* relied on the two-step approach Plaintiffs argue is now abrogated by *Bruen*. Plaintiffs cannot have it both ways.⁵ Ultimately, Plaintiffs cite no case that supports a Second Amendment right to sell, own, or possess assault weapons. Their claim is unlikely to succeed on the merits and a TRO is improper on that basis alone.

2. *Bruen*’ Approach to the Second Amendment Supports Illinois HB5471

⁵ At the January 27, 2023 hearing, Plaintiffs cited two cases, *Drummond v. Robinson Twp.*, 9 F.4th 217 (3d Cir. 2021) and *Staples v. United States*, 511 U.S. 600 (1994) arguing both cases supporting their argument that a categorical ban of assault weapons must be unconstitutional. Neither is applicable. *Drummond* simply held that *Heller* does not automatically exempt all gun sales bans from Second Amendment scrutiny. *Staples* is a case about the mens rea required to convict under the National Firearms Act and has nothing to do with the Second Amendment jurisprudence. Both are irrelevant.

Neither prong of the two-part test established in *Heller* and affirmed by *Bruen* supports Plaintiffs’ constitutional challenge here. In *Bruen*, the Supreme Court’s analysis of the Second Amendment challenge “centered on constitutional text and history.” *Id.* at 2128–29. Under this approach, “[w]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” *Id.* at 2129–30. The burden then shifts to the government authority to establish that a given restriction is consistent with historical limitations on firearms. Critically, the Supreme Court has split the burden of proof in Second Amendment cases between the parties. Challengers bear the burden at the first step, and the government bears the burden at the second step. Plaintiffs here proceed as if they have no burden at either step. *See* Mot. 5–10. But the Supreme Court was clear: It shifted the burden of proof to the government *only* for step two. *Bruen*, 142 S. Ct. at 2130. As a result, the general rule applies at step one: “As the party challenging the statutory [] scheme,” the plaintiff “bears the burden of demonstrating its unconstitutionality,” and “statutes [are] presumed constitutionally.” *Lujan v. G & G Fire Sprinklers, Inc.* 523 U.S. 189, 198 (2001).

a. Plaintiff’s Burden

Bruen first requires Plaintiffs to establish that the weapons in question are “Arms” protected by the Second Amendment. Only weapons “in common use” that are not “dangerous [or] unusual” are protected. *Heller*, 554 U.S. at 627 (citing 4 Blackstone 148–49 (1769)). Plaintiffs must satisfy *both* standards. On the merits, Plaintiffs will not likely carry their burden as to either.

Plaintiffs have not demonstrated that assault weapons are “in common use” as that term was understood at the time of the Founding. According to the plain term of the Supreme Court’s Second Amendment precedents, the test for Second Amendment protection of a particular weapon

is common use, not common ownership.⁶ Tellingly, Plaintiffs point to no evidence, such as survey data or studies, showing that assault weapons are used frequently in self-defense or have ever been needed to engage in effective self-defense.⁷ Plaintiffs instead argue that firearms subject to HB5471 are in common use because of their popularity, quoting statistics of the number of these firearms sold in recent years. *See* Motion at 15–16 (“The AR-15 is America’s ‘most popular semi-automatic rifle,’” quoting *Heller II*, 670 F.3d at 1287(citation omitted)). The phrase “in common use” as used in *Heller* and *McDonald* does not simply refer to a weapon’s prevalence in society, or the quantities manufactured or sold. Relying solely on “how common a weapon is at the time of litigation” would be “circular,” because commonality depends in part on what the law allows. *Friedman*, 784 F.3d at 409. For example, machine guns were “all too common” during Prohibition, but that did not immunize them from heavy regulation and an eventual ban on the grounds they were military-grade weapons. *Id.* at 408–09; *see also Worman v. Healey*, 922 F.3d 26, 35 n.5 (1st Cir. 2019) (noting that “measuring ‘common use’ by the sheer number of weapons lawfully owned is somewhat illogical”).

Plaintiffs provide no evidence for the Court to conclude assault weapons are “in common use,” let alone in “common use” for lawful individual self-defense. Out of the 462 million firearms in circulation nationwide, only 24 million (5%) were assault weapons in circulated circulation in the United States. Ex. G, Klarevas’ Highland Park Decl. ¶ 13.⁸ And unlike handguns, which are

⁶ The Second Amendment protects only those weapons that are “‘in common use at the time’ for *lawful* purposes like self-defense.” *Heller*, 554 U.S. at 624 (emphasis added) (quoting *United States v. Miller*, 307 U.S. 174, 179 (1939)); *see also Bruen*, 142 S. Ct. at 2134 (referencing whether the subject “weapons [are] ‘in common use’ today for self-defense” (quoting *Heller*, 554 U.S. at 627)). This “important limitation on the right to keep and carry arms,” recognized in *Heller*, remains a critical limitation on the Second Amendment following *Bruen*. *See id.* at 2162 (Kavanaugh, J., concurring).

⁷ In fact, an FBI database covering 2000–2021 reflects defensive use of an assault weapon in only 0.2% of active shooter incidents. Klarevas’ Highland Park Decl. ¶ 25.

⁸ Defendants attach the Wilson Declaration, Ex. A, which attaches several expert declarations from *Goldman v. City*

owned broadly across the country, ownership of assault weapons is highly concentrated—less than 2% of the current population of approximately 333 million Americans own an assault weapon. *Id.*

¶ 27.⁹

Plaintiffs have similarly not demonstrated that assault weapons are not “dangerous [or] unusual,” ignoring entirely the “dangerous” component of this test. On the other hand, evidence exists that assault weapons, including those contemplated by HB5471, are highly dangerous and used to commit mass murder all too often. Assault weapons have been used in the majority of mass shootings in America. Ex. G, Klarevas’s Highland Park Decl. ¶¶ 11–23. The mass shootings with the most deaths in recent years—including the Fourth of July Highland Park Parade shooting—were carried out with assault weapons. *See* Ex. L, Mass Shootings Involving Assault Weapons.¹⁰ Unsurprisingly, assault weapons are preferred by mass murders, as they are the “perfect killing machine” designed to kill as many people as possible in as short a time as possible. Ex. D, Andrew’s Highland Park Decl., ¶ 34, n.40. Accordingly, assault weapons are not “in common use for self-defense” nor are they commonly accepted. Instead, assault weapons clearly fall into Blackstone’s definition of dangerous or usual weapons as ones that are used to “terroriz[e] the good people of the land.” Blackstone’s Commentaries on the Laws of England (1769).

Plaintiffs have not met their constitutional burden under *Heller* and *Bruen*. They have not demonstrated that assault weapons are “in common use,” nor have they that demonstrated assault

of *Highland Park*, Case No. 1:22-cv-04774 (N.D. Ill.) and *Miller v. Bonta*, Case No. 3:19-cv-01537-BEN-JLB (S. D. Cal.), cases involving similar *Bruen* and Second Amendment issues, in support of its motion. These expert declarations are labeled Exhibits D–K.

⁹ For population and household data, *see e.g.*, U.S. Census Bureau, <https://www.census.gov/>

¹⁰ *Number of victims of the worst mass shootings in the United States between 1982 and May 2022*, Statista (2022), <https://www.statista.com/statistics/476101/worst-mass-shootings-in-the-us/>; Abadi et al., *The 30 Deadliest Mass Shootings in Modern US History Include Buffalo and Uvalde*, Bus. Insider (May 26, 2022), <https://www.businessinsider.com/deadliest-mass-shootings-in-us-history-2017-10>; Follman et al., *US Mass Shootings, 1982–2022: Data From Mother Jones’ Investigation*, Mother Jones (Nov. 23, 2022), <https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/>.

weapons are not “dangerous [or] unusual,” ignoring entirely the “dangerous” component of this test. The Court should end its analysis at step one and deny Plaintiffs’ motion.

b. Defendants’ Burden

Even if Plaintiffs could meet their burden at step one, Defendants have more than met their burden at step two to justify HB5471. Under *Bruen*’s text-and-history standard, if a firearm regulation falls within the plain text of the Second Amendment, the Court must then determine whether the regulation is consistent with the “historical traditional” of such regulations. Thus, even if Plaintiffs could meet their burden that limitations on the commercial sale of assault rifles is governed by the text of the Second Amendment, HB5471 would still be constitutionally valid because its prohibition is consistent with the Nation’s tradition of regulating “dangerous [or] unusual weapons.” *Bruen*, 142 S. Ct. at 2128 (quoting *Heller*, 554 U.S. at 627).

Historically, governments have retained substantial latitude in enacting restrictions on certain weapons deemed to be susceptible to criminal misuse and to pose significant dangers to the public—from trap guns to certain knives, blunt objects, and pistols—provided that law-abiding citizens retained access to traditional arms for effective self-defense. Governments have regulated weapons in this way throughout our Nation’s history, including when the Second and Fourteenth Amendments were ratified. As counsel for Mr. Heller acknowledged during oral argument, the Second Amendment “always coexisted with reasonable regulations of firearms.” Adam Winkler, *Gunfight: The Battle Over the Right to Bear Arms in America* 221 (2011).¹¹ In fact, since our founding, American governments have exercised broad police powers to limit access to and use of

¹¹ Naperville incorporates by reference its supplemental brief filed on December 18, 2023 (Dkt. 34). While the supplemental brief was filed in response to Plaintiffs’ first TRO against the Ordinance, Defendants maintain that the same historical analysis conducted in the supplemental briefing supporting a finding that the Ordinance was constitutional now supports a finding that the State’s prohibition on the sale of assault weapons under HB5471 is constitutional.

certain types of weapons deemed especially dangerous. As historian Saul Cornell explains, the “dominant understanding of the Second Amendment and its state constitutional analogues at the time of their adoption in the Founding period forged an indissoluble link between the right to keep and bear arms with the goal of preserving the peace.” Ex. K, Cornell Bonta Decl. ¶ 9.¹² For example, dangerous weapons in the 18th century—such as Bowie knives and trap guns—were widely banned as the new technology for those weapons emerged. Ex. J, Spitzer’s Highland Park Decl. ¶¶ 82–85, 61–71. Thus, government regulations of dangerous arms have been unquestionably permitted, even though the text of the Second Amendment provides that the right to keep and bear arms “shall not be infringed.” *Bruen*, 142 S. Ct. at 2126 (citing *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 49 n.10 (1961)). Indeed, the Supreme Court has recognized that governments have had the power to regulate “dangerous [or] unusual weapons” since at least the time of Blackstone. *Heller*, 554 U.S. at 627 (citing 4 Blackstone 148–49 (1769)).

HB5471 does not contradict this historical record: State and local governments have always been extended wide latitude to protect public safety. Illinois’ law is therefore consistent with a local government’s general powers to regulate conduct within its borders. *See, e.g., Maum Meditation House of Truth v. Lake County, Ill.*, 55 F.Supp.3d 1081, 1088–89 (N.D. Ill. July 16, 2014) (“In general, zoning ordinances imposing restrictions on use and occupation of private land ... satisfy the rational basis test.”); *Jucha v. City of N. Chicago*, 63 F. Supp. 3d 820, 829–30 (N.D. Ill. 2014) (First Amendment protection of tattoos, as speech, does not mean that cities cannot

¹² On Founding-era conceptions of liberty, *see* John J. Zubly, *The Law of Liberty* (1775). The modern terminology to describe this concept is “ordered liberty.” *See Palko v. Connecticut*, 302 U.S. 319, 325 (1937). For a more recent elaboration of the concept, *see generally* James E. Fleming & Linda C. McClain, *Ordered Liberty: Rights, Responsibilities, and Virtues* (Harvard University Press, 2013). On Justice Cardozo and the ideal of ordered liberty, *see Palko v. Connecticut*, 302 U.S. 319, 325 (1937); John T. Noonan, Jr., *Ordered Liberty: Cardozo and the Constitution*, 1 Cardozo L. Rev. 257 (1979); Jud Campbell, *Judicial Review, and the Enumeration of Rights*, 15 GEO. J. L. & Pub. Pol’y 569 (2017).

regulate tattoo parlors.). Plaintiffs are not likely to succeed on the merits and their Motion should be denied.

C. Plaintiffs will not suffer irreparable harm if the Ordinance goes into effect.

Plaintiffs claim HB5471 will cause irreparable harm because it deprives Plaintiffs of a constitutional right. This claim is defective. LWI does not have a protected right to sell assault weapons. *Heller*, 554 U.S. at 626–27. Nor will Plaintiffs suffer a constitutional injury from its enforcement.¹³ Recognizing this, Plaintiffs ask the Court to adopt a standard for evaluating requests for emergency injunctive relief that would contravene binding precedent.

In doing so, Plaintiffs ask the Court to ignore the controlling standard for evaluating requests for emergency relief and presume that they have been injured under HB5471. But in support, they offer nothing to support this alleged injury. Rather, Plaintiffs lean heavily on cases that have nothing to do with firearms and ask this court to presume injury. *See* Mot. at 4-6. And *Ezell* and *Bruen*, the two firearms-related cases Plaintiffs cite, are distinguishable. Neither support Plaintiffs’ proposed standard, which the Court should reject.

Unable to show irreparable harm, Plaintiffs argue that they need not, citing cases holding that an alleged loss of First or Second Amendment rights can sometimes be presumed to cause irreparable harm. *See* Mot. 4–5. But no authority has ever held that such a presumption applies to any purported rights to sell assault weapons. *See Ditton v. Rusch*, 2014 WL 4435928, at *5 (N.D. Ill. Sept. 9, 2014) (“injury to constitutional rights does not a priori entitle a party to a finding of irreparable harm”).

Plaintiffs offer no other support for their contention that a presumption of irreparable harm

¹³ LWI’s previous conclusory statement that it will “go out of business” (Decl. of Robert Bevis, Dkt. 10 at ¶ 5) if the Ordinance is enforced does not justify granting preliminary injunctive relief either. The company offers no information about potential lost sales or profits, which precludes it from making a “*clear showing*” that it will be irreparably harmed.

should apply in cases involving regulations of commercial sales of assault weapons. *See Heller*, 544 U.S. at 626–27 (“Nothing in our opinion should be taken to cast doubt on . . . laws imposing condition and qualifications on the commercial sale of arms.”); *Bruen*, 142 S. Ct. at 2157 (Alito, concurring) (“Our holding decides nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun. Nor does it decide anything about the kinds of weapons that people may possess.”). Plaintiffs’ Motion should be denied.

D. The balance of hardships favors Naperville and Illinois.

Plaintiffs’ Motion should be denied because an immediate TRO would harm Defendants’ significant interest the safety of its citizens. Plaintiffs’ alleged harm is that LWI will go out of business if it cannot sell assault weapons and that “the citizens of Naperville . . . will be unable to purchase Banned Firearms in Naperville.” Decl. of Robert Bevis, at ¶ 5, Dkt. 10 at 19. Defendants’ purpose, on the other hand, is to ensure public safety and to protect its citizens from mass shootings. Any balance of these interests favors Defendants.

Defendants have a compelling interest in regulating assault weapons to protect its citizens. Assault weapons account for four of the five deadliest mass shootings in U.S. history, killing 164 people in total.¹⁴ When an assault weapon is used in a mass shooting, nearly 14 times as many people are injured, and twice as many people are killed.¹⁵ Courts of Appeals across the country repeatedly have observed these weapons’ deadly nature. *See, e.g., N.Y. State Rifle & Pistol Ass’n*, 804 F.3d at 262; *see also Kolbe*, 849 F.3d at 139; *see also Friedman*, 784 F.3d 406 (“[A]ssault weapons with large-capacity magazines can fire more shots, faster, and thus can be more dangerous

¹⁴ Defendants point to the Las Vegas Strip massacre; Orlando nightclub massacre; Sandy Hook Elementary massacre; and the Texas First Baptist Church massacre. *See Weapon Types Used in Mass Shootings in the United States Between 1982 and October 2022, by Number of Weapons and Incidents*, Statista (Oct. 18, 2022), <https://www.statista.com/statistics/476409/mass-shootings-in-the-us-by-weapon-types-used/>.

¹⁵ *The Effects of Bans on the Sale of Assault Weapons and High-Capacity Magazines*, RAND Corp. (Apr. 22, 2020), <https://www.rand.org/research/gun-policy/analysis/ban-assault-weapons.html>

in aggregate. Why else are they the weapons of choice in mass shootings?”).

Because of the unique threats assault weapons pose to public safety, state and local governments are afforded great deference to regulate them *Friedman*, 784 F.3d at 410 (“[S]tates, which are in charge of militias, should be allowed to decide when civilians can possess military-grade firearms”). Plaintiffs’ alleged harm, on the other hand, is severely outweighed by Defendants’ and the public’s interest in regulating the sale of these dangerous weapons under the City’s inherent home-rule authority. As explained above, Plaintiffs have no constitutional right to sell (or own) an assault weapon, and therefore no constitutional injury. The Naperville Ordinance and HB5471 also do not restrict the right of people to keep or bear arms for self-defense. LWI’s conclusory statement that it will “go out of business,” with no information about potential lost sales or profits, does not make a “clear showing” that it will be harmed in a manner that outweighs the public’s clear interest in protection. The balancing of harms strongly favors Defendants, and Plaintiffs’ request for injunctive relief should be denied.

CONCLUSION

For the reasons stated above, the Court should deny Plaintiffs’ Motion.

Dated: January 30, 2023

Respectfully submitted,

/s/ Christopher B. Wilson

Christopher B. Wilson, Bar No. 06202139

CWilson@perkinscoie.com

PERKINS COIE LLP

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Attorney for City of Naperville

CERTIFICATE OF SERVICE

The undersigned hereby certifies that in accordance with Federal Rule of Civil Procedure 5 and Local Rule 5.5, the following document was served on January 30, 2023 through the district court's ECF system to the following counsel of record:

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/s/ Christopher B. Wilson
Christopher B. Wilson

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Robert Bevis, et al.,

Plaintiffs,

v.

CITY OF NAPERVILLE, ILLINOIS, and
JASON ARRES,

Defendant.

Case No. 1:22-cv-04775

Honorable Virginia M. Kendall

**DECLARATION OF CHRISTOPHER B. WILSON IN SUPPORT OF NAPERVILLE'S
RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Christopher B. Wilson, declare under penalty of perjury as follows:

1. I am an attorney at Perkins Coie LLP. I am the attorney for Defendant, City of Naperville, in the above-captioned action and am fully familiar with all the facts and circumstances of the instant matter.

2. Attached hereto as Exhibit B is a true and correct copy of Ordinance No. 22 - 099, adding Chapter 19, "Regulation of the Commercial Sale of Assault Rifles," to Title 3 of the City of Naperville's Municipal Code.

3. Attached hereto as Exhibit C is a true and correct copy of the Protect Illinois Communities Act, House Bill 5471 ("HB5471").

4. Attached hereto as Exhibit D is the Declaration of Phil Andrew filed by the City of Highland Park as ECF 45-3 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

5. Attached hereto as Exhibit E is the Declaration of Ryan Busse filed by the City of Highland Park as ECF 45-4 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

6. Attached hereto as Exhibit F is the Declaration of Stephen Hargarten filed by the City of Highland Park as ECF 45-5 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

7. Attached hereto as Exhibit G is the Declaration of Louis Klarevas filed by the City of Highland Park as ECF 45-6 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

8. Attached hereto as Exhibit H is the Declaration of Randolph Roth filed by the City of Highland Park as ECF 45-7 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

9. Attached hereto as Exhibit I is the Declaration of Martin Schreiber filed by the City of Highland Park as ECF 45-8 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

10. Attached hereto as Exhibit J is the Declaration of Robert Spitzer filed by the City of Highland Park as ECF 45-9 in *Goldman v. City of Highland Park*, Case No. 1:22-cv-04774 (N. D. Ill.) on January 19, 2023.

11. Attached hereto as Exhibit K is the Declaration of Saul Cornell filed by the California Attorney Ein *Miller v. Bonta*, Case No. 3:19-cv-01537-BEN-JLB (S.D. Cal.) on October 13, 2022.

12. Attached hereto as Exhibit L is a chart documenting mass shootings with the most deaths in recent years. This chart was included in Naperville's Supplemental Brief In Opposition to Plaintiffs' previously filed Motion For Temporary Restraining Order And Preliminary Injunction.

13. Naperville intends to retain the authors of Exhibit B-G or other witnesses with similar expertise) as expert witnesses in this case, but were unable to do so in time for such experts to execute declarations. Naperville attaches relevant expert declarations from these prior cases to demonstrate the likelihood of factual issues for the Court to consider on the merits. .

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

EXECUTED at Chicago, Illinois, on January 30th, 2023.

Dated: January 30, 2022

By: s/ Christopher B. Wilson

Christopher B. Wilson, Bar No. 06202139

CWilson@perkinscoie.com

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Chicago, Illinois 60606-1511

Telephone: +1.312.324.8400

CERTIFICATE OF SERVICE

I, Christopher B. Wilson, certify that on January 30, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record.

Barry K. Arrington
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Attorneys for Plaintiffs

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 30th day of January.

s/ Christopher B. Wilson

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Exhibit B

ORDINANCE NO. 22 – 099

**AN ORDINANCE
ADDING CHAPTER 19
(REGULATION OF THE COMMERCIAL SALE OF ASSAULT RIFLES) OF TITLE 3
(BUSINESS AND LICENSE REGULATIONS) OF
THE NAPERVILLE MUNICIPAL CODE**

RECITALS

1. **WHEREAS**, on July 4, 2022, 7 people were murdered, and 46 others were injured during a mass shooting that took place during an Independence Day parade in Highland Park, Illinois. The shooter used an AR-15-style semi-automatic rifle with three 30-round magazines to fire 83 shots into the parade crowd from the rooftop of a local store. A 22-year-old suspect has been arrested and charged.
2. **WHEREAS**, on May 24, 2022, 21 people were murdered (19 children and 2 staff members), and 18 others were injured during a mass shooting that took place at Robb Elementary School in Uvalde, Texas. The 18-year-old shooter used an AR-15-style semi-automatic rifle.
3. **WHEREAS**, on May 14, 2022, 10 people were murdered, and 3 others were injured during a mass shooting that took place in a grocery store in Buffalo, New York. The shooter used an AR-15-style semi-automatic rifle. An 18-year-old suspect has been arrested and charged.
4. **WHEREAS**, on August 3, 2019, 23 people were murdered, and 23 others were injured during a mass shooting at a Walmart store in El Paso, Texas. The shooter used an AK-47-style semi-automatic rifle. A 21-year-old suspect has been arrested and charged.
5. **WHEREAS**, on October 27, 2018, 11 people were murdered, and 6 others were injured during a mass shooting that took place at the Tree of Life synagogue in Pittsburgh, Pennsylvania. The shooter used an AR-15-style semi-automatic rifle. A 46-year-old suspect has been arrested and charged.
6. **WHEREAS**, on February 14, 2018, 17 people were murdered (14 students and 3 staff members), and 17 others were injured during a mass shooting that took place at Stoneman Douglas High School in Parkland, Florida. The 19-year-old shooter used an AR-15-style semi-automatic rifle.
7. **WHEREAS**, on November 5, 2017, 26 people were murdered, and 22 others were injured during a mass shooting that took place at the Sutherland Springs church in Sutherland Springs, Texas. The 26-year-old shooter used an AR-15-style semi-automatic rifle.

8. **WHEREAS**, on October 1, 2017, 60 people were murdered, and approximately 867 were injured during a mass shooting that took place at a music festival in Las Vegas, Nevada. The 64-year-old shooter used 24 firearms, including AR-15-style and AR-10-style semi-automatic rifles to fire more than 1,000 bullets.
9. **WHEREAS**, on June 12, 2016, 49 people were murdered, and 58 others were injured during a mass shooting that took place at the Pulse Nightclub in Orlando, Florida. The 29-year-old shooter used an MCX-style semi-automatic rifle.
10. **WHEREAS**, on December 2, 2015, 14 people were murdered, and 24 others were injured during a mass shooting that took place at the Inland Regional Center in San Bernardino, California. The 28-year-old and 29-year-old shooters used AR-15-style semi-automatic rifles.
11. **WHEREAS**, on December 14, 2012, 27 people were murdered (20 children and 6 staff members), and 2 others were injured during a mass shooting that took place at the Sandy Hook Elementary School in Newtown, Connecticut. The 20-year-old shooter used an AR-15-style semi-automatic rifle.
12. **WHEREAS**, there have been many other mass shootings during the last decade, and it has become an unacceptable fact of life that no municipality is exempt from the reality that its citizens are at risk.
13. **WHEREAS**, commonplace in mass shootings are the use of lawfully purchased assault rifles. The U.S. Department of Justice describes assault weapons as "semiautomatic firearms with a large magazine of ammunition that were designed and configured for rapid fire and combat use." Assault rifles are exceptionally deadly firearms and have immense killing power.
14. **WHEREAS**, like many of the municipalities that have encountered mass shootings involving assault rifles, Naperville has a vibrant commercial area, public parks, restaurants, movie theaters, music venues, parades, elementary, middle and high schools both public and private, colleges and universities, houses of worship of many denominations, and other places where members of the public gather with an expectation of safety.
15. **WHEREAS**, the Second Amendment to the United States Constitution provides that: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed". However, no fundamental right is set forth in the United States Constitution for persons or entities to engage in the commercial sale of assault rifles.
16. **WHEREAS**, in 1994, the U.S. Congress passed the Federal Assault Weapons Ban ("AWB"), a United States federal law which prohibited the possession and sale of assault weapons and large-capacity magazines (limiting magazines to ten rounds). Several constitutional challenges were filed against provisions of the ban, but all

were rejected by the courts. The AWB expired in 2004, in accordance with its sunset provision, and attempts to renew or replace the AWB have been unsuccessful.

17. **WHEREAS**, currently, seven states and Washington, D.C. prohibit assault weapons. Federal appellate courts have decided four cases concerning the Second Amendment and assault weapons, each time reaching the same conclusion that assault weapon bans are constitutional (the D.C. Circuit upheld the District of Columbia's ban in 2011, the Second Circuit upheld New York and Connecticut laws in 2015, the Seventh Circuit upheld Highland Park's local ordinance in 2015, and the Fourth Circuit upheld Maryland's ban in 2017).

18. **WHEREAS**, assault rifles did not exist when the United States Congress ratified the Second Amendment in 1791. Civilian-owned assault rifles were rare prior to 2004. The proliferation of civilian-owned assault rifles began within only the last 18 of the 231 years since the ratification of the Second Amendment. That recency of assault rifles combined with the recent proliferation of mass shootings and the common use of assault rifles in said mass shootings indicates that assault rifles are uncommon and unacceptably dangerous.

19. **WHEREAS**, the Illinois legislature has limited the ability of public bodies to enact laws to protect the public from assault weapons that are used in mass shootings that have devastated many communities and countless individuals.

20. **WHEREAS**, in 2013, the Illinois General Assembly enacted legislation amending the Firearm Owners Identification Card Act ("FOID Act"). As part of the 2013 amendment of the FOID Act, the state legislature granted municipalities only ten (10) calendar days to enact local ordinances regulating the possession or ownership of assault weapons.

21. **WHEREAS**, if a municipality could not, or did not, pass a local ordinance within the ten-day window, the legislature provided that a municipality could not thereafter pass an ordinance pertaining to the possession or ownership of assault weapons:

Any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with this Act, shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly. [430 ILCS 65/13.1(c)]

23. **WHEREAS**, the City of Naperville did not pass an assault weapon ordinance regulating the possession or ownership of assault weapons within the ten days allotted by the state legislature.

24. WHEREAS, the City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois.

25. WHEREAS, under the Constitution of the State of Illinois, home rule units of government have broad authority to pass ordinances and promulgate rules and regulations that protect the public health, safety, and welfare of their residents unless the state legislature specifically states that state legislation preempts home rule authority.

26. WHEREAS, the 2013 FOID Act preempts home rule municipalities relative to ***regulation of the possession or ownership*** of assault weapons in a manner that is inconsistent with that Act. However, the FOID Act does not preempt home rule municipalities from regulating the Commercial Sale of Assault Rifles within their jurisdiction. Therefore, the City retains its broad home rule authority to legislate with respect to commercial sales.

27. WHEREAS, in an effort to protect the public health, safety, and welfare, the City of Naperville has a clear and compelling interest in exercising its home rule authority as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:

SECTION 1: Recitals incorporated. The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: Amendment adding Title 3, Chapter 19 to the Naperville Municipal Code. Title 3 (Business and License Regulations) of the Naperville Municipal Code is hereby amended by adding the Chapter and language as follows:

TITLE 3 -BUSINESS AND LICENSE REGULATIONS

CHAPTER 19 – REGULATION OF THE COMMERCIAL SALE OF ASSAULT RIFLES

SECTION:

3-19-1: - DEFINITIONS

The following words and phrases shall, for the purposes of this Chapter, have the meaning ascribed to them by this Section, as follows:

<p>ASSAULT RIFLE:</p>	<p>Means any of the following, regardless of country of manufacture or caliber of ammunition accepted:</p> <p>(1) A semiautomatic rifle that has a magazine that is not a fixed magazine and has any of the following:</p> <ul style="list-style-type: none"> (A) A pistol grip. (B) A forward grip. (C) A folding, telescoping, or detachable stock, or is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability, of the weapon. (D) A grenade launcher. (E) A barrel shroud. (F) A threaded barrel. <p>(2) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.</p> <p>(3) Any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semiautomatic rifle but not convert the semiautomatic rifle into a machinegun.</p> <p>(4) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:</p> <ul style="list-style-type: none"> (A) All AK types, including, but not limited to, the following: <ul style="list-style-type: none"> (i) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM. (ii) IZHMAASH Saiga AK. (iii) MAADI AK47 and ARM. (iv) Norinco 56S, 56S2, 84S, and 86S. (v) Poly Technologies AK47 and AKS. (vi) SKS with a detachable magazine. (B) All AR types, including, but not limited to, the following: <ul style="list-style-type: none"> (i) AR-10. (ii) AR-15. (iii) Alexander Arms Overmatch Plus 16. (iv) Armalite M15 22LR Carbine. (v) Armalite M15-T. (vi) Barrett REC7. (vii) Beretta AR-70. (viii) Black Rain Ordnance Recon Scout. (ix) Bushmaster ACR.
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	<p>(x) Bushmaster Carbon 15. (xii) Bushmaster XM15. (xiii) Chiappa Firearms MFour rifles. (xiv) Colt Match Target rifles. (xv) CORE Rifle Systems CORE15 rifles. (xvi) Daniel Defense M4A1 rifles. (xvii) Devil Dog Arms 15 Series rifles. (xviii) Diamondback DB15 rifles. (xix) DoubleStar AR rifles. (xx) DPMS Tactical rifles. (xxi) DSA Inc. ZM-4 Carbine. (xxii) Heckler & Koch MR556. (xxiii) High Standard HSA-15 rifles. (xxiv) Jesse James Nomad AR-15 rifle. (xxv) Knight's Armament SR-15. (xxvi) Lancer L15 rifles. (xxvii) MGI Hydra Series rifles. (xxviii) Mossberg MMR Tactical rifles. (xxix) Noreen Firearms BN 36 rifle. (xxx) Olympic Arms. (xxxi) POF USA P415. (xxxii) Precision Firearms AR rifles. (xxxiii) Remington R-15 rifles. (xxxiv) Rhino Arms AR rifles. (xxxv) Rock River Arms LAR-15. (xxxvi) Sig Sauer SIG516 rifles and MCX rifles. (xxxvii) Smith & Wesson M&P15 rifles. (xxxviii) Stag Arms AR rifles. (xxxix) Sturm, Ruger & Co. SR556 and AR-556 rifles. (xl) Uselton Arms Air-Lite M-4 rifles. (xli) Windham Weaponry AR rifles. (xlii) WMD Guns Big Beast. (xliii) Yankee Hill Machine Company, Inc. YHM-15 rifles.</p> <p>(C) Barrett M107A1. (D) Barrett M82A1. (E) Beretta CX4 Storm. (F) Calico Liberty Series. (G) CETME Sporter. (H) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C. (I) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000. (J) Feather Industries AT-9. (K) Galil Model AR and Model ARM. (L) Hi-Point Carbine. (M) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.</p>
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	<p>(N) IWI TAVOR, Galil ACE rifle.</p> <p>(O) Kel-Tec Sub-2000, SU-16, and RFB.</p> <p>(P) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX.</p> <p>(Q) Springfield Armory SAR-48.</p> <p>(R) Steyr AUG.</p> <p>(S) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF.</p> <p>(T) All Thompson rifles, including, but not limited to, the following:</p> <ul style="list-style-type: none"> (i) Thompson M1SB. (ii) Thompson T1100D. (iii) Thompson T150D. (iv) Thompson T1B. (v) Thompson T1B100D. (vi) Thompson T1B50D. (vii) Thompson T1BSB. (viii) Thompson T1-C. (ix) Thompson T1D. (x) Thompson T1SB. (xi) Thompson T5. (xii) Thompson T5100D. (xiii) Thompson TM1. (xiv) Thompson TM1C. <p>(U) UMAREX UZI rifle.</p> <p>(V) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.</p> <p>(W) Valmet M62S, M71S, and M78.</p> <p>(X) Vector Arms UZI Type.</p> <p>(Y) Weaver Arms Nighthawk.</p> <p>(Z) Wilkinson Arms Linda Carbine.</p> <p>(8) All belt-fed semiautomatic firearms, including TNW M2HB and FN M2495.</p> <p>(9) Any combination of parts from which a firearm described in subparagraphs (1) through (8) can be assembled.</p> <p>(10) The frame or receiver of a rifle described in subparagraphs (1) through (9).</p> <p>Assault Rifles as defined herein do not include firearms that: (i) are manually operated by a bolt, pump, lever or slide action; or (ii) have been rendered permanently inoperable.</p>
BARREL SHROUD:	<p>A shroud that is attached to, or partially or completely encircles, the barrel of a firearm so that the shroud protects the user of the firearm from heat generated by the barrel but excluding a slide that encloses the barrel.</p>

COMMERCIAL SALE OF ASSAULT RIFLES:	The sale or offer for sale of an Assault Rifle when the sale requires the seller to have a valid certificate of license issued pursuant to the Illinois Firearm Dealer License Certification Act (430 ILCS 68/5-1 et seq.).
DETACHABLE MAGAZINE:	An ammunition feeding device that can be removed from a firearm without disassembly of the firearm.
FIXED MAGAZINE:	An ammunition feeding device that is contained in and not removable from or permanently fixed to the firearm.
FOLDING, TELESCOPING, OR DETACHABLE STOCK:	A stock that folds, telescopes, detaches or otherwise operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability, of a firearm.
FORWARD GRIP:	A grip located forward of the trigger that functions as a pistol grip.
LAW ENFORCEMENT OFFICER:	A person who can provide verification that they are currently employed by a local government agency, state government agency, or federal government agency as a sworn police officer or as a sworn federal law enforcement officer or agent.
PISTOL GRIP:	A grip, a thumbhole stock or Thordsen-type grip or stock, or any other characteristic that can function as a grip.
THREADED BARREL:	A feature or characteristic that is designed in such a manner to allow for the attachment of a device such as a firearm silencer or a flash suppressor.

3-19-2: - PROHIBITION OF THE COMMERCIAL SALE OF ASSAULT RIFLES

1. The Commercial Sale of Assault Rifles within the City is unlawful and is hereby prohibited.
2. The provisions of this Chapter shall not apply to the Commercial Sale of Assault Rifles to:
 - 2.1. Any federal, state, local law enforcement agency;

- 2.2. The United States Armed Forces or department or agency of the United States;
- 2.3. Illinois National Guard, or a department, agency, or political subdivision of a state; or
- 2.4. A Law Enforcement Officer.

3-19-3: - ENFORCEMENT

Any person or entity who violates any of the provisions set forth or referenced in this Chapter shall be subject to the following:

- 1. A fine of one thousand dollars (\$1,000.00) for a first offense within a 12-month period, and a fine of two thousand five hundred dollars (\$2,500.00) for a second or subsequent offense within a 12-month period.
 - 1.1. Each day that a violation of this Chapter continues shall be considered a separate and distinct offense and a fine shall be assessed for each day a provision of this Chapter is found to have been violated. Notwithstanding the forgoing, the escalation of fines as set forth above shall not occur until a prior adjudication of a violation against the same person or entity has been entered.
- 2. Any violation of the provisions of this Chapter may be deemed a public nuisance and abated pursuant to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for in Section 3-19-3:1 above, the City shall be entitled to reimbursement for the cost of the City's reasonable attorney's fees and all costs and expenses incurred by the City to abate any entity operating as a public nuisance. Said attorney's fees and said costs and expenses shall be paid to the City within sixty (60) days of issuance of a bill therefor unless an alternate timeframe is agreed to in writing by the City Manager.

SECTION 3: Savings clause. If any provisions of this Ordinance or their application to any person or circumstance are held invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability thereof shall not affect any of the remaining provisions or application of this Ordinance which can be given effect without the invalid or unenforceable provisions or application. To achieve this purpose, the provisions of the Ordinance are declared to be severable.

SECTION 4: Effective date and Pre-existing purchasers. This Ordinance shall take effect on January 1, 2023, (the “Effective Date”), except as follows:

Any person that can demonstrate to the satisfaction of the City Attorney that the Commercial Sale of an Assault Rifle was completed prior to the Effective Date of January 1, 2023, which means that prior to January 1, 2023, the purchaser completed an application, passed a background check, and has a receipt or purchase order for said purchase, without regard to whether the purchaser has actual physical possession of the Assault Rifle, shall be considered a pre-existing purchaser. For said pre-existing purchaser, the delivery of physical possession of the Assault Rifle may be completed, even if such activity would otherwise be in violation of the new provisions of Chapter 19 (Regulation of the Commercial Sale of Assault Rifles) of Title 3 (Business and License Regulations). Notwithstanding the foregoing, if physical possession of the Assault Rifle will not occur until more than sixty (60) days following the Effective Date of this Ordinance, that person is not a pre-existing purchaser and said purchase shall constitute a violation of the provisions of this Chapter.

PASSED this 16th day of August 2022.

AYES: CHIRICO, GUSTIN, HOLZHAUER, KELLY, LEONG, SULLIVAN,
TAYLOR, WHITE

NAYS: HINTERLONG

APPROVAL this 17th day of August 2022.

Steve Chirico

Mayor

ATTEST:

Grace Michalak
Records Clerk

Exhibit C

HB5471 Enrolled

LRB102 24372 BMS 33606 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Protect
5 Illinois Communities Act.

6 Section 3. The Illinois Administrative Procedure Act is
7 amended by adding Section 5-45.35 as follows:

8 (5 ILCS 100/5-45.35 new)

9 Sec. 5-45.35. Emergency rulemaking. To provide for the
10 expeditious and timely implementation of this amendatory Act
11 of the 102nd General Assembly, emergency rules implementing
12 this amendatory Act of the 102nd General Assembly may be
13 adopted in accordance with Section 5-45 by the Illinois State
14 Police. The adoption of emergency rules authorized by Section
15 5-45 and this Section is deemed to be necessary for the public
16 interest, safety, and welfare.

17 This Section is repealed one year after the effective date
18 of this amendatory Act of the 102nd General Assembly.

19 Section 4. The Freedom of Information Act is amended by
20 changing Section 7.5 as follows:

HB5471 Enrolled

- 2 -

LRB102 24372 BMS 33606 b

1 (5 ILCS 140/7.5)

2 Sec. 7.5. Statutory exemptions. To the extent provided for
3 by the statutes referenced below, the following shall be
4 exempt from inspection and copying:

5 (a) All information determined to be confidential
6 under Section 4002 of the Technology Advancement and
7 Development Act.

8 (b) Library circulation and order records identifying

library users with specific materials under the Library
Records Confidentiality Act.

(c) Applications, related documents, and medical
records received by the Experimental Organ Transplantation
Procedures Board and any and all documents or other
records prepared by the Experimental Organ Transplantation
Procedures Board or its staff relating to applications it
has received.

(d) Information and records held by the Department of
Public Health and its authorized representatives relating
to known or suspected cases of sexually transmissible
disease or any information the disclosure of which is
restricted under the Illinois Sexually Transmissible
Disease Control Act.

(e) Information the disclosure of which is exempted
under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of
the Architectural, Engineering, and Land Surveying

HB5471 Enrolled

- 3 -

LRB102 24372 BMS 33606 b

Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted
and exempted under Section 50 of the Illinois Prepaid
Tuition Act.

(h) Information the disclosure of which is exempted
under the State Officials and Employees Ethics Act, and
records of any lawfully created State or local inspector
general's office that would be exempt if created or
obtained by an Executive Inspector General's office under
that Act.

(i) Information contained in a local emergency energy
plan submitted to a municipality in accordance with a
local emergency energy plan ordinance that is adopted
under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution
of surcharge moneys collected and remitted by carriers
under the Emergency Telephone System Act.

(k) Law enforcement officer identification information
or driver identification information compiled by a law

20 enforcement agency or the Department of Transportation
21 under Section 11-212 of the Illinois Vehicle Code.

22 (l) Records and information provided to a residential
23 health care facility resident sexual assault and death
24 review team or the Executive Council under the Abuse
25 Prevention Review Team Act.

26 (m) Information provided to the predatory lending

HB5471 Enrolled

- 4 -

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1 database created pursuant to Article 3 of the Residential
2 Real Property Disclosure Act, except to the extent
3 authorized under that Article.

4 (n) Defense budgets and petitions for certification of
5 compensation and expenses for court appointed trial
6 counsel as provided under Sections 10 and 15 of the
7 Capital Crimes Litigation Act. This subsection (n) shall
8 apply until the conclusion of the trial of the case, even
9 if the prosecution chooses not to pursue the death penalty
10 prior to trial or sentencing.

11 (o) Information that is prohibited from being
12 disclosed under Section 4 of the Illinois Health and
13 Hazardous Substances Registry Act.

14 (p) Security portions of system safety program plans,
15 investigation reports, surveys, schedules, lists, data, or
16 information compiled, collected, or prepared by or for the
17 Department of Transportation under Sections 2705-300 and
18 2705-616 of the Department of Transportation Law of the
19 Civil Administrative Code of Illinois, the Regional
20 Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act, or the St. Clair
22 County Transit District under the Bi-State Transit Safety
23 Act.

24 (q) Information prohibited from being disclosed by the
25 Personnel Record Review Act.

26 (r) Information prohibited from being disclosed by the

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1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted
3 under Section 5-108 of the Public Utilities Act.

4 (t) All identified or deidentified health information
5 in the form of health data or medical records contained
6 in, stored in, submitted to, transferred by, or released
7 from the Illinois Health Information Exchange, and
8 identified or deidentified health information in the form
9 of health data and medical records of the Illinois Health
10 Information Exchange in the possession of the Illinois
11 Health Information Exchange Office due to its
12 administration of the Illinois Health Information
13 Exchange. The terms "identified" and "deidentified" shall
14 be given the same meaning as in the Health Insurance
15 Portability and Accountability Act of 1996, Public Law
16 104-191, or any subsequent amendments thereto, and any
17 regulations promulgated thereunder.

18 (u) Records and information provided to an independent
19 team of experts under the Developmental Disability and
20 Mental Health Safety Act (also known as Brian's Law).

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

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1 Firearm Concealed Carry Act, records of the Concealed
2 Carry Licensing Review Board under the Firearm Concealed
3 Carry Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (v-5) Records of the Firearm Owner's Identification
6 Card Review Board that are exempted from disclosure under
7 Section 10 of the Firearm Owners Identification Card Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section

10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult
15 Protective Services Act and its predecessor enabling
16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
18 against any caregiver of a verified and substantiated
19 decision of abuse, neglect, or financial exploitation of
20 an eligible adult maintained in the Registry established
21 under Section 7.5 of the Adult Protective Services Act.

22 (z) Records and information provided to a fatality
23 review team or the Illinois Fatality Review Team Advisory
24 Council under Section 15 of the Adult Protective Services
25 Act.

26 (aa) Information which is exempted from disclosure

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1 under Section 2.37 of the Wildlife Code.

2 (bb) Information which is or was prohibited from
3 disclosure by the Juvenile Court Act of 1987.

4 (cc) Recordings made under the Law Enforcement
5 Officer-Worn Body Camera Act, except to the extent
6 authorized under that Act.

7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

10 (ee) Information that is exempted from disclosure
11 under Section 30.1 of the Pharmacy Practice Act.

12 (ff) Information that is exempted from disclosure
13 under the Revised Uniform Unclaimed Property Act.

14 (gg) Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

17 (hh) Records that are exempt from disclosure under
18 Section 1A-16.7 of the Election Code.

19 (ii) Information which is exempted from disclosure
20 under Section 2505-800 of the Department of Revenue Law of

the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

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(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy

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Center Act, except to the extent authorized under that

2 Act.

3 (uu) Information that is exempt from disclosure under
4 Section 50 of the Sexual Assault Evidence Submission Act.

5 (vv) Information that is exempt from disclosure under
6 subsections (f) and (j) of Section 5-36 of the Illinois
7 Public Aid Code.

8 (ww) Information that is exempt from disclosure under
9 Section 16.8 of the State Treasurer Act.

10 (xx) Information that is exempt from disclosure or
11 information that shall not be made public under the
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Information that is prohibited from disclosure
20 by the Illinois Police Training Act and the Illinois State
21 Police Act.

22 (ccc) Records exempt from disclosure under Section
23 2605-304 of the Illinois State Police Law of the Civil
24 Administrative Code of Illinois.

25 (ddd) Information prohibited from being disclosed
26 under Section 35 of the Address Confidentiality for

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1 Victims of Domestic Violence, Sexual Assault, Human
2 Trafficking, or Stalking Act.

3 (eee) Information prohibited from being disclosed
4 under subsection (b) of Section 75 of the Domestic
5 Violence Fatality Review Act.

6 (fff) Images from cameras under the Expressway Camera
7 Act. This subsection (fff) is inoperative on and after
8 July 1, 2023.

9 (ggg) ~~(fff)~~ Information prohibited from disclosure
10 under paragraph (3) of subsection (a) of Section 14 of the
11 Nurse Agency Licensing Act.

12 (hhh) Information submitted to the Department of State

Police in an affidavit or application for an assault
weapon endorsement, assault weapon attachment endorsement,
.50 caliber rifle endorsement, or .50 caliber cartridge
endorsement under the Firearm Owners Identification Card
Act.

(Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
7-1-22; 102-1042, eff. 6-3-22; revised 8-1-22.)

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Section 5. The Illinois State Police Law of the Civil
Administrative Code of Illinois is amended by changing
Sections 2605-35 and 2605-51.1 as follows:

(20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

Sec. 2605-35. Division of Criminal Investigation.

(a) The Division of Criminal Investigation shall exercise
the following functions and those in Section 2605-30:

(1) Exercise the rights, powers, and duties vested by
law in the Illinois State Police by the Illinois Horse
Racing Act of 1975, including those set forth in Section
2605-215.

(2) Investigate the origins, activities, personnel,
and incidents of crime and enforce the criminal laws of
this State related thereto.

(3) Enforce all laws regulating the production, sale,
prescribing, manufacturing, administering, transporting,
having in possession, dispensing, delivering,
distributing, or use of controlled substances and
cannabis.

(4) Cooperate with the police of cities, villages, and
incorporated towns and with the police officers of any
county in enforcing the laws of the State and in making

arrests and recovering property.

(5) Apprehend and deliver up any person charged in

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this State or any other state with treason or a felony or other crime who has fled from justice and is found in this State.

(6) Investigate recipients and providers under the Illinois Public Aid Code and any personnel involved in the administration of the Code who are suspected of any violation of the Code pertaining to fraud in the administration, receipt, or provision of assistance and pertaining to any violation of criminal law; and exercise the functions required under Section 2605-220 in the conduct of those investigations.

(7) Conduct other investigations as provided by law, including, but not limited to, investigations of human trafficking, illegal drug trafficking, and illegal firearms trafficking.

(8) Investigate public corruption.

(9) Exercise other duties that may be assigned by the Director in order to fulfill the responsibilities and achieve the purposes of the Illinois State Police, which may include the coordination of gang, terrorist, and organized crime prevention, control activities, and assisting local law enforcement in their crime control activities.

(10) Conduct investigations (and cooperate with federal law enforcement agencies in the investigation) of any property-related crimes, such as money laundering,

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involving individuals or entities listed on the sanctions list maintained by the U.S. Department of Treasury's Office of Foreign Asset Control.

(b) (Blank).

(c) The Division of Criminal Investigation shall provide statewide coordination and strategy pertaining to firearm-related intelligence, firearms trafficking interdiction, and investigations reaching across all divisions of the Illinois State Police, including providing crime gun intelligence support for suspects and firearms involved in firearms trafficking or the commission of a crime involving firearms that is investigated by the Illinois State Police and other federal, State, and local law enforcement agencies, with the objective of reducing and preventing illegal possession and use of firearms, firearms trafficking, firearm-related homicides, and other firearm-related violent crimes in Illinois.

(Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1108, eff. 12-21-22.)

(20 ILCS 2605/2605-51.1)

(Section scheduled to be repealed on June 1, 2026)

Sec. 2605-51.1. Commission on Implementing the Firearms Restraining Order Act.

(a) There is created the Commission on Implementing the Firearms Restraining Order Act composed of at least 12 members

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to advise on the strategies of education and implementation of the Firearms Restraining Order Act. The Commission shall be appointed by the Director of the Illinois State Police or his or her designee and shall include a liaison or representative nominated from the following:

(1) the Office of the Attorney General, appointed by the Attorney General;

(2) the Director of the Illinois State Police or his or her designee;

(3) at least 3 State's Attorneys, nominated by the Director of the Office of the State's Attorneys Appellate Prosecutor;

(4) at least 2 municipal police department representatives, nominated by the Illinois Association of Chiefs of Police;

(5) an Illinois sheriff, nominated by the Illinois

Sheriffs' Association;

(6) the Director of Public Health or his or her designee;

(7) the Illinois Law Enforcement Training Standards Board, nominated by the Executive Director of the Board;

(8) a representative from a public defender's office, nominated by the State Appellate Defender;

(9) a circuit court judge, nominated by the Chief Justice of the Supreme Court;

(10) a prosecutor with experience managing or

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directing a program in another state where the implementation of that state's extreme risk protection order law has achieved high rates of petition filings nominated by the National District Attorneys Association; and

(11) an expert from law enforcement who has experience managing or directing a program in another state where the implementation of that state's extreme risk protection order law has achieved high rates of petition filings nominated by the Director of the Illinois State Police; and

(12) a circuit court clerk, nominated by the President of the Illinois Association of Court Clerks.

(b) The Commission shall be chaired by the Director of the Illinois State Police or his or her designee. The Commission shall meet, either virtually or in person, to discuss the implementation of the Firearms Restraining Order Act as determined by the Commission while the strategies are being established.

(c) The members of the Commission shall serve without compensation and shall serve 3-year terms.

(d) An annual report shall be submitted to the General Assembly by the Commission that may include summary information about firearms restraining order use by county, challenges to Firearms Restraining Order Act implementation, and recommendations for increasing and improving

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1 implementation.

2 (e) The Commission shall develop a model policy with an
3 overall framework for the timely relinquishment of firearms
4 whenever a firearms restraining order is issued. The model
5 policy shall be finalized within the first 4 months of
6 convening. In formulating the model policy, the Commission
7 shall consult counties in Illinois and other states with
8 extreme risk protection order laws which have achieved a high
9 rate of petition filings. Once approved, the Illinois State
10 Police shall work with their local law enforcement agencies
11 within their county to design a comprehensive strategy for the
12 timely relinquishment of firearms, using the model policy as
13 an overall framework. Each individual agency may make small
14 modifications as needed to the model policy and must approve
15 and adopt a policy that aligns with the model policy. The
16 Illinois State Police shall convene local police chiefs and
17 sheriffs within their county as needed to discuss the
18 relinquishment of firearms.

19 (f) The Commission shall be dissolved June 1, 2025 (3
20 years after the effective date of Public Act 102-345).

21 (g) This Section is repealed June 1, 2026 (4 years after
22 the effective date of Public Act 102-345).

23 (Source: P.A. 102-345, eff. 6-1-22; 102-813, eff. 5-13-22.)

24 Section 7. The Illinois Procurement Code is amended by
25 changing Section 1-10 as follows:

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1 (30 ILCS 500/1-10)

2 Sec. 1-10. Application.

3 (a) This Code applies only to procurements for which
4 bidders, offerors, potential contractors, or contractors were
5 first solicited on or after July 1, 1998. This Code shall not
6 be construed to affect or impair any contract, or any
7 provision of a contract, entered into based on a solicitation
8 prior to the implementation date of this Code as described in

Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code and this Section.

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(4) Hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than \$25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or

her prior approval when the procuring entity is not one
subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois
Conservation Foundation when only private funds are used.

(10) (Blank).

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(11) Public-private agreements entered into according
to the procurement requirements of Section 20 of the
Public-Private Partnerships for Transportation Act and
design-build agreements entered into according to the
procurement requirements of Section 25 of the
Public-Private Partnerships for Transportation Act.

(12) (A) Contracts for legal, financial, and other
professional and artistic services entered into by the
Illinois Finance Authority in which the State of Illinois
is not obligated. Such contracts shall be awarded through
a competitive process authorized by the members of the
Illinois Finance Authority and are subject to Sections
5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
as well as the final approval by the members of the
Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered
into by the Illinois Housing Development Authority in
connection with the issuance of bonds in which the State
of Illinois is not obligated. Such contracts shall be
awarded through a competitive process authorized by the
members of the Illinois Housing Development Authority and
are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
and 50-37 of this Code, as well as the final approval by
the members of the Illinois Housing Development Authority
of the terms of the contract.

(13) Contracts for services, commodities, and

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1 equipment to support the delivery of timely forensic
2 science services in consultation with and subject to the
3 approval of the Chief Procurement Officer as provided in
4 subsection (d) of Section 5-4-3a of the Unified Code of
5 Corrections, except for the requirements of Sections
6 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
7 Code; however, the Chief Procurement Officer may, in
8 writing with justification, waive any certification
9 required under Article 50 of this Code. For any contracts
10 for services which are currently provided by members of a
11 collective bargaining agreement, the applicable terms of
12 the collective bargaining agreement concerning
13 subcontracting shall be followed.

14 On and after January 1, 2019, this paragraph (13),
15 except for this sentence, is inoperative.

16 (14) Contracts for participation expenditures required
17 by a domestic or international trade show or exhibition of
18 an exhibitor, member, or sponsor.

19 (15) Contracts with a railroad or utility that
20 requires the State to reimburse the railroad or utilities
21 for the relocation of utilities for construction or other
22 public purpose. Contracts included within this paragraph
23 (15) shall include, but not be limited to, those
24 associated with: relocations, crossings, installations,
25 and maintenance. For the purposes of this paragraph (15),
26 "railroad" means any form of non-highway ground

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1 transportation that runs on rails or electromagnetic
2 guideways and "utility" means: (1) public utilities as
3 defined in Section 3-105 of the Public Utilities Act, (2)
4 telecommunications carriers as defined in Section 13-202
5 of the Public Utilities Act, (3) electric cooperatives as
6 defined in Section 3.4 of the Electric Supplier Act, (4)
7 telephone or telecommunications cooperatives as defined in
8 Section 13-212 of the Public Utilities Act, (5) rural
9 water or waste water systems with 10,000 connections or
10 less, (6) a holder as defined in Section 21-201 of the

Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code.

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act.

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of

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Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code; however, for Section 50-35, compliance applies only to contracts or subcontracts over \$100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar

21 days after contract execution. The Chief Procurement
22 Officer shall prescribe the form and content of the
23 notice. Each agency shall provide the Chief Procurement
24 Officer, on a monthly basis, in the form and content
25 prescribed by the Chief Procurement Officer, a report of
26 contracts that are related to the procurement of goods and

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1 services identified in this subsection. At a minimum, this
2 report shall include the name of the contractor, a
3 description of the supply or service provided, the total
4 amount of the contract, the term of the contract, and the
5 exception to this Code utilized. A copy of any or all of
6 these contracts shall be made available to the Chief
7 Procurement Officer immediately upon request. The Chief
8 Procurement Officer shall submit a report to the Governor
9 and General Assembly no later than November 1 of each year
10 that includes, at a minimum, an annual summary of the
11 monthly information reported to the Chief Procurement
12 Officer. This exemption becomes inoperative 5 years after
13 June 25, 2019 (the effective date of Public Act 101-27).

14 (19) Acquisition of modifications or adjustments,
15 limited to assistive technology devices and assistive
16 technology services, adaptive equipment, repairs, and
17 replacement parts to provide reasonable accommodations (i)
18 that enable a qualified applicant with a disability to
19 complete the job application process and be considered for
20 the position such qualified applicant desires, (ii) that
21 modify or adjust the work environment to enable a
22 qualified current employee with a disability to perform
23 the essential functions of the position held by that
24 employee, (iii) to enable a qualified current employee
25 with a disability to enjoy equal benefits and privileges
26 of employment as are enjoyed by other similarly situated

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employees without disabilities, and (iv) that allow a customer, client, claimant, or member of the public seeking State services full use and enjoyment of and access to its programs, services, or benefits.

For purposes of this paragraph (19):

"Assistive technology devices" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive technology services" means any service that directly assists an individual with a disability in selection, acquisition, or use of an assistive technology device.

"Qualified" has the same meaning and use as provided under the federal Americans with Disabilities Act when describing an individual with a disability.

(20) Procurement expenditures necessary for the Illinois Commerce Commission to hire third-party facilitators pursuant to Sections 16-105.17 and 16-108.18 of the Public Utilities Act or an ombudsman pursuant to Section 16-107.5 of the Public Utilities Act, a facilitator pursuant to Section 16-105.17 of the Public Utilities Act, or a grid auditor pursuant to Section 16-105.10 of the Public Utilities Act.

(21) Procurement expenditures for the purchase,

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renewal, and expansion of software, software licenses, or software maintenance agreements that support the efforts of the Illinois State Police to enforce, regulate, and administer the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, the Firearms Restraining Order Act, the Firearm Dealer License Certification Act, the Law Enforcement Agencies Data System (LEADS), the Uniform Crime Reporting Act, the Criminal Identification Act, the Uniform Conviction Information Act, and the Gun Trafficking Information Act, or establish or maintain

11 record management systems necessary to conduct human
12 trafficking investigations or gun trafficking or other
13 stolen firearm investigations. This paragraph (21) applies
14 to contracts entered into on or after the effective date
15 of this amendatory Act of the 102nd General Assembly and
16 the renewal of contracts that are in effect on the
17 effective date of this amendatory Act of the 102nd General
18 Assembly.

19 Notwithstanding any other provision of law, for contracts
20 with an annual value of more than \$100,000 entered into on or
21 after October 1, 2017 under an exemption provided in any
22 paragraph of this subsection (b), except paragraph (1), (2),
23 or (5), each State agency shall post to the appropriate
24 procurement bulletin the name of the contractor, a description
25 of the supply or service provided, the total amount of the
26 contract, the term of the contract, and the exception to the

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1 Code utilized. The chief procurement officer shall submit a
2 report to the Governor and General Assembly no later than
3 November 1 of each year that shall include, at a minimum, an
4 annual summary of the monthly information reported to the
5 chief procurement officer.

6 (c) This Code does not apply to the electric power
7 procurement process provided for under Section 1-75 of the
8 Illinois Power Agency Act and Section 16-111.5 of the Public
9 Utilities Act.

10 (d) Except for Section 20-160 and Article 50 of this Code,
11 and as expressly required by Section 9.1 of the Illinois
12 Lottery Law, the provisions of this Code do not apply to the
13 procurement process provided for under Section 9.1 of the
14 Illinois Lottery Law.

15 (e) This Code does not apply to the process used by the
16 Capital Development Board to retain a person or entity to
17 assist the Capital Development Board with its duties related
18 to the determination of costs of a clean coal SNG brownfield
19 facility, as defined by Section 1-10 of the Illinois Power
20 Agency Act, as required in subsection (h-3) of Section 9-220
21 of the Public Utilities Act, including calculating the range

of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

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(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code.

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act.

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code.

(l) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this

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Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the

3 Healthy Illinois Survey in accordance with Section 2310-431 of
4 the Department of Public Health Powers and Duties Law of the
5 Civil Administrative Code of Illinois.
6 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
7 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff
8 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
9 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22.)

10 Section 10. The Firearm Owners Identification Card Act is
11 amended by changing Sections 2, 3, 4, and 8 and by adding
12 Section 4.1 as follows:

13 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

14 Sec. 2. Firearm Owner's Identification Card required;
15 exceptions.

16 (a) (1) No person may acquire or possess any firearm, stun
17 gun, or taser within this State without having in his or her
18 possession a Firearm Owner's Identification Card previously
19 issued in his or her name by the Illinois State Police under
20 the provisions of this Act.

21 (2) No person may acquire or possess firearm ammunition
22 within this State without having in his or her possession a
23 Firearm Owner's Identification Card previously issued in his
24 or her name by the Illinois State Police under the provisions

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1 of this Act.

2 (b) The provisions of this Section regarding the
3 possession of firearms, firearm ammunition, stun guns, and
4 tasers do not apply to:

5 (1) United States Marshals, while engaged in the
6 operation of their official duties;

7 (2) Members of the Armed Forces of the United States
8 or the National Guard, while engaged in the operation of
9 their official duties;

10 (3) Federal officials required to carry firearms,
11 while engaged in the operation of their official duties;

12 (4) Members of bona fide veterans organizations which
13 receive firearms directly from the armed forces of the
14 United States, while using the firearms for ceremonial

purposes with blank ammunition;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

(7) Nonresidents while on a firing or shooting range recognized by the Illinois State Police; however, these

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persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents while at a firearm showing or display recognized by the Illinois State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a

26 commercial club licensed under the Wildlife Code where

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1 hunting is permitted and controlled, but in no instance
2 upon sites owned or managed by the Department of Natural
3 Resources;

4 (14) Resident hunters who are properly authorized to
5 hunt and, while accompanied by a person who possesses a
6 valid Firearm Owner's Identification Card, hunt in an area
7 within a commercial club licensed under the Wildlife Code
8 where hunting is permitted and controlled; and

9 (15) A person who is otherwise eligible to obtain a
10 Firearm Owner's Identification Card under this Act and is
11 under the direct supervision of a holder of a Firearm
12 Owner's Identification Card who is 21 years of age or
13 older while the person is on a firing or shooting range or
14 is a participant in a firearms safety and training course
15 recognized by a law enforcement agency or a national,
16 statewide shooting sports organization; ~~and~~

17 ~~(16) Competitive shooting athletes whose competition~~
18 ~~firearms are sanctioned by the International Olympic~~
19 ~~Committee, the International Paralympic Committee, the~~
20 ~~International Shooting Sport Federation, or USA Shooting~~
21 ~~in connection with such athletes' training for and~~
22 ~~participation in shooting competitions at the 2016 Olympic~~
23 ~~and Paralympic Games and sanctioned test events leading up~~
24 ~~to the 2016 Olympic and Paralympic Games.~~

25 (c) The provisions of this Section regarding the
26 acquisition and possession of firearms, firearm ammunition,

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1 stun guns, and tasers do not apply to law enforcement
2 officials of this or any other jurisdiction, while engaged in
3 the operation of their official duties.

4 (c-5) The provisions of paragraphs (1) and (2) of
5 subsection (a) of this Section regarding the possession of
6 firearms and firearm ammunition do not apply to the holder of a

valid concealed carry license issued under the Firearm
Concealed Carry Act who is in physical possession of the
concealed carry license.

(d) Any person who becomes a resident of this State, who is
not otherwise prohibited from obtaining, possessing, or using
a firearm or firearm ammunition, shall not be required to have
a Firearm Owner's Identification Card to possess firearms or
firearms ammunition until 60 calendar days after he or she
obtains an Illinois driver's license or Illinois
Identification Card.
(Source: P.A. 102-538, eff. 8-20-21.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

(Text of Section before amendment by P.A. 102-237)

Sec. 3. (a) Except as provided in Section 3a, no person may
knowingly transfer, or cause to be transferred, any firearm,
firearm ammunition, stun gun, or taser to any person within
this State unless the transferee with whom he deals displays
either: (1) a currently valid Firearm Owner's Identification
Card which has previously been issued in his or her name by the

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Illinois State Police under the provisions of this Act; or (2)
a currently valid license to carry a concealed firearm which
has previously been issued in his or her name by the Illinois
State Police under the Firearm Concealed Carry Act. In
addition, all firearm, stun gun, and taser transfers by
federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm
dealer and who desires to transfer or sell a firearm while that
person is on the grounds of a gun show must, before selling or
transferring the firearm, request the Illinois State Police to
conduct a background check on the prospective recipient of the
firearm in accordance with Section 3.1.

(a-10) Notwithstanding item (2) of subsection (a) of this
Section, any person who is not a federally licensed firearm
dealer and who desires to transfer or sell a firearm or
firearms to any person who is not a federally licensed firearm
dealer shall, before selling or transferring the firearms,
contact a federal firearm license dealer under paragraph (1)

19 of subsection (a-15) of this Section to conduct the transfer
 20 or the Illinois State Police with the transferee's or
 21 purchaser's Firearm Owner's Identification Card number to
 22 determine the validity of the transferee's or purchaser's
 23 Firearm Owner's Identification Card under State and federal
 24 law including the National Instant Criminal Background Check
 25 System. This subsection shall not be effective until July 1,
 26 2023. Until that date the transferor shall contact the

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1 Illinois State Police with the transferee's or purchaser's
 2 Firearm Owner's Identification Card number to determine the
 3 validity of the card January 1, 2014. The Illinois State
 4 Police may adopt rules concerning the implementation of this
 5 subsection. The Illinois State Police shall provide the seller
 6 or transferor an approval number if the purchaser's Firearm
 7 Owner's Identification Card is valid. Approvals issued by the
 8 Illinois State Police for the purchase of a firearm pursuant
 9 to this subsection are valid for 30 days from the date of
 10 issue.

11 (a-15) The provisions of subsection (a-10) of this Section
 12 do not apply to:

13 (1) transfers that occur at the place of business of a
 14 federally licensed firearm dealer, if the federally
 15 licensed firearm dealer conducts a background check on the
 16 prospective recipient of the firearm in accordance with
 17 Section 3.1 of this Act and follows all other applicable
 18 federal, State, and local laws as if he or she were the
 19 seller or transferor of the firearm, although the dealer
 20 is not required to accept the firearm into his or her
 21 inventory. The purchaser or transferee may be required by
 22 the federally licensed firearm dealer to pay a fee not to
 23 exceed ~~\$25~~ ~~\$10~~ per firearm, which the dealer may retain as
 24 compensation for performing the functions required under
 25 this paragraph, plus the applicable fees authorized by
 26 Section 3.1;

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(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(3) transfers by persons acting pursuant to operation of law or a court order;

(4) transfers on the grounds of a gun show under subsection (a-5) of this Section;

(5) the delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair and the return of the firearm to the gunsmith;

(6) temporary transfers that occur while in the home of the unlicensed transferee, if the unlicensed transferee is not otherwise prohibited from possessing firearms and the unlicensed transferee reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;

(7) transfers to a law enforcement or corrections agency or a law enforcement or corrections officer acting within the course and scope of his or her official duties;

(8) transfers of firearms that have been rendered

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permanently inoperable to a nonprofit historical society, museum, or institutional collection; and

(9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of this Act.

(a-20) The Illinois State Police shall develop an Internet-based system for individuals to determine the validity of a Firearm Owner's Identification Card prior to the sale or transfer of a firearm. The Illinois State Police shall have the Internet-based system updated ~~completed~~ and available

for use by January 1, 2024 ~~July 1, 2015~~. The Illinois State Police shall adopt rules not inconsistent with this Section to implement this system, but no rule shall allow the Illinois State Police to retain records in contravention of State and federal law.

(a-25) On or before January 1, 2022, the Illinois State Police shall develop an Internet-based system upon which the serial numbers of firearms that have been reported stolen are available for public access for individuals to ensure any firearms are not reported stolen prior to the sale or transfer of a firearm under this Section. The Illinois State Police shall have the Internet-based system completed and available for use by July 1, 2022. The Illinois State Police shall adopt rules not inconsistent with this Section to implement this system.

(b) Any person within this State who transfers or causes

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to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Any person within this State who receives any firearm, stun gun, or taser pursuant to subsection (a-10) shall provide a record of the transfer within 10 days of the transfer to a federally licensed firearm dealer and shall not be required to maintain a transfer record. The federally licensed firearm dealer shall maintain the transfer record for 20 years from the date of receipt. A federally licensed firearm dealer may charge a fee not to exceed \$25 to retain the record. The record shall be provided and maintained in either an electronic or paper format. The federally licensed firearm dealer shall not be liable for the accuracy of any information in the transfer record submitted pursuant to this Section. Such ~~records~~ record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number and any approval number or documentation provided by the Illinois State Police pursuant to subsection (a-10) of this Section; if the transfer was not completed within this

State, the record shall contain the name and address of the transferee. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for

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inspection such record of transfer. For any transfer pursuant to subsection (a-10) of this Section, on the demand of a peace officer, such transferee shall identify the federally licensed firearm dealer maintaining the transfer record. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number or approval number is a petty offense. For transfers of a firearm, stun gun, or taser made on or after January 18, 2019 (the effective date of Public Act 100-1178), failure by the private seller to maintain the transfer records in accordance with this Section, or failure by a transferee pursuant to subsection a-10 of this Section to identify the federally licensed firearm dealer maintaining the transfer record, is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense occurring within 10 years of the first offense and the second offense was committed after conviction of the first offense. Whenever any person who has not previously been convicted of any violation of subsection (a-5), the court may grant supervision pursuant to and consistent with the limitations of Section 5-6-1 of the Unified Code of Corrections. A transferee or transferor shall not be criminally liable under this Section provided that he or she provides the Illinois State Police with the transfer records in accordance with procedures established by the Illinois State Police. The Illinois State Police shall establish, by rule, a standard form on its

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website.

(b-5) Any resident may purchase ammunition from a person within or outside of Illinois if shipment is by United States

mail or by a private express carrier authorized by federal law to ship ammunition. Any resident purchasing ammunition within or outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card or valid concealed carry license and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.
(Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(Text of Section after amendment by P.A. 102-237)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Illinois State Police under the provisions of this Act; or (2) a currently valid license to carry a concealed firearm which

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has previously been issued in his or her name by the Illinois State Police under the Firearm Concealed Carry Act. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Illinois State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(a-10) Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms,

contact a federal firearm license dealer under paragraph (1) of subsection (a-15) of this Section to conduct the transfer or the Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card under State and federal law, including the National Instant Criminal Background Check System. This subsection shall not be effective until July 1, 2023 ~~January 1, 2024~~. Until that date the transferor shall contact the Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to

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determine the validity of the card. The Illinois State Police may adopt rules concerning the implementation of this subsection. The Illinois State Police shall provide the seller or transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Illinois State Police for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

(a-15) The provisions of subsection (a-10) of this Section do not apply to:

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally licensed firearm dealer conducts a background check on the prospective recipient of the firearm in accordance with Section 3.1 of this Act and follows all other applicable federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer is not required to accept the firearm into his or her inventory. The purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$25 per firearm, which the dealer may retain as compensation for performing the functions required under this paragraph, plus the applicable fees authorized by Section 3.1;

(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter,

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1 father, mother, stepfather, stepmother, brother, sister,
2 nephew, niece, uncle, aunt, grandfather, grandmother,
3 grandson, granddaughter, father-in-law, mother-in-law,
4 son-in-law, or daughter-in-law;

5 (3) transfers by persons acting pursuant to operation
6 of law or a court order;

7 (4) transfers on the grounds of a gun show under
8 subsection (a-5) of this Section;

9 (5) the delivery of a firearm by its owner to a
10 gunsmith for service or repair, the return of the firearm
11 to its owner by the gunsmith, or the delivery of a firearm
12 by a gunsmith to a federally licensed firearms dealer for
13 service or repair and the return of the firearm to the
14 gunsmith;

15 (6) temporary transfers that occur while in the home
16 of the unlicensed transferee, if the unlicensed transferee
17 is not otherwise prohibited from possessing firearms and
18 the unlicensed transferee reasonably believes that
19 possession of the firearm is necessary to prevent imminent
20 death or great bodily harm to the unlicensed transferee;

21 (7) transfers to a law enforcement or corrections
22 agency or a law enforcement or corrections officer acting
23 within the course and scope of his or her official duties;

24 (8) transfers of firearms that have been rendered
25 permanently inoperable to a nonprofit historical society,
26 museum, or institutional collection; and

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1 (9) transfers to a person who is exempt from the
2 requirement of possessing a Firearm Owner's Identification
3 Card under Section 2 of this Act.

4 (a-20) The Illinois State Police shall develop an
5 Internet-based system for individuals to determine the
6 validity of a Firearm Owner's Identification Card prior to the
7 sale or transfer of a firearm. The Illinois State Police shall

8 have the Internet-based system updated and available for use
9 by January 1, 2024. The Illinois State Police shall adopt
10 rules not inconsistent with this Section to implement this
11 system; but no rule shall allow the Illinois State Police to
12 retain records in contravention of State and federal law.

13 (a-25) On or before January 1, 2022, the Illinois State
14 Police shall develop an Internet-based system upon which the
15 serial numbers of firearms that have been reported stolen are
16 available for public access for individuals to ensure any
17 firearms are not reported stolen prior to the sale or transfer
18 of a firearm under this Section. The Illinois State Police
19 shall have the Internet-based system completed and available
20 for use by July 1, 2022. The Illinois State Police shall adopt
21 rules not inconsistent with this Section to implement this
22 system.

23 (b) Any person within this State who transfers or causes
24 to be transferred any firearm, stun gun, or taser shall keep a
25 record of such transfer for a period of 10 years from the date
26 of transfer. Any person within this State who receives any

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1 firearm, stun gun, or taser pursuant to subsection (a-10)
2 shall provide a record of the transfer within 10 days of the
3 transfer to a federally licensed firearm dealer and shall not
4 be required to maintain a transfer record. The federally
5 licensed firearm dealer shall maintain the transfer record for
6 20 years from the date of receipt. A federally licensed
7 firearm dealer may charge a fee not to exceed \$25 to retain the
8 record. The record shall be provided and maintained in either
9 an electronic or paper format. The federally licensed firearm
10 dealer shall not be liable for the accuracy of any information
11 in the transfer record submitted pursuant to this Section.
12 Such records shall contain the date of the transfer; the
13 description, serial number or other information identifying
14 the firearm, stun gun, or taser if no serial number is
15 available; and, if the transfer was completed within this
16 State, the transferee's Firearm Owner's Identification Card
17 number and any approval number or documentation provided by
18 the Illinois State Police pursuant to subsection (a-10) of
19 this Section; if the transfer was not completed within this

20 State, the record shall contain the name and address of the
21 transferee. On or after January 1, 2006, the record shall
22 contain the date of application for transfer of the firearm.
23 On demand of a peace officer such transferor shall produce for
24 inspection such record of transfer. For any transfer pursuant
25 to subsection (a-10) of this Section, on the demand of a peace
26 officer, such transferee shall identify the federally licensed

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1 firearm dealer maintaining the transfer record. If the
2 transfer or sale took place at a gun show, the record shall
3 include the unique identification number. Failure to record
4 the unique identification number or approval number is a petty
5 offense. For transfers of a firearm, stun gun, or taser made on
6 or after January 18, 2019 (the effective date of Public Act
7 100-1178), failure by the private seller to maintain the
8 transfer records in accordance with this Section, or failure
9 by a transferee pursuant to subsection a-10 of this Section to
10 identify the federally licensed firearm dealer maintaining the
11 transfer record, is a Class A misdemeanor for the first
12 offense and a Class 4 felony for a second or subsequent offense
13 occurring within 10 years of the first offense and the second
14 offense was committed after conviction of the first offense.
15 Whenever any person who has not previously been convicted of
16 any violation of subsection (a-5), the court may grant
17 supervision pursuant to and consistent with the limitations of
18 Section 5-6-1 of the Unified Code of Corrections. A transferee
19 or transferor shall not be criminally liable under this
20 Section provided that he or she provides the Illinois State
21 Police with the transfer records in accordance with procedures
22 established by the Illinois State Police. The Illinois State
23 Police shall establish, by rule, a standard form on its
24 website.

25 (b-5) Any resident may purchase ammunition from a person
26 within or outside of Illinois if shipment is by United States

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1 mail or by a private express carrier authorized by federal law
2 to ship ammunition. Any resident purchasing ammunition within
3 or outside the State of Illinois must provide the seller with a
4 copy of his or her valid Firearm Owner's Identification Card
5 or valid concealed carry license and either his or her
6 Illinois driver's license or Illinois State Identification
7 Card prior to the shipment of the ammunition. The ammunition
8 may be shipped only to an address on either of those 2
9 documents.

10 (c) The provisions of this Section regarding the transfer
11 of firearm ammunition shall not apply to those persons
12 specified in paragraph (b) of Section 2 of this Act.

13 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22.)

15 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

16 Sec. 4. Application for Firearm Owner's Identification
17 Cards.

18 (a) Each applicant for a Firearm Owner's Identification
19 Card must:

20 (1) Submit an application as made available by the
21 Illinois State Police; and

22 (2) Submit evidence to the Illinois State Police that:

23 (i) This subparagraph (i) applies through the
24 180th day following July 12, 2019 (the effective date
25 of Public Act 101-80). He or she is 21 years of age or

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1 over, or if he or she is under 21 years of age that he
2 or she has the written consent of his or her parent or
3 legal guardian to possess and acquire firearms and
4 firearm ammunition and that he or she has never been
5 convicted of a misdemeanor other than a traffic
6 offense or adjudged delinquent, provided, however,
7 that such parent or legal guardian is not an
8 individual prohibited from having a Firearm Owner's
9 Identification Card and files an affidavit with the
10 Department as prescribed by the Department stating
11 that he or she is not an individual prohibited from

having a Card;

(i-5) This subparagraph (i-5) applies on and after the 181st day following July 12, 2019 (the effective date of Public Act 101-80). He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and is an active duty member of the United States Armed Forces or the Illinois National Guard or has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Illinois State Police as

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prescribed by the Illinois State Police stating that he or she is not an individual prohibited from having a Card or the active duty member of the United States Armed Forces or the Illinois National Guard under 21 years of age annually submits proof to the Illinois State Police, in a manner prescribed by the Illinois State Police;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental health facility within the past 5 years or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of Section 8 of this Act;

(v) He or she is not a person with an intellectual disability;

(vi) He or she is not a noncitizen who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order

of protection prohibiting him or her from possessing a
firearm;

(viii) He or she has not been convicted within the
past 5 years of battery, assault, aggravated assault,
violation of an order of protection, or a

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substantially similar offense in another jurisdiction,
in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic
battery, aggravated domestic battery, or a
substantially similar offense in another jurisdiction
committed before, on or after January 1, 2012 (the
effective date of Public Act 97-158). If the applicant
knowingly and intelligently waives the right to have
an offense described in this clause (ix) tried by a
jury, and by guilty plea or otherwise, results in a
conviction for an offense in which a domestic
relationship is not a required element of the offense
but in which a determination of the applicability of
18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of
the Code of Criminal Procedure of 1963, an entry by the
court of a judgment of conviction for that offense
shall be grounds for denying the issuance of a Firearm
Owner's Identification Card under this Section;

(x) (Blank);

(xi) He or she is not a noncitizen who has been
admitted to the United States under a non-immigrant
visa (as that term is defined in Section 101(a)(26) of
the Immigration and Nationality Act (8 U.S.C.
1101(a)(26))), or that he or she is a noncitizen who
has been lawfully admitted to the United States under
a non-immigrant visa if that noncitizen is:

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(1) admitted to the United States for lawful

2 hunting or sporting purposes;

3 (2) an official representative of a foreign
4 government who is:

5 (A) accredited to the United States
6 Government or the Government's mission to an
7 international organization having its
8 headquarters in the United States; or

9 (B) en route to or from another country to
10 which that noncitizen is accredited;

11 (3) an official of a foreign government or
12 distinguished foreign visitor who has been so
13 designated by the Department of State;

14 (4) a foreign law enforcement officer of a
15 friendly foreign government entering the United
16 States on official business; or

17 (5) one who has received a waiver from the
18 Attorney General of the United States pursuant to
19 18 U.S.C. 922(y)(3);

20 (xii) He or she is not a minor subject to a
21 petition filed under Section 5-520 of the Juvenile
22 Court Act of 1987 alleging that the minor is a
23 delinquent minor for the commission of an offense that
24 if committed by an adult would be a felony;

25 (xiii) He or she is not an adult who had been
26 adjudicated a delinquent minor under the Juvenile

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1 Court Act of 1987 for the commission of an offense that
2 if committed by an adult would be a felony;

3 (xiv) He or she is a resident of the State of
4 Illinois;

5 (xv) He or she has not been adjudicated as a person
6 with a mental disability;

7 (xvi) He or she has not been involuntarily
8 admitted into a mental health facility; and

9 (xvii) He or she is not a person with a
10 developmental disability; and

11 (3) Upon request by the Illinois State Police, sign a
12 release on a form prescribed by the Illinois State Police

13 waiving any right to confidentiality and requesting the
14 disclosure to the Illinois State Police of limited mental
15 health institution admission information from another
16 state, the District of Columbia, any other territory of
17 the United States, or a foreign nation concerning the
18 applicant for the sole purpose of determining whether the
19 applicant is or was a patient in a mental health
20 institution and disqualified because of that status from
21 receiving a Firearm Owner's Identification Card. No mental
22 health care or treatment records may be requested. The
23 information received shall be destroyed within one year of
24 receipt.

25 (a-5) Each applicant for a Firearm Owner's Identification
26 Card who is over the age of 18 shall furnish to the Illinois

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1 State Police either his or her Illinois driver's license
2 number or Illinois Identification Card number, except as
3 provided in subsection (a-10).

4 (a-10) Each applicant for a Firearm Owner's Identification
5 Card, who is employed as a law enforcement officer, an armed
6 security officer in Illinois, or by the United States Military
7 permanently assigned in Illinois and who is not an Illinois
8 resident, shall furnish to the Illinois State Police his or
9 her driver's license number or state identification card
10 number from his or her state of residence. The Illinois State
11 Police may adopt rules to enforce the provisions of this
12 subsection (a-10).

13 (a-15) If an applicant applying for a Firearm Owner's
14 Identification Card moves from the residence address named in
15 the application, he or she shall immediately notify in a form
16 and manner prescribed by the Illinois State Police of that
17 change of address.

18 (a-20) Each applicant for a Firearm Owner's Identification
19 Card shall furnish to the Illinois State Police his or her
20 photograph. An applicant who is 21 years of age or older
21 seeking a religious exemption to the photograph requirement
22 must furnish with the application an approved copy of United
23 States Department of the Treasury Internal Revenue Service

Form 4029. In lieu of a photograph, an applicant regardless of age seeking a religious exemption to the photograph requirement shall submit fingerprints on a form and manner

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prescribed by the Illinois State Police with his or her application.

(a-25) Beginning January 1, 2023, each applicant for the issuance of a Firearm Owner's Identification Card may include a full set of his or her fingerprints in electronic format to the Illinois State Police, unless the applicant has previously provided a full set of his or her fingerprints to the Illinois State Police under this Act or the Firearm Concealed Carry Act.

The fingerprints must be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation. The fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases, including all available State and local criminal history record information files.

The Illinois State Police shall charge applicants a one-time fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check.

(a-26) The Illinois State Police shall research, explore, and report to the General Assembly by January 1, 2022 on the feasibility of permitting voluntarily submitted fingerprints obtained for purposes other than Firearm Owner's Identification Card enforcement that are contained in the

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Illinois State Police database for purposes of this Act.

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's

Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22.)

(430 ILCS 65/4.1 new)

Sec. 4.1. Assault weapon, .50 caliber rifle, assault weapon attachment, or .50 caliber cartridge endorsement.

(a) The endorsement affidavit form completed pursuant to Section 24-1.9 of the Criminal Code of 2012 must be executed electronically through the individual's Firearm Owner's Identification Card account.

(b) The Illinois State Police shall adopt rules in accordance with this Section for the electronic submission of an endorsement affidavit.

(c) Entering false information on the endorsement

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affidavit form is a violation of this Act and is also punishable as perjury under Section 32-2 of the Criminal Code of 2012.

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

Sec. 8. Grounds for denial and revocation. The Illinois State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Illinois State Police finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) This subsection (b) applies through the 180th day following July 12, 2019 (the effective date of Public Act

16 101-80). A person under 21 years of age who does not have
17 the written consent of his parent or guardian to acquire
18 and possess firearms and firearm ammunition, or whose
19 parent or guardian has revoked such written consent, or
20 where such parent or guardian does not qualify to have a
21 Firearm Owner's Identification Card;

22 (b-5) This subsection (b-5) applies on and after the
23 181st day following July 12, 2019 (the effective date of
24 Public Act 101-80). A person under 21 years of age who is
25 not an active duty member of the United States Armed

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1 Forces or the Illinois National Guard and does not have
2 the written consent of his or her parent or guardian to
3 acquire and possess firearms and firearm ammunition, or
4 whose parent or guardian has revoked such written consent,
5 or where such parent or guardian does not qualify to have a
6 Firearm Owner's Identification Card;

7 (c) A person convicted of a felony under the laws of
8 this or any other jurisdiction;

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental health
11 facility within the past 5 years or a person who has been a
12 patient in a mental health facility more than 5 years ago
13 who has not received the certification required under
14 subsection (u) of this Section. An active law enforcement
15 officer employed by a unit of government or a Department
16 of Corrections employee authorized to possess firearms who
17 is denied, revoked, or has his or her Firearm Owner's
18 Identification Card seized under this subsection (e) may
19 obtain relief as described in subsection (c-5) of Section
20 10 of this Act if the officer or employee did not act in a
21 manner threatening to the officer or employee, another
22 person, or the public as determined by the treating
23 clinical psychologist or physician, and the officer or
24 employee seeks mental health treatment;

25 (f) A person whose mental condition is of such a
26 nature that it poses a clear and present danger to the

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1 applicant, any other person or persons, or the community;

2 (g) A person who has an intellectual disability;

3 (h) A person who intentionally makes a false statement
4 in the Firearm Owner's Identification Card application or
5 endorsement affidavit;

6 (i) A noncitizen who is unlawfully present in the
7 United States under the laws of the United States;

8 (i-5) A noncitizen who has been admitted to the United
9 States under a non-immigrant visa (as that term is defined
10 in Section 101(a)(26) of the Immigration and Nationality
11 Act (8 U.S.C. 1101(a)(26))), except that this subsection
12 (i-5) does not apply to any noncitizen who has been
13 lawfully admitted to the United States under a
14 non-immigrant visa if that noncitizen is:

15 (1) admitted to the United States for lawful
16 hunting or sporting purposes;

17 (2) an official representative of a foreign
18 government who is:

19 (A) accredited to the United States Government
20 or the Government's mission to an international
21 organization having its headquarters in the United
22 States; or

23 (B) en route to or from another country to
24 which that noncitizen is accredited;

25 (3) an official of a foreign government or
26 distinguished foreign visitor who has been so

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1 designated by the Department of State;

2 (4) a foreign law enforcement officer of a
3 friendly foreign government entering the United States
4 on official business; or

5 (5) one who has received a waiver from the
6 Attorney General of the United States pursuant to 18
7 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of

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Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(q) A person who is not a resident of the State of

Illinois, except as provided in subsection (a-10) of
Section 4;

(r) A person who has been adjudicated as a person with
a mental disability;

(s) A person who has been found to have a
developmental disability;

(t) A person involuntarily admitted into a mental
health facility; or

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(u) A person who has had his or her Firearm Owner's
Identification Card revoked or denied under subsection (e)
of this Section or item (iv) of paragraph (2) of
subsection (a) of Section 4 of this Act because he or she
was a patient in a mental health facility as provided in
subsection (e) of this Section, shall not be permitted to
obtain a Firearm Owner's Identification Card, after the
5-year period has lapsed, unless he or she has received a
mental health evaluation by a physician, clinical
psychologist, or qualified examiner as those terms are
defined in the Mental Health and Developmental
Disabilities Code, and has received a certification that
he or she is not a clear and present danger to himself,
herself, or others. The physician, clinical psychologist,
or qualified examiner making the certification and his or
her employer shall not be held criminally, civilly, or
professionally liable for making or not making the
certification required under this subsection, except for
willful or wanton misconduct. This subsection does not
apply to a person whose firearm possession rights have
been restored through administrative or judicial action
under Section 10 or 11 of this Act.

Upon revocation of a person's Firearm Owner's
Identification Card, the Illinois State Police shall provide
notice to the person and the person shall comply with Section
9.5 of this Act.

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(Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
5-27-22.)

Section 15. The Firearms Restraining Order Act is amended
by changing Sections 40, 45, and 55 as follows:

(430 ILCS 67/40)

Sec. 40. Plenary Six-month orders.

(a) A petitioner may request a ~~6-month~~ firearms
restraining order for up to one year by filing an affidavit or
verified pleading alleging that the respondent poses a
significant danger of causing personal injury to himself,
herself, or another in the near future by having in his or her
custody or control, purchasing, possessing, or receiving a
firearm, ammunition, and firearm parts that could be assembled
to make an operable firearm. The petition shall also describe
the number, types, and locations of any firearms, ammunition,
and firearm parts that could be assembled to make an operable
firearm presently believed by the petitioner to be possessed
or controlled by the respondent. The firearms restraining
order may be renewed for an additional period of up to one year
in accordance with Section 45 of this Act.

(b) If the respondent is alleged to pose a significant
danger of causing personal injury to an intimate partner, or
an intimate partner is alleged to have been the target of a

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threat or act of violence by the respondent, the petitioner
shall make a good faith effort to provide notice to any and all
intimate partners of the respondent. The notice must include
the duration of time that the petitioner intends to petition
the court for a ~~6-month~~ firearms restraining order, and, if
the petitioner is a law enforcement officer, referral to
relevant domestic violence or stalking advocacy or counseling
resources, if appropriate. The petitioner shall attest to
having provided the notice in the filed affidavit or verified
pleading. If, after making a good faith effort, the petitioner

11 is unable to provide notice to any or all intimate partners,
12 the affidavit or verified pleading should describe what
13 efforts were made.

14 (c) Every person who files a petition for a plenary
15 ~~6-month~~ firearms restraining order, knowing the information
16 provided to the court at any hearing or in the affidavit or
17 verified pleading to be false, is guilty of perjury under
18 Section 32-2 of the Criminal Code of 2012.

19 (d) Upon receipt of a petition for a plenary ~~6-month~~
20 firearms restraining order, the court shall order a hearing
21 within 30 days.

22 (e) In determining whether to issue a firearms restraining
23 order under this Section, the court shall consider evidence
24 including, but not limited to, the following:

25 (1) The unlawful and reckless use, display, or
26 brandishing of a firearm, ammunition, and firearm parts

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1 that could be assembled to make an operable firearm by the
2 respondent.

3 (2) The history of use, attempted use, or threatened
4 use of physical force by the respondent against another
5 person.

6 (3) Any prior arrest of the respondent for a felony
7 offense.

8 (4) Evidence of the abuse of controlled substances or
9 alcohol by the respondent.

10 (5) A recent threat of violence or act of violence by
11 the respondent directed toward himself, herself, or
12 another.

13 (6) A violation of an emergency order of protection
14 issued under Section 217 of the Illinois Domestic Violence
15 Act of 1986 or Section 112A-17 of the Code of Criminal
16 Procedure of 1963 or of an order of protection issued
17 under Section 214 of the Illinois Domestic Violence Act of
18 1986 or Section 112A-14 of the Code of Criminal Procedure
19 of 1963.

20 (7) A pattern of violent acts or violent threats,
21 including, but not limited to, threats of violence or acts

22 of violence by the respondent directed toward himself,
 23 herself, or another.

24 (f) At the hearing, the petitioner shall have the burden
 25 of proving, by clear and convincing evidence, that the
 26 respondent poses a significant danger of personal injury to

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1 himself, herself, or another by having in his or her custody or
 2 control, purchasing, possessing, or receiving a firearm,
 3 ammunition, and firearm parts that could be assembled to make
 4 an operable firearm.

5 (g) If the court finds that there is clear and convincing
 6 evidence to issue a plenary firearms restraining order, the
 7 court shall issue a firearms restraining order that shall be
 8 in effect for up to one year, but not less than 6 months, ~~6~~
 9 ~~months~~ subject to renewal under Section 45 of this Act or
 10 termination under that Section.

11 (g-5) If the court issues a plenary ~~6-month~~ firearms
 12 restraining order, it shall, upon a finding of probable cause
 13 that the respondent possesses firearms, ammunition, and
 14 firearm parts that could be assembled to make an operable
 15 firearm, issue a search warrant directing a law enforcement
 16 agency to seize the respondent's firearms, ammunition, and
 17 firearm parts that could be assembled to make an operable
 18 firearm. The court may, as part of that warrant, direct the law
 19 enforcement agency to search the respondent's residence and
 20 other places where the court finds there is probable cause to
 21 believe he or she is likely to possess the firearms,
 22 ammunition, and firearm parts that could be assembled to make
 23 an operable firearm. A return of the search warrant shall be
 24 filed by the law enforcement agency within 4 days thereafter,
 25 setting forth the time, date, and location that the search
 26 warrant was executed and what items, if any, were seized.

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1 (h) A plenary ~~6-month~~ firearms restraining order shall
 2 require:

(1) the respondent to refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms, ammunition, and firearm parts that could be assembled to make an operable firearm for the duration of the order under Section 8.2 of the Firearm Owners Identification Card Act; and

(2) the respondent to comply with Section 9.5 of the Firearm Owners Identification Card Act and subsection (g) of Section 70 of the Firearm Concealed Carry Act.

(i) Except as otherwise provided in subsection (i-5) of this Section, upon expiration of the period of safekeeping, if the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm or Firearm Owner's Identification Card cannot be returned to the respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm, or is not lawfully eligible to possess a firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm, use the firearms, ammunition, and firearm parts that could be assembled to make

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an operable firearm for training purposes, or use the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm for any other application as deemed appropriate by the local law enforcement agency.

(i-5) A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to a person who is lawfully able to possess the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm if the person does not

reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives the respondent's firearms, ammunition, and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she shall not transfer the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to the respondent or to anyone residing in the same residence as the respondent.

(i-6) If a person other than the respondent claims title to any firearms, ammunition, and firearm parts that could be assembled to make an operable firearm surrendered under this

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Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm shall be returned to him or her, provided that:

(1) the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm are removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm in a manner such that the respondent does not have access to or control of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm; and

(2) the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm are not otherwise unlawfully possessed by the owner.

The person petitioning for the return of his or her firearm, ammunition, and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit

25 that he or she: (i) is the lawful owner of the firearm,
26 ammunition, and firearm parts that could be assembled to make

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1 an operable firearm; (ii) shall not transfer the firearm,
2 ammunition, and firearm parts that could be assembled to make
3 an operable firearm to the respondent; and (iii) will store
4 the firearm, ammunition, and firearm parts that could be
5 assembled to make an operable firearm in a manner that the
6 respondent does not have access to or control of the firearm,
7 ammunition, and firearm parts that could be assembled to make
8 an operable firearm.

9 (j) If the court does not issue a firearms restraining
10 order at the hearing, the court shall dissolve any emergency
11 firearms restraining order then in effect.

12 (k) When the court issues a firearms restraining order
13 under this Section, the court shall inform the respondent that
14 he or she is entitled to one hearing during the period of the
15 order to request a termination of the order, under Section 45
16 of this Act, and shall provide the respondent with a form to
17 request a hearing.

18 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
19 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
20 5-13-22.)

21 (430 ILCS 67/45)

22 Sec. 45. Termination and renewal.

23 (a) A person subject to a firearms restraining order
24 issued under this Act may submit one written request at any
25 time during the effective period of the order for a hearing to

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1 terminate the order.

2 (1) The respondent shall have the burden of proving by
3 a preponderance of the evidence that the respondent does
4 not pose a danger of causing personal injury to himself,
5 herself, or another in the near future by having in his or
6 her custody or control, purchasing, possessing, or

7 receiving a firearm, ammunition, and firearm parts that
8 could be assembled to make an operable firearm.

9 (2) If the court finds after the hearing that the
10 respondent has met his or her burden, the court shall
11 terminate the order.

12 (b) A petitioner may request a renewal of a firearms
13 restraining order at any time within the 3 months before the
14 expiration of a firearms restraining order.

15 (1) A court shall, after notice and a hearing, renew a
16 firearms restraining order issued under this part if the
17 petitioner proves, by clear and convincing evidence, that
18 the respondent continues to pose a danger of causing
19 personal injury to himself, herself, or another in the
20 near future by having in his or her custody or control,
21 purchasing, possessing, or receiving a firearm,
22 ammunition, and firearm parts that could be assembled to
23 make an operable firearm.

24 (2) In determining whether to renew a firearms
25 restraining order issued under this Act, the court shall
26 consider evidence of the facts identified in subsection

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1 (e) of Section 40 of this Act and any other evidence of an
2 increased risk for violence.

3 (3) At the hearing, the petitioner shall have the
4 burden of proving by clear and convincing evidence that
5 the respondent continues to pose a danger of causing
6 personal injury to himself, herself, or another in the
7 near future by having in his or her custody or control,
8 purchasing, possessing, or receiving a firearm,
9 ammunition, and firearm parts that could be assembled to
10 make an operable firearm.

11 (4) The renewal of a firearms restraining order issued
12 under this Section shall be in effect for up to one year
13 and may be renewed for an additional period of up to one
14 year ~~6 months~~, subject to termination by further order of
15 the court at a hearing held under this Section and further
16 renewal by further order of the court under this Section.

(Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)

(430 ILCS 67/55)

Sec. 55. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Illinois State Police, daily, in the form and detail the Illinois State Police Department requires, copies of any recorded firearms restraining orders issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court under Section 50. Each

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firearms restraining order shall be entered in the Law Enforcement Agencies Data System (LEADS) on the same day it is issued by the court. If an emergency firearms restraining order was issued in accordance with Section 35 of this Act, the order shall be entered in the Law Enforcement Agencies Data System (LEADS) as soon as possible after receipt from the clerk.

(b) The Illinois State Police shall maintain a complete and systematic record and index of all valid and recorded firearms restraining orders issued or filed under this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of a violation of a firearms restraining order of the effective dates and terms of any recorded order of protection.

(c) The data, records, and transmittals required under this Section shall pertain to any valid emergency or plenary ~~6-month~~ firearms restraining order, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

(Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

Section 25. The Criminal Code of 2012 is amended by changing Section 24-1 and by adding Sections 24-1.9 and 24-1.10 as follows:

(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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1 Sec. 24-1. Unlawful use of weapons.

2 (a) A person commits the offense of unlawful use of
3 weapons when he knowingly:

4 (1) Sells, manufactures, purchases, possesses or
5 carries any bludgeon, black-jack, slung-shot, sand-club,
6 sand-bag, metal knuckles or other knuckle weapon
7 regardless of its composition, throwing star, or any
8 knife, commonly referred to as a switchblade knife, which
9 has a blade that opens automatically by hand pressure
10 applied to a button, spring or other device in the handle
11 of the knife, or a ballistic knife, which is a device that
12 propels a knifelike blade as a projectile by means of a
13 coil spring, elastic material or compressed gas; or

14 (2) Carries or possesses with intent to use the same
15 unlawfully against another, a dagger, dirk, billy,
16 dangerous knife, razor, stiletto, broken bottle or other
17 piece of glass, stun gun or taser or any other dangerous or
18 deadly weapon or instrument of like character; or

19 (2.5) Carries or possesses with intent to use the same
20 unlawfully against another, any firearm in a church,
21 synagogue, mosque, or other building, structure, or place
22 used for religious worship; or

23 (3) Carries on or about his person or in any vehicle, a
24 tear gas gun projector or bomb or any object containing
25 noxious liquid gas or substance, other than an object
26 containing a non-lethal noxious liquid gas or substance

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1 designed solely for personal defense carried by a person
2 18 years of age or older; or

3 (4) Carries or possesses in any vehicle or concealed
4 on or about his person except when on his land or in his
5 own abode, legal dwelling, or fixed place of business, or
6 on the land or in the legal dwelling of another person as
7 an invitee with that person's permission, any pistol,
8 revolver, stun gun or taser or other firearm, except that
9 this subsection (a) (4) does not apply to or affect
10 transportation of weapons that meet one of the following

conditions:

- (i) are broken down in a non-functioning state; or
- (ii) are not immediately accessible; or
- (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or
- (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or
- (5) Sets a spring gun; or
- (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- (7) Sells, manufactures, purchases, possesses or

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carries:

- (i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;
- (ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or
- (iii) any bomb, bomb-shell, grenade, bottle or

22 other container containing an explosive substance of
 23 over one-quarter ounce for like purposes, such as, but
 24 not limited to, black powder bombs and Molotov
 25 cocktails or artillery projectiles; or
 26 (8) Carries or possesses any firearm, stun gun or

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1 taser or other deadly weapon in any place which is
 2 licensed to sell intoxicating beverages, or at any public
 3 gathering held pursuant to a license issued by any
 4 governmental body or any public gathering at which an
 5 admission is charged, excluding a place where a showing,
 6 demonstration or lecture involving the exhibition of
 7 unloaded firearms is conducted.

8 This subsection (a)(8) does not apply to any auction
 9 or raffle of a firearm held pursuant to a license or permit
 10 issued by a governmental body, nor does it apply to
 11 persons engaged in firearm safety training courses; or

12 (9) Carries or possesses in a vehicle or on or about
 13 his or her person any pistol, revolver, stun gun or taser
 14 or firearm or ballistic knife, when he or she is hooded,
 15 robed or masked in such manner as to conceal his or her
 16 identity; or

17 (10) Carries or possesses on or about his or her
 18 person, upon any public street, alley, or other public
 19 lands within the corporate limits of a city, village, or
 20 incorporated town, except when an invitee thereon or
 21 therein, for the purpose of the display of such weapon or
 22 the lawful commerce in weapons, or except when on his land
 23 or in his or her own abode, legal dwelling, or fixed place
 24 of business, or on the land or in the legal dwelling of
 25 another person as an invitee with that person's
 26 permission, any pistol, revolver, stun gun, or taser or

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1 other firearm, except that this subsection (a) (10) does

not apply to or affect transportation of weapons that meet one of the following conditions:

- (i) are broken down in a non-functioning state; or
- (ii) are not immediately accessible; or
- (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or
- (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.

A "stun gun or taser", as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures, delivers, imports,

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possesses, or purchases any assault weapon attachment or .50 caliber cartridge in violation of Section 24-1.9 or any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank); or

(13) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this Section, "billy club" means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material; or

(14) Manufactures, possesses, sells, or offers to sell, purchase, manufacture, import, transfer, or use any device, part, kit, tool, accessory, or combination of parts that is designed to and functions to increase the rate of fire of a semiautomatic firearm above the standard rate of fire for semiautomatic firearms that is not

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equipped with that device, part, or combination of parts;
or

(15) Carries or possesses any assault weapon or .50 caliber rifle in violation of Section 24-1.9; or

(16) Manufactures, sells, delivers, imports, or purchases any assault weapon or .50 caliber rifle in violation of Section 24-1.9.

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), subsection 24-1(a)(11), ~~or~~ subsection 24-1(a)(13), or 24-1(a)(15) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6), ~~or~~ 24-1(a)(7)(ii), 24-1(a)(7)(iii), or 24-1(a)(16) ~~or (iii)~~ commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a

second or subsequent violation of subsection 24-1(a)(4),
 24-1(a)(8), 24-1(a)(9), ~~or 24-1(a)(10), or 24-1(a)(15).~~
 commits a Class 3 felony. A person convicted of a violation of
 subsection 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2

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felony. The possession of each weapon or device in violation
 of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or
 24-1(a)(7) in any school, regardless of the time of day or
 the time of year, in residential property owned, operated
 or managed by a public housing agency or leased by a public
 housing agency as part of a scattered site or mixed-income
 development, in a public park, in a courthouse, on the
 real property comprising any school, regardless of the
 time of day or the time of year, on residential property
 owned, operated or managed by a public housing agency or
 leased by a public housing agency as part of a scattered
 site or mixed-income development, on the real property
 comprising any public park, on the real property
 comprising any courthouse, in any conveyance owned, leased
 or contracted by a school to transport students to or from
 school or a school related activity, in any conveyance
 owned, leased, or contracted by a public transportation
 agency, or on any public way within 1,000 feet of the real
 property comprising any school, public park, courthouse,
 public transportation facility, or residential property
 owned, operated, or managed by a public housing agency or
 leased by a public housing agency as part of a scattered
 site or mixed-income development commits a Class 2 felony
 and shall be sentenced to a term of imprisonment of not

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less than 3 years and not more than 7 years.

(1.5) A person who violates subsection 24-1(a)(4),

24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the

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time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport

students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university

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or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(5) For the purposes of this subsection (c), "public transportation agency" means a public or private agency that provides for the transportation or conveyance of persons by means available to the general public, except for transportation by automobiles not used for conveyance of the general public as passengers; and "public transportation facility" means a terminal or other place where one may obtain public transportation.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile

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operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver.

(e) Exemptions.

(1) Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(2) The provision of paragraph (1) of subsection (a) of this Section prohibiting the sale, manufacture, purchase, possession, or carrying of any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, does not apply to a person who possesses a currently valid Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police or to a person or an entity engaged in the business of selling or manufacturing switchblade knives.

(Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

(720 ILCS 5/24-1.9 new)

Sec. 24-1.9. Manufacture, possession, delivery, sale, and purchase of assault weapons, .50 caliber rifles, and .50 caliber cartridges.

(a) Definitions. In this Section:

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(1) "Assault weapon" means any of the following, except as provided in subdivision (2) of this subsection:

(A) A semiautomatic rifle that has the capacity to accept a detachable magazine or that may be readily

5 modified to accept a detachable magazine, if the firearm
6 has one or more of the following:

- 7 (i) a pistol grip or thumbhole stock;
8 (ii) any feature capable of functioning as a
9 protruding grip that can be held by the non-trigger
10 hand;
11 (iii) a folding, telescoping, thumbhole, or
12 detachable stock, or a stock that is otherwise
13 foldable or adjustable in a manner that operates to
14 reduce the length, size, or any other dimension, or
15 otherwise enhances the concealability of, the weapon;
16 (iv) a flash suppressor;
17 (v) a grenade launcher;
18 (vi) a shroud attached to the barrel or that
19 partially or completely encircles the barrel, allowing
20 the bearer to hold the firearm with the non-trigger
21 hand without being burned, but excluding a slide that
22 encloses the barrel.

23 (B) A semiautomatic rifle that has a fixed magazine
24 with the capacity to accept more than 10 rounds, except
25 for an attached tubular device designed to accept, and
26 capable of operating only with, .22 caliber rimfire

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1 ammunition.

2 (C) A semiautomatic pistol that has the capacity to
3 accept a detachable magazine or that may be readily
4 modified to accept a detachable magazine, if the firearm
5 has one or more of the following:

- 6 (i) a threaded barrel;
7 (ii) a second pistol grip or another feature
8 capable of functioning as a protruding grip that can
9 be held by the non-trigger hand;
10 (iii) a shroud attached to the barrel or that
11 partially or completely encircles the barrel, allowing
12 the bearer to hold the firearm with the non-trigger
13 hand without being burned, but excluding a slide that
14 encloses the barrel;
15 (iv) a flash suppressor;

(v) the capacity to accept a detachable magazine at some location outside of the pistol grip; or
 (vi) a buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.
 (D) A semiautomatic pistol that has a fixed magazine with the capacity to accept more than 15 rounds.
 (E) Any shotgun with a revolving cylinder.
 (F) A semiautomatic shotgun that has one or more of the following:

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(i) a pistol grip or thumbhole stock;
 (ii) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 (iii) a folding or thumbhole stock;
 (iv) a grenade launcher;
 (v) a fixed magazine with the capacity of more than 5 rounds; or
 (vi) the capacity to accept a detachable magazine.
 (G) Any semiautomatic firearm that has the capacity to accept a belt ammunition feeding device.
 (H) Any firearm that has been modified to be operable as an assault weapon as defined in this Section.
 (I) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.
 (J) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon:
 (i) All AK types, including the following:
 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM.
 (II) IZHMASH Saiga AK.

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- 1 (III) MAADI AK47 and ARM.
- 2 (IV) Norinco 56S, 56S2, 84S, and 86S.
- 3 (V) Poly Technologies AK47 and AKS.
- 4 (VI) SKS with a detachable magazine.
- 5 (ii) all AR types, including the following:
- 6 (I) AR-10.
- 7 (II) AR-15.
- 8 (III) Alexander Arms Overmatch Plus 16.
- 9 (IV) Armalite M15 22LR Carbine.
- 10 (V) Armalite M15-T.
- 11 (VI) Barrett REC7.
- 12 (VII) Beretta AR-70.
- 13 (VIII) Black Rain Ordnance Recon Scout.
- 14 (IX) Bushmaster ACR.
- 15 (X) Bushmaster Carbon 15.
- 16 (XI) Bushmaster MOE series.
- 17 (XII) Bushmaster XM15.
- 18 (XIII) Chiappa Firearms MFour rifles.
- 19 (XIV) Colt Match Target rifles.
- 20 (XV) CORE Rifle Systems CORE15 rifles.
- 21 (XVI) Daniel Defense M4A1 rifles.
- 22 (XVII) Devil Dog Arms 15 Series rifles.
- 23 (XVIII) Diamondback DB15 rifles.
- 24 (XIX) DoubleStar AR rifles.
- 25 (XX) DPMS Tactical rifles.
- 26 (XXI) DSA Inc. ZM-4 Carbine.

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- 1 (XXII) Heckler & Koch MR556.
- 2 (XXIII) High Standard HSA-15 rifles.
- 3 (XXIV) Jesse James Nomad AR-15 rifle.
- 4 (XXV) Knight's Armament SR-15.
- 5 (XXVI) Lancer L15 rifles.
- 6 (XXVII) MGI Hydra Series rifles.
- 7 (XXVIII) Mossberg MMR Tactical rifles.

(XXIX) Noreen Firearms BN 36 rifle.
 (XXX) Olympic Arms.
 (XXXI) POF USA P415.
 (XXXII) Precision Firearms AR rifles.
 (XXXIII) Remington R-15 rifles.
 (XXXIV) Rhino Arms AR rifles.
 (XXXV) Rock River Arms LAR-15 or Rock River
Arms LAR-47.
 (XXXVI) Sig Sauer SIG516 rifles and MCX
rifles.
 (XXXVII) Smith & Wesson M&P15 rifles.
 (XXXVIII) Stag Arms AR rifles.
 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556
rifles.
 (XL) Useton Arms Air-Lite M-4 rifles.
 (XLI) Windham Weaponry AR rifles.
 (XLII) WMD Guns Big Beast.
 (XLIII) Yankee Hill Machine Company, Inc.
YHM-15 rifles.

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(iii) Barrett M107A1.
 (iv) Barrett M82A1.
 (v) Beretta CX4 Storm.
 (vi) Calico Liberty Series.
 (vii) CETME Sporter.
 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and
AR 110C.
 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22
FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
 (x) Feather Industries AT-9.
 (xi) Galil Model AR and Model ARM.
 (xii) Hi-Point Carbine.
 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
 (xiv) IWI TAVOR, Galil ACE rifle.
 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig
Sauer SG 551, and SIG MCX.
 (xvii) Springfield Armory SAR-48.

- 19 (xviii) Steyr AUG.
20 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle
21 M-14/20CF.
22 (xx) All Thompson rifles, including the following:
23 (I) Thompson M1SB.
24 (II) Thompson T1100D.
25 (III) Thompson T150D.
26 (IV) Thompson T1B.

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- 1 (V) Thompson T1B100D.
2 (VI) Thompson T1B50D.
3 (VII) Thompson T1BSB.
4 (VIII) Thompson T1-C.
5 (IX) Thompson T1D.
6 (X) Thompson T1SB.
7 (XI) Thompson T5.
8 (XII) Thompson T5100D.
9 (XIII) Thompson TM1.
10 (XIV) Thompson TM1C.
11 (xxi) UMAREX UZI rifle.
12 (xxii) UZI Mini Carbine, UZI Model A Carbine, and
13 UZI Model B Carbine.
14 (xxiii) Valmet M62S, M71S, and M78.
15 (xxiv) Vector Arms UZI Type.
16 (xxv) Weaver Arms Nighthawk.
17 (xxvi) Wilkinson Arms Linda Carbine.
18 (K) All of the following pistols, copies, duplicates,
19 variants, or altered facsimiles with the capability of any
20 such weapon thereof:
21 (i) All AK types, including the following:
22 (I) Centurion 39 AK pistol.
23 (II) CZ Scorpion pistol.
24 (III) Draco AK-47 pistol.
25 (IV) HCR AK-47 pistol.
26 (V) IO Inc. Hellpup AK-47 pistol.

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(VI) Krinkov pistol.

(VII) Mini Draco AK-47 pistol.

(VIII) PAP M92 pistol.

(IX) Yugo Krebs Krink pistol.

(ii) All AR types, including the following:

(I) American Spirit AR-15 pistol.

(II) Bushmaster Carbon 15 pistol.

(III) Chiappa Firearms M4 Pistol GEN II.

(IV) CORE Rifle Systems CORE15 Roscoe pistol.

(V) Daniel Defense MK18 pistol.

(VI) DoubleStar Corporation AR pistol.

(VII) DPMS AR-15 pistol.

(VIII) Jesse James Nomad AR-15 pistol.

(IX) Olympic Arms AR-15 pistol.

(X) Osprey Armament MK-18 pistol.

(XI) POF USA AR pistols.

(XII) Rock River Arms LAR 15 pistol.

(XIII) Uselton Arms Air-Lite M-4 pistol.

(iii) Calico pistols.

(iv) DSA SA58 PKP FAL pistol.

(v) Encom MP-9 and MP-45.

(vi) Heckler & Koch model SP-89 pistol.

(vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.

(viii) IWI Galil Ace pistol, UZI PRO pistol.

(ix) Kel-Tec PLR 16 pistol.

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(x) All MAC types, including the following:

(I) MAC-10.

(II) MAC-11.

(III) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, and MPA Mini Tactical Pistol.

(IV) Military Armament Corp. Ingram M-11.

(V) Velocity Arms VMAC.

(xi) Sig Sauer P556 pistol.

(xii) Sites Spectre.

(xiii) All Thompson types, including the

12 following:

13 (I) Thompson TA510D.

14 (II) Thompson TA5.

15 (xiv) All UZI types, including Micro-UZI.

16 (L) All of the following shotguns, copies, duplicates,
17 variants, or altered facsimiles with the capability of any
18 such weapon thereof:

19 (i) DERYA Anakon MC-1980, Anakon SD12.

20 (ii) Doruk Lethal shotguns.

21 (iii) Franchi LAW-12 and SPAS 12.

22 (iv) All IZHMAH Saiga 12 types, including the
23 following:

24 (I) IZHMAH Saiga 12.

25 (II) IZHMAH Saiga 12S.

26 (III) IZHMAH Saiga 12S EXP-01.

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1 (IV) IZHMAH Saiga 12K.

2 (V) IZHMAH Saiga 12K-030.

3 (VI) IZHMAH Saiga 12K-040 Taktika.

4 (v) Streetsweeper.

5 (vi) Striker 12.

6 (2) "Assault weapon" does not include:

7 (A) Any firearm that is an unserviceable firearm or
8 has been made permanently inoperable.

9 (B) An antique firearm or a replica of an antique
10 firearm.

11 (C) A firearm that is manually operated by bolt, pump,
12 lever or slide action, unless the firearm is a shotgun
13 with a revolving cylinder.

14 (D) Any air rifle as defined in Section 24.8-0.1 of
15 this Code.

16 (E) Any handgun, as defined under the Firearm
17 Concealed Carry Act, unless otherwise listed in this
18 Section.

19 (3) "Assault weapon attachment" means any device capable
20 of being attached to a firearm that is specifically designed
21 for making or converting a firearm into any of the firearms
22 listed in paragraph (1) of this subsection (a).

(4) "Antique firearm" has the meaning ascribed to it in 18 U.S.C. 921(a)(16).

(5) ".50 caliber rifle" means a centerfire rifle capable of firing a .50 caliber cartridge. The term does not include

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any antique firearm, any shotgun including a shotgun that has a rifle barrel, or any muzzle-loader which uses black powder for hunting or historical reenactments.

(6) ".50 caliber cartridge" means a cartridge in .50 BMG caliber, either by designation or actual measurement, that is capable of being fired from a centerfire rifle. The term ".50 caliber cartridge" does not include any memorabilia or display item that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as live ammunition or shotgun ammunition with a caliber measurement that is equal to or greater than .50 caliber.

(7) "Detachable magazine" means an ammunition feeding device that may be removed from a firearm without disassembly of the firearm action, including an ammunition feeding device that may be readily removed from a firearm with the use of a bullet, cartridge, accessory, or other tool, or any other object that functions as a tool, including a bullet or cartridge.

(8) "Fixed magazine" means an ammunition feeding device that is permanently attached to a firearm, or contained in and not removable from a firearm, or that is otherwise not a detachable magazine, but does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(b) Except as provided in subsections (c), (d), and (e),

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on or after the effective date of this amendatory Act of the 102nd General Assembly, it is unlawful for any person within this State to knowingly manufacture, deliver, sell, import, or

purchase or cause to be manufactured, delivered, sold,
imported, or purchased by another, an assault weapon, assault
weapon attachment, .50 caliber rifle, or .50 caliber
cartridge.

(c) Except as otherwise provided in subsection (d),
beginning January 1, 2024, it is unlawful for any person
within this State to knowingly possess an assault weapon,
assault weapon attachment, .50 caliber rifle, or .50 caliber
cartridge.

(d) This Section does not apply to a person's possession
of an assault weapon, assault weapon attachment, .50 caliber
rifle, or .50 caliber cartridge device if the person lawfully
possessed that assault weapon, assault weapon attachment, .50
caliber rifle, or .50 caliber cartridge prohibited by
subsection (c) of this Section, if the person has provided in
an endorsement affidavit, prior to January 1, 2024, under oath
or affirmation and in the form and manner prescribed by the
Illinois State Police, no later than October 1, 2023:

(1) the affiant's Firearm Owner's Identification Card
number;

(2) an affirmation that the affiant: (i) possessed an
assault weapon, assault weapon attachment, .50 caliber
rifle, or .50 caliber cartridge before the effective date

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of this amendatory Act of the 102nd General Assembly; or
(ii) inherited the assault weapon, assault weapon
attachment, .50 caliber rifle, or .50 caliber cartridge
from a person with an endorsement under this Section or
from a person authorized under subdivisions (1) through
(5) of subsection (e) to possess the assault weapon,
assault weapon attachment, .50 caliber rifle, or .50
caliber cartridge; and

(3) the make, model, caliber, and serial number of the
.50 caliber rifle or assault weapon or assault weapons
listed in paragraphs (J), (K), and (L) of subdivision (1)
of subsection (a) of this Section possessed by the affiant
prior to the effective date of this amendatory Act of the
102nd General Assembly and any assault weapons identified

15 and published by the Illinois State Police pursuant to
16 this subdivision (3). No later than October 1, 2023, and
17 every October 1 thereafter, the Illinois State Police
18 shall, via rulemaking, identify, publish, and make
19 available on its website, the list of assault weapons
20 subject to an endorsement affidavit under this subsection
21 (d). The list shall identify, but is not limited to, the
22 copies, duplicates, variants, and altered facsimiles of
23 the assault weapons identified in paragraphs (J), (K), and
24 (L) of subdivision (1) of subsection (a) of this Section
25 and shall be consistent with the definition of "assault
26 weapon" identified in this Section. The Illinois State

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1 Police may adopt emergency rulemaking in accordance with
2 Section 5-45 of the Illinois Administrative Procedure Act.
3 The adoption of emergency rules authorized by Section 5-45
4 of the Illinois Administrative Procedure Act and this
5 paragraph is deemed to be necessary for the public
6 interest, safety, and welfare.

7 The affidavit form shall include the following statement
8 printed in bold type: "Warning: Entering false information on
9 this form is punishable as perjury under Section 32-2 of the
10 Criminal Code of 2012. Entering false information on this form
11 is a violation of the Firearm Owners Identification Card Act."

12 In any administrative, civil, or criminal proceeding in
13 this State, a completed endorsement affidavit submitted to the
14 Illinois State Police by a person under this Section creates a
15 rebuttable presumption that the person is entitled to possess
16 and transport the assault weapon, assault weapon attachment,
17 .50 caliber rifle, or .50 caliber cartridge.

18 Beginning 90 days after the effective date of this
19 amendatory Act of the 102nd General Assembly, a person
20 authorized under this Section to possess an assault weapon,
21 assault weapon attachment, .50 caliber rifle, or .50 caliber
22 cartridge shall possess such items only:

- 23 (1) on private property owned or immediately
24 controlled by the person;
25 (2) on private property that is not open to the public

26 with the express permission of the person who owns or

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1 immediately controls such property;

2 (3) while on the premises of a licensed firearms
3 dealer or gunsmith for the purpose of lawful repair;

4 (4) while engaged in the legal use of the assault
5 weapon, assault weapon attachment, .50 caliber rifle, or
6 .50 caliber cartridge at a properly licensed firing range
7 or sport shooting competition venue; or

8 (5) while traveling to or from these locations,
9 provided that the assault weapon, assault weapon
10 attachment, or .50 caliber rifle is unloaded and the
11 assault weapon, assault weapon attachment, .50 caliber
12 rifle, or .50 caliber cartridge is enclosed in a case,
13 firearm carrying box, shipping box, or other container.

14 Beginning on January 1, 2024, the person with the
15 endorsement for an assault weapon, assault weapon attachment,
16 .50 caliber rifle, or .50 caliber cartridge or a person
17 authorized under subdivisions (1) through (5) of subsection
18 (e) to possess an assault weapon, assault weapon attachment,
19 .50 caliber rifle, or .50 caliber cartridge may transfer the
20 assault weapon, assault weapon attachment, .50 caliber rifle,
21 or .50 caliber cartridge only to an heir, an individual
22 residing in another state maintaining it in another state, or
23 a dealer licensed as a federal firearms dealer under Section
24 923 of the federal Gun Control Act of 1968. Within 10 days
25 after transfer of the weapon except to an heir, the person
26 shall notify the Illinois State Police of the name and address

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1 of the transferee and comply with the requirements of
2 subsection (b) of Section 3 of the Firearm Owners
3 Identification Card Act. The person to whom the weapon or
4 ammunition is transferred shall, within 60 days of the
5 transfer, complete an affidavit required under this Section. A
6 person to whom the weapon is transferred may transfer it only

7 as provided in this subsection.

8 Except as provided in subsection (e) and beginning on
9 January 1, 2024, any person who moves into this State in
10 possession of an assault weapon, assault weapon attachment,
11 .50 caliber rifle, or .50 caliber cartridge shall, within 60
12 days, apply for a Firearm Owners Identification Card and
13 complete an endorsement application as outlined in subsection
14 (d).

15 Notwithstanding any other law, information contained in
16 the endorsement affidavit shall be confidential, is exempt
17 from disclosure under the Freedom of Information Act, and
18 shall not be disclosed, except to law enforcement agencies
19 acting in the performance of their duties.

20 (e) The provisions of this Section regarding the purchase
21 or possession of assault weapons, assault weapon attachments,
22 .50 caliber rifles, and .50 cartridges, as well as the
23 provisions of this Section that prohibit causing those items
24 to be purchased or possessed, do not apply to:

25 (1) Peace officers, as defined in Section 2-13 of this
26 Code.

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1 (2) Qualified law enforcement officers and qualified
2 retired law enforcement officers as defined in the Law
3 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
4 and 926C) and as recognized under Illinois law.

5 (3) Acquisition and possession by a federal, State, or
6 local law enforcement agency for the purpose of equipping
7 the agency's peace officers as defined in paragraph (1) or
8 (2) of this subsection (e).

9 (4) Wardens, superintendents, and keepers of prisons,
10 penitentiaries, jails, and other institutions for the
11 detention of persons accused or convicted of an offense.

12 (5) Members of the Armed Services or Reserve Forces of
13 the United States or the Illinois National Guard, while
14 performing their official duties or while traveling to or
15 from their places of duty.

16 (6) Any company that employs armed security officers
17 in this State at a nuclear energy, storage, weapons, or

18 development site or facility regulated by the federal
 19 Nuclear Regulatory Commission and any person employed as
 20 an armed security force member at a nuclear energy,
 21 storage, weapons, or development site or facility
 22 regulated by the federal Nuclear Regulatory Commission who
 23 has completed the background screening and training
 24 mandated by the rules and regulations of the federal
 25 Nuclear Regulatory Commission and while performing
 26 official duties.

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1 (7) Any private security contractor agency licensed
 2 under the Private Detective, Private Alarm, Private
 3 Security, Fingerprint Vendor, and Locksmith Act of 2004
 4 that employs private security contractors and any private
 5 security contractor who is licensed and has been issued a
 6 firearm control card under the Private Detective, Private
 7 Alarm, Private Security, Fingerprint Vendor, and Locksmith
 8 Act of 2004 while performing official duties.

9 The provisions of this Section do not apply to the
 10 manufacture, delivery, sale, import, purchase, or possession
 11 of an assault weapon, assault weapon attachment, .50 caliber
 12 rifle, or .50 caliber cartridge or causing the manufacture,
 13 delivery, sale, importation, purchase, or possession of those
 14 items:

15 (A) for sale or transfer to persons authorized under
 16 subdivisions (1) through (7) of this subsection (e) to
 17 possess those items;

18 (B) for sale or transfer to the United States or any
 19 department or agency thereof; or

20 (C) for sale or transfer in another state or for
 21 export.

22 This Section does not apply to or affect any of the
 23 following:

24 (i) Possession of any firearm if that firearm is
 25 sanctioned by the International Olympic Committee and by
 26 USA Shooting, the national governing body for

1 international shooting competition in the United States,
2 but only when the firearm is in the actual possession of an
3 Olympic target shooting competitor or target shooting
4 coach for the purpose of storage, transporting to and from
5 Olympic target shooting practice or events if the firearm
6 is broken down in a nonfunctioning state, is not
7 immediately accessible, or is unloaded and enclosed in a
8 firearm case, carrying box, shipping box, or other similar
9 portable container designed for the safe transportation of
10 firearms, and when the Olympic target shooting competitor
11 or target shooting coach is engaging in those practices or
12 events. For the purposes of this paragraph (8), "firearm"
13 has the meaning provided in Section 1.1 of the Firearm
14 Owners Identification Card Act.

15 (ii) Any nonresident who transports, within 24 hours,
16 a weapon for any lawful purpose from any place where the
17 nonresident may lawfully possess and carry that weapon to
18 any other place where the nonresident may lawfully possess
19 and carry that weapon if, during the transportation, the
20 weapon is unloaded, and neither the weapon nor any
21 ammunition being transported is readily accessible or is
22 directly accessible from the passenger compartment of the
23 transporting vehicle. In the case of a vehicle without a
24 compartment separate from the driver's compartment, the
25 weapon or ammunition shall be contained in a locked
26 container other than the glove compartment or console.

1 (iii) Possession of a weapon at an event taking place
2 at the World Shooting and Recreational Complex at Sparta,
3 only while engaged in the legal use of the weapon, or while
4 traveling to or from that location if the weapon is broken
5 down in a nonfunctioning state, is not immediately
6 accessible, or is unloaded and enclosed in a firearm case,
7 carrying box, shipping box, or other similar portable
8 container designed for the safe transportation of

9 firearms.

10 (iv) Possession of a weapon only for hunting use
11 expressly permitted under the Wildlife Code, or while
12 traveling to or from a location authorized for this
13 hunting use under the Wildlife Code if the weapon is
14 broken down in a nonfunctioning state, is not immediately
15 accessible, or is unloaded and enclosed in a firearm case,
16 carrying box, shipping box, or other similar portable
17 container designed for the safe transportation of
18 firearms. By October 1, 2023, the Illinois State Police,
19 in consultation with the Department of Natural Resources,
20 shall adopt rules concerning the list of applicable
21 weapons approved under this subparagraph (iv). The
22 Illinois State Police may adopt emergency rules in
23 accordance with Section 5-45 of the Illinois
24 Administrative Procedure Act. The adoption of emergency
25 rules authorized by Section 5-45 of the Illinois
26 Administrative Procedure Act and this paragraph is deemed

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1 to be necessary for the public interest, safety, and
2 welfare.

3 (v) The manufacture, transportation, possession, sale,
4 or rental of blank-firing assault weapons and .50 caliber
5 rifles, or the weapon's respective attachments, to persons
6 authorized or permitted, or both authorized and permitted,
7 to acquire and possess these weapons or attachments for
8 the purpose of rental for use solely as props for a motion
9 picture, television, or video production or entertainment
10 event.

11 Any person not subject to this Section may submit an
12 endorsement affidavit if the person chooses.

13 (f) Any sale or transfer with a background check initiated
14 to the Illinois State Police on or before the effective date of
15 this amendatory Act of the 102nd General Assembly is allowed
16 to be completed after the effective date of this amendatory
17 Act once an approval is issued by the Illinois State Police and
18 any applicable waiting period under Section 24-3 has expired.

19 (g) The Illinois State Police shall take all steps

20 necessary to carry out the requirements of this Section within
21 by October 1, 2023.

22 (h) The Department of the State Police shall also develop
23 and implement a public notice and public outreach campaign to
24 promote awareness about the provisions of this amendatory Act
25 of the 102nd General Assembly and to increase compliance with
26 this Section.

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1 (720 ILCS 5/24-1.10 new)
2 Sec. 24-1.10. Manufacture, delivery, sale, and possession
3 of large capacity ammunition feeding devices.

4 (a) In this Section:
5 "Handgun" has the meaning ascribed to it in the Firearm
6 Concealed Carry Act.

7 "Long gun" means a rifle or shotgun.
8 "Large capacity ammunition feeding device" means:

9 (1) a magazine, belt, drum, feed strip, or similar
10 device that has a capacity of, or that can be readily
11 restored or converted to accept, more than 10 rounds of
12 ammunition for long guns and more than 15 rounds of
13 ammunition for handguns; or

14 (2) any combination of parts from which a device
15 described in paragraph (1) can be assembled.

16 "Large capacity ammunition feeding device" does not
17 include an attached tubular device designed to accept, and
18 capable of operating only with, .22 caliber rimfire
19 ammunition. "Large capacity ammunition feeding device" does
20 not include a tubular magazine that is contained in a
21 lever-action firearm or any device that has been made
22 permanently inoperable.

23 (b) Except as provided in subsections (e) and (f), it is
24 unlawful for any person within this State to knowingly
25 manufacture, deliver, sell, purchase, or cause to be

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1 manufactured, delivered, sold, or purchased a large capacity

ammunition feeding device.

(c) Except as provided in subsections (d), (e), and (f), and beginning 90 days after the effective date of this amendatory Act of the 102nd General Assembly, it is unlawful to knowingly possess a large capacity ammunition feeding device.

(d) Subsection (c) does not apply to a person's possession of a large capacity ammunition feeding device if the person lawfully possessed that large capacity ammunition feeding device before the effective date of this amendatory Act of the 102nd General Assembly, provided that the person shall possess such device only:

(1) on private property owned or immediately controlled by the person;

(2) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;

(3) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;

(4) while engaged in the legal use of the large capacity ammunition feeding device at a properly licensed firing range or sport shooting competition venue; or

(5) while traveling to or from these locations, provided that the large capacity ammunition feeding device is stored unloaded and enclosed in a case, firearm

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carrying box, shipping box, or other container.

A person authorized under this Section to possess a large capacity ammunition feeding device may transfer the large capacity ammunition feeding device only to an heir, an individual residing in another state maintaining it in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the large capacity ammunition feeding device except to an heir, the person shall notify the Illinois State Police of the name and address of the transferee and comply with the requirements of subsection (b) of Section 3 of the Firearm Owners Identification Card Act. The person to whom

13 the large capacity ammunition feeding device is transferred
14 shall, within 60 days of the transfer, notify the Illinois
15 State Police of the person's acquisition and comply with the
16 requirements of subsection (b) of Section 3 of the Firearm
17 Owners Identification Card Act. A person to whom the large
18 capacity ammunition feeding device is transferred may transfer
19 it only as provided in this subsection.

20 Except as provided in subsections (e) and (f) and
21 beginning 90 days after the effective date of this amendatory
22 Act of the 102nd General Assembly, any person who moves into
23 this State in possession of a large capacity ammunition
24 feeding device shall, within 60 days, apply for a Firearm
25 Owners Identification Card.

26 (e) The provisions of this Section regarding the purchase

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1 or possession of large capacity ammunition feeding devices, as
2 well as the provisions of this Section that prohibit causing
3 those items to be purchased or possessed, do not apply to:

4 (1) Peace officers as defined in Section 2-13 of this
5 Code.

6 (2) Qualified law enforcement officers and qualified
7 retired law enforcement officers as defined in the Law
8 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
9 and 926C) and as recognized under Illinois law.

10 (3) A federal, State, or local law enforcement agency
11 for the purpose of equipping the agency's peace officers
12 as defined in paragraph (1) or (2) of this subsection (e).

13 (4) Wardens, superintendents, and keepers of prisons,
14 penitentiaries, jails, and other institutions for the
15 detention of persons accused or convicted of an offense.

16 (5) Members of the Armed Services or Reserve Forces of
17 the United States or the Illinois National Guard, while
18 their official duties or while traveling to or from their
19 places of duty.

20 (6) Any company that employs armed security officers
21 in this State at a nuclear energy, storage, weapons, or
22 development site or facility regulated by the federal
23 Nuclear Regulatory Commission and any person employed as

an armed security force member at a nuclear energy,
storage, weapons, or development site or facility
regulated by the federal Nuclear Regulatory Commission who

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has completed the background screening and training
mandated by the rules and regulations of the federal
Nuclear Regulatory Commission and while performing
official duties.

(7) Any private security contractor agency licensed
under the Private Detective, Private Alarm, Private
Security, Fingerprint Vendor, and Locksmith Act of 2004
that employs private security contractors and any private
security contractor who is licensed and has been issued a
firearm control card under the Private Detective, Private
Alarm, Private Security, Fingerprint Vendor, and Locksmith
Act of 2004 while performing official duties.

(f) This Section does not apply to or affect any of the
following:

(1) Manufacture, delivery, sale, importation,
purchase, or possession or causing to be manufactured,
delivered, sold, imported, purchased, or possessed a large
capacity ammunition feeding device:

(A) for sale or transfer to persons authorized
under subdivisions (1) through (7) of subsection (e)
to possess those items;

(B) for sale or transfer to the United States or
any department or agency thereof; or

(C) for sale or transfer in another state or for
export.

(2) Sale or rental of large capacity ammunition

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feeding devices for blank-firing assault weapons and .50
caliber rifles, to persons authorized or permitted, or
both authorized and permitted, to acquire these devices

4 for the purpose of rental for use solely as props for a
5 motion picture, television, or video production or
6 entertainment event.

7 (g) Sentence. A person who knowingly manufactures,
8 delivers, sells, purchases, possesses, or causes to be
9 manufactured, delivered, sold, possessed, or purchased in
10 violation of this Section a large capacity ammunition feeding
11 device capable of holding more than 10 rounds of ammunition
12 for long guns or more than 15 rounds of ammunition for handguns
13 commits a petty offense with a fine of \$1,000 for each
14 violation.

15 (h) The Department of the State Police shall also develop
16 and implement a public notice and public outreach campaign to
17 promote awareness about the provisions of this amendatory Act
18 of the 102nd General Assembly and to increase compliance with
19 this Section.

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

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1 Public Act.

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

Exhibit D

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

DECLARATION OF PHIL ANDREW

DECLARATION OF PHIL ANDREW

I, Phil Andrew, declare under penalty of perjury that the following is true and correct:

1. This declaration is based on my personal knowledge and experience, and if I am called as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

2. All opinions contained herein are made pursuant to a reasonable degree of professional certainty. My curriculum vitae, which is attached as **Exhibit A**, documents my educational and professional experience in detail.

3. I am the Principal of PAX Group, LLC, a crisis and conflict management consultancy that supports leaders and organizations in navigating challenging circumstances and environments, including crisis planning and response, violence prevention, public safety, and investigations.

4. In my professional capacity, I am called to provide consultation to organizations and communities, often specifically regarding how to prevent and respond to mass shooting incidents.

5. From 2018-2022, I was the Director of Violence Prevention for the Archdiocese of Chicago. In that role, I was responsible for supporting crisis planning and response, violence prevention, and community partnerships for its large private school system of 180 schools and 300 Parishes, and I coordinated efforts to triage social service response services to violence-affected communities.

6. Before that, I was employed as a Special Agent for the Federal Bureau of Investigation for 21 years, from 1997 through 2018, in Kansas City, New York, and Chicago.

During my career with the FBI, I received the CIA Outstanding Service Award and numerous FBI Service, Achievement, and Merit awards.

7. As a Special Agent for the FBI, I was responsible for a broad range of investigations and assignments. Specifically, my work focused on crisis negotiation and violence prevention. I was certified as an FBI Crisis Negotiator and served on and led crisis response teams deployed to address domestic and international crises and train state, local, and federal law enforcement officers in crisis response, including mass shooting incidents.

8. As a Special Agent for the FBI, I also served throughout the U.S. and overseas, providing expertise in violence prevention, counterterrorism, counterintelligence, crisis management, hostage negotiation, crimes against children, undercover work, behavioral analysis, and broad investigative experience. I have led complex investigations and was regularly deployed on domestic and international kidnappings and hostage-takings.

9. While in the FBI, I was trained on the FBI's arsenal of weapons, including the MP5, the AR-15, and the M1.

10. I have a J.D. from DePaul University College of Law and a B.A. in History from the University of Illinois.

11. I am an Adjunct Instructor of Negotiation, Business Intelligence, Leadership, and Ethics at DePaul University's Kellstadt Graduate School of Business and Department of Management & Entrepreneurship.

12. I am also an Adjunct Instructor of Crisis and Conflict Management and Policing with Compassion at Northwestern University Center for Public Safety.

13. I am an Advisory Board Member for the Chicago-Kent School of Law's Center for National Security and Human Rights Law.

14. I am a licensed attorney in the State of Illinois.

15. I am a licensed detective in the State of Illinois.

16. In the last ten years, I have published three opinion editorials: “Compassion in policing would help cops, communities” in the *Chicago Sun-Times* (with Ed Frauenheim),¹ “Stress-coping skills vital for police reform” in *Crain’s Chicago Business*,² and “How we can stop the next mass shooting” in the *Daily Herald*.³

17. In the past four years, I have served as an expert in *Viramontes v. The County of Cook*, Case No. 21-cv-04595 (N.D. Ill.).

18. I have reviewed the complaint filed in this case, *National Association for Gun Rights v. City of Highland Park, Illinois*, Case No. 1:22-cv-04774 (N.D. Ill.), and the Highland Park ordinance challenged in this lawsuit, Highland Park Ord. No. 68-13 (the “Highland Park Assault Weapons Ban”).

SUMMARY OF OPINIONS

19. Based on my experience, assault weapons and large-capacity magazines, as described in the Highland Park Assault Weapons Ban,⁴ in their conception, design, capacity, marketing, and unlawful use have a highly disproportionate impact on public safety and present a unique modern public safety threat.

¹ <https://chicago.suntimes.com/2022/5/3/23049317/compassion-in-policing-would-help-cops-communities>.

² <https://www.chicagobusiness.com/forum-ideas-police-reform/stress-coping-skills-vital-police-reform>.

³ <https://www.dailyherald.com/discuss/20220717/how-we-can-stop-the-next-mass-shooting>.

⁴ Highland Park Ordinance No. 68-13, “An Ordinance Amending Chapter 134 of ‘The Highland Park Code of 1968,’ As Amended, Regarding Assault Weapons.”

20. Limiting access to assault weapons⁵ and large-capacity magazines helps prevent criminals and other individuals who pose a risk to themselves or others from killing and injuring others, and advances public safety without interfering with law-abiding citizens' ability to protect themselves.

DISCUSSION

21. As a public safety and crisis management professional, I support communities and organizations in assessing, preparing for, and managing safety. Many of the organizations and communities I serve are concerned about the prevention of and response to mass shootings.

22. Mass shootings are a relatively new phenomenon, and they have tragic effects on individuals, organizations, and communities, including law enforcement. Mass shootings create public terror and have profound and long-lasting trauma and economic impacts on the affected communities, including to the point where just seeing someone carry an assault weapon in public can cause mass panic and fear in the community due to the exceptional risks that they pose.⁶

23. Mass shooting attacks are particularly terrifying because of the limited ability that organizations, communities, and law enforcement have to counter them when they are conducted with assault weapons and large-capacity magazines. While safety from gun violence has always been a challenge in the United States, the use of assault weapons and large-capacity magazines is a new and particularly dangerous problem because it is so difficult to mitigate. The use of assault

⁵ I consider an assault weapon to encompass the weapons described in the definition of "assault weapons" in the Highland Park Assault Weapons Ban. I most often think of an assault weapon as an AR-15 and similar style weapons that have rapid-fire capability, are capable of firing rounds at relatively high velocity, are lightweight and maneuverable, have low recoil, and have rifling that allows for high velocity and a relatively high degree of accuracy at long range.

⁶ Richard Fausset, *A Heavily Armed Man Caused Panic at a Supermarket. But Did He Break the Law?*, *New York Times* (Jan. 5, 2023), available at <https://www.nytimes.com/2023/01/02/us/atlanta-gun-laws.html>.

weapons and large-capacity magazines dramatically and disproportionately increase killings and injuries in mass-casualty events.⁷

24. From a public safety perspective, once an attack begins with an assault weapon, it is already worst-case scenario. In attacks involving assault weapons, death and severe injury are not avoidable but largely a matter of luck and fate.

I. Assault Weapons And Large-Capacity Magazines Are Unusually Dangerous And Raise Uniquely Serious Public Safety Risks.

25. AR-15s are military-grade weapons designed to be used in war zones. In 1957, the Army was looking for a lightweight, high-velocity rifle that could operate in semi- and fully automatic modes. Armalite's AR-15 was selected, and the Army was so impressed with the killing potential of the AR-15 that it shipped 1,000 rifles to Vietnam for the South Vietnamese troops and their American special-force trainers in 1961 to test during live combat in the Vietnam War.⁸

26. The United States military assessed the AR-15 on the battlefield during “a comprehensive field evaluation under combat conditions in Vietnam,” which is attached as **Exhibit B**.⁹ According to a declassified field test report, the Vietnamese Unit Commanders and

⁷ “The Militarization of the US Civilian Firearms Market,” Violence Policy Center, June 2011, <http://www.vpc.org/studies/militarization.pdf>; Christopher S. Koper, Daniel J. Woods, and Jeffrey A. Roth, “An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003,” National Institute of Justice, US Department of Justice, June 2004.

⁸ Advanced Research Projects Agency, Office of the Secretary of Defense, Field Test Report, AR-15 Armalite Rifle, at 2 (July 31, 1962), available at <https://apps.dtic.mil/sti/pdfs/AD0343778.pdf>.

⁹ *Id.* at 2.

U.S. Advisors provided “extremely favorable” feedback on the AR-15,¹⁰ concluding that it was a more effective combat weapon than any other weapon considered during the field evaluation.¹¹

27. The details of the combat evaluation are harrowing, describing the killing potential of the AR-15 in graphic detail. For example, the report describes a mission during which a U.S. Ranger Platoon ambushed a Viet Cong Company. Five members of the Viet Cong Company were killed. All of them suffered catastrophic injuries from the AR-15. One sustained a “[b]ack wound, which caused the thoracic cavity to explode.”¹² Another sustained a “[s]tomach wound, which caused the abdominal cavity to explode.”¹³ A third sustained a “[b]uttock wound, which destroyed all tissue of both buttocks.”¹⁴ The fourth sustained a “[c]hest wound,” which “destroyed the thoracic cavity.”¹⁵ And the fifth sustained a “[h]eel wound,” whereby “the projectile entered the bottom of the right foot causing the leg to split from the foot to the hip.”¹⁶ All of the deaths “were instantaneous except the buttock wound. He lived approximately five minutes.”¹⁷

28. The report describes another lethal mission in which another combatant was killed: “One round in the head – took it completely off. Another in the right arm, took it

¹⁰ *Id.* at Annex A p. 4.

¹¹ *Id.* at cover memo.

¹² *Id.* at Annex A p. 5.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

completely off, too. One round hit him in the right side, causing a hole about five inches in diameter. It cannot be determined which round killed the [individual] but it can be assumed that any one of the three would have caused death.”¹⁸

29. In another example, the report describes a firefight in which five combatants were killed, and the unique killing power of the AR-15 was on full display: “Five [individuals] were hit, all five with body wounds, and all five [were] killed. Four were probably killing wounds with any weapon listed, but the fifth was essentially a flesh wound. The AR-15 made it a fatal wound.”¹⁹

30. Yet another example describes the tremendous lethality of the weapon: “Two [individuals] were killed by AR-15 fire. ... One man was hit in the head; it looked like it exploded. A second man was hit in the chest; his back was one big hole.”²⁰

31. One evaluator concluded that the AR-15 was “ideal” for several reasons, including its durability, accuracy, rapid rate of fire, its lightweight nature, and its “[e]xcellent killing or stopping power.”²¹

32. The “phenomenal lethality” of the AR-15 described in the field report led the U.S. Army in December 1963 to adopt the AR-15 – rebranding it the M16.

33. And it was the semi-automatic capabilities, not the automatic capabilities, that made it such a valuable weapon for deadly combat. The Army’s own Field Manual states that

¹⁸ *Id.*

¹⁹ *Id.* at 7.

²⁰ *Id.*

²¹ *Id.*

semi-automatic fire is the “most important firing technique during fast-moving, modern combat,” noting that “[i]t is surprising how devastatingly accurate rapid semi-automatic fire can be.”²²

34. Indeed, according to one of its designers, the AR-15 was engineered to generate “maximum wound effect.”²³ The bullets it fires “travel nearly three times the speed of sound.”²⁴ “As the bullet strikes the body, the payload of kinetic energy rips open a cavity inside the flesh—essentially inert space—which collapses back on itself, destroying inelastic tissue, including nerves, blood vessels and vital organs. ‘It’s a perfect killing machine,’ says Dr. Pete Rhee, a leading trauma surgeon and retired captain with 24 years of active-duty service in the Navy.”²⁵ Dr. Rhee describes the unique killing potential of the AR-15 this way: “‘A handgun [wound] is simply a stabbing with a bullet. ... It goes in like a nail.’ With the high-velocity rounds of the AR-15, he adds, ‘it’s as if you shot somebody with a Coke can.’”²⁶

35. The military origin of the AR-15 is featured heavily in its marketing to the civilian public. In fact, when AR-15s were initially offered for sale to the U.S. civilian market, they were branded as “assault weapons”²⁷ and have been increasingly marketed as a tool for

²² Tim Dickinson, “All-American Killer: How the AR-15 Became Mass Shooters’ Weapon of Choice,” *Rolling Stone* (Feb. 22, 2018), available at <https://www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ In 1984, Guns & Ammo advertised a book called “Assault Firearms,” which it said was “full of the hottest hardware available today.” “The popularly held idea that the term ‘assault weapon’ originated with antigun activists, media or politicians is wrong,” Mr. Peterson wrote. “The term was first adopted by the manufacturers, wholesalers, importers, and dealers in the American

personal image enhancement requiring little training.²⁸ This is a direct appeal to those who wish to be like the military and police, but without the training, command structure, safety, responsibility, or ethics.²⁹

36. While most estimates indicate assault weapons represent only about 5% of the firearms in private possession in the United States,³⁰ assault weapons have had a disproportionate and highly negative effect on public safety over the past 20 years.

37. Targeted marketing by the firearms industry, firearms lobby, and assault weapon manufacturers, as well as the dominant use of assault weapons by perpetrators of mass shootings, have contributed to assault weapons, like the AR-15, becoming the weapon of choice in 85 percent of the shootings resulting in four or more victims.³¹ The largest firearm industry association, the National Shooting Sports Foundation, refers to the most popular assault weapon

firearms industry to stimulate sales of certain firearms that did not have an appearance that was familiar to many firearm owners. The manufacturers and gun writers of the day needed a catchy name to identify this new type of gun.” <https://www.nytimes.com/2013/01/17/us/even-defining-assault-weapons-is-complicated.html?smid=nytcore-ios-share>.

²⁸ Ryan Busse, “The Gun Industry Created a New Consumer. Now It’s Killing Us,” *The Atlantic* (July 25, 2022), available at <https://www.theatlantic.com/ideas/archive/2022/07/firearms-industry-marketing-mass-shooter/670621/>.

²⁹ See, e.g., Alia Shoaib, “A powerful rifle derived from US Army weaponry is going on sale to civilians amid ongoing gun control debates, report says,” *Business Insider* (July 27, 2022), available at https://www.businessinsider.com/gun-sold-to-civilians-sig-sauer-mcx-spear-2022-7?utm_medium=social&utm_source=facebook.com&utm_campaign=sf-insider-news&fbclid=IwAR3eRzoL8aizs-qRM3Ss9tJ1QJkEmd4mD-jjJCMZnqyEUBiSh7RkEA8wi30.

³⁰ The National Sport Shooting Foundation’s Firearm Production Report (Nov. 16, 2020), <https://www.nssf.org/articles/nssf-releases-most-recent-firearm-production-figures/>.

³¹ Charles DiMaggio et al., “Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-source Data,” *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19.

used in mass shootings as “America’s rifle.”³² But in reality, the firearms industry has chosen to brand a weapon used by mass shooters as the rifle for America despite its limited ownership and unusually dangerous nature.

38. Additionally, domestic terrorists, extremists and private militias with hate-related ideologies are often attracted to and encouraged to acquire assault weapons based on assault weapons’ unique characteristics as military-like weapons,³³ further undermining public safety and national security.³⁴ For example, on August 12, 2017, several private militia groups—many dressed in camouflage fatigues, tactical vests, helmets, and combat boots, and most bearing assault rifles—arrived in Charlottesville, Virginia for the Unite the Right rally.³⁵ Similarly, the

³² <https://www.nssf.org/msr/>.

³³ Institute for Constitutional Advocacy and Protection, “Prohibiting Private Armies at Public Rallies (3d ed. Sept. 2020), available at <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2018/04/Prohibiting-Private-Armies-at-Public-Rallies.pdf>.

³⁴ In 2017 former Director of the National Counterterrorism Center, Nicholas Rasmussen, warned, “We find ourselves in a more dangerous situation because our population of violent extremists has no difficulty gaining access to weapons that are quite lethal.” Greg Miller, “Senior counterterrorism official expresses concern about access in U.S. to lethal weaponry,” *Washington Post* (Dec. 22, 2017), available at https://www.washingtonpost.com/world/national-security/senior-counterterrorism-official-expresses-concern-about-access-in-us-to-lethal-weaponry/2017/12/21/dad95cce-e664-11e7-833f-155031558ff4_story.html. And in 2021, FBI Director Christopher Wray, testified that racially motivated violent extremism was “the biggest chunk of our domestic terrorism portfolio” overall, with “militia violent extremists” trending. Philip Bump, “FBI Director Wray reconfirms the threat posed by racist extremists,” *Washington Post* (Mar. 2, 2021), available at <https://www.washingtonpost.com/politics/2021/03/02/fbi-director-wray-reconfirms-threat-posed-by-racist-extremists/>.

³⁵ Institute for Constitutional Advocacy and Protection, “Prohibiting Private Armies at Public Rallies (3d ed. Sept. 2020), available at <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2018/04/Prohibiting-Private-Armies-at-Public-Rallies.pdf>.

Oath Keepers brought a cache of weapons, including numerous AR-15s, to a hotel outside of Washington, D.C. in anticipation for January 6, 2021.³⁶

39. Many of the perpetrators of targeted violence seek to arm themselves with assault weapons because of the unique package of characteristics that assault weapons offer. They are easy to use with limited professionally supervised training, accept large-capacity magazines, are effective at a distance, have little recoil, are light and maneuverable, shoot bullets at a high velocity, and are marketed as military police-style weapons: they seek to look cool, intimidate, and embrace the appeal of being a military or police “wanna-be.”³⁷

40. One study estimates that an assailant with an assault rifle is able to kill and injure twice the number of people compared to an assailant with a non-assault rifle or handgun.³⁸ Large-capacity magazines, which increase the number of rounds a shooter is able to fire before having to reload, only increase the lethality of such weapons. The use of assault weapons in

³⁶ Lindsay Whitehurst, “Witness Details Oath Keepers’ Cache of Weapons in Virginia Hotel Room on Jan. 6,” *NBC Philadelphia* (Oct. 13, 2022), available at <https://www.nbcphiladelphia.com/news/national-international/oath-keepers-jury-told-of-massive-weapons-cache-on-jan-6/3390250/>.

³⁷ Attackers who espoused white-supremacist beliefs, like the man charged with killing 11 people at the Tree of Life synagogue in Pittsburgh in 2018 and another accused of killing more than 20 people at a Walmart in El Paso in 2019, used semiautomatic firearms. *See* Richard A. Oppel Jr., “Synagogue Suspect’s Guns Were All Purchased Legally, Inquiry Finds,” *New York Times* (Oct. 30, 2018), available at <https://www.nytimes.com/2018/10/30/us/ar15-gun-pittsburgh-shooting.html>; Jolie McCullough, “El Paso shooting suspect said he ordered his AK-47 and ammo from overseas,” *Texas Tribune* (Aug. 28, 2019), available at <https://www.texastribune.org/2019/08/28/el-paso-shooting-gun-romania/>.

³⁸ Elzerie de Jager, et al., “Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States,” *JAMA* 320, no. 10 (2018): 1034–1035.

increasingly common mass shootings in the United States³⁹ represents a significantly increased public safety threat and a decreased ability to effectively stop and respond to attacks with assault weapons without significant casualties and injuries.

II. Assault Weapon Attacks Create An Unmitigable Public Safety Threat To Public Venues, Schools, And Law Enforcement.

41. Assault weapons present an unmitigable public safety threat for organizations, communities, and law enforcement.⁴⁰ Perpetrators of mass shooting attacks with assault weapons do not need a high level of firearm proficiency, professional training, or practice to inflict mass death and injury at close and longer ranges because they are able to fire rapidly with high-capacity magazines and remain accurate at ranges well beyond 100 yards with little skill development. The range of these weapons thus increases the perimeter that responders must secure and the area in which potential victims are at risk. For officers that are preparing for an event, that may mean having a multi-block radius cordoned off with security. And if a mass shooting happens, that means having a large radius that officers need to secure.

³⁹ See, e.g., Gunfire on School Grounds Sees Sharp Increase: Number of shootings at k-12 schools and their victims in the U.S. (1980-2022), <https://www.newsweek.com/us-gun-problem-explain-5-graphs-shootings-1714250#slideshow/2054831>.

⁴⁰ These design features create the ability to quickly lay down a high volume of fire, making semiautomatic assault weapons a particularly dangerous addition to the civilian gun market. This is why assault weapons are favored by terrorists, mass killers, and violent criminals, and they distinguish such weapons from true hunting and target guns. Deliberate, aimed fire from the shoulder may be more accurate than the spray-firing for which assault weapons were designed. But mass murderers and other violent criminals drawn to assault weapons are not after marksmanship medals. They want to kill or maim as many people as possible in as short a time as possible—the exact job for which the semiautomatic assault weapon was designed. See “Key Points About Assault Weapons,” Violence Policy Center, <https://vpc.org/wp-content/uploads/2018/06/Assault-weapon-primer-2017-VPC.pdf>; Greg Myre, “A Brief History of the AR-15,” NPR (Feb. 28, 2018), available at <https://www.npr.org/2018/02/28/588861820/a-brief-history-of-the-ar-15>.

42. An assault weapon, in effect, transforms terrorists, criminals, deranged people, or disconnected teens with poor coping skills and intent to kill into killing machines. Very little preparation, training, or skill acquisition under qualified instruction is required. This significantly limits pre-incident intervention opportunities that could happen during a training and preparation phase of an attack. For example, the Robb Elementary School shooting perpetrator in Uvalde, Texas bought two AR-15 weapons less than a week before he committed a mass shooting.⁴¹ Without any training, and after owning the weapon only one week, he fatally shot 19 students and 2 teachers, and wounded 17 others—and he did this even though law enforcement officers arrived on the scene with their own high-powered weapons within a short period of time.

43. Though all mass violence is devastating to communities and first responders, mass shooting attacks with assault weapons are particularly physically and emotionally traumatic.⁴² Victims shot in an assault weapon attack are often killed and, if they survive, typically suffer serious and frequently complex wounds that require surgical intervention, long recovery periods, and difficult-to-manage rehabilitative care.

44. In addition, mass shootings often cause long-lasting traumatic impacts on survivors within a larger vicinity.⁴³ The trauma is frequently amplified for children who witness

⁴¹ Reese Oxner, “Uvalde gunman legally bought AR rifles days before shooting, law enforcement says,” *Texas Tribune* (May 25, 2022), available at <https://www.texastribune.org/2022/05/25/uvalde-shooter-bought-gun-legally/>.

⁴² Emma Bowman & Ayana Archie, “This is how handguns and assault weapons affect the human body,” NPR (June 6, 2022), available at <https://www.npr.org/2022/06/06/1103177032/gun-violence-mass-shootings-assault-weapons-victims>.

⁴³ Heather Littleton, Mandy Kumpula, & Holly Orcutt, “Posttraumatic symptoms following a campus shooting: The role of psychosocial resource loss,” *Violence Vict.* 26(4), 461–76 (2011), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3896233/>.

or are wounded in mass shootings, impacting children's mental health, education, and potential earnings in the future.⁴⁴

45. Mass shootings also can have tremendous negative economic effects on communities affected by them, including lower levels of the targeted communities' employment and earnings, decreased housing prices, and decreased consumer confidence.⁴⁵

46. In response to increased mass shootings at schools, workplaces, and public venues, mitigating the threat of an active shooter incident is the top priority for law enforcement and crisis planning and response professionals. The general public and particularly large public venue events, schools, and workplaces are at greater risk today due to the limits of reasonable and practical law enforcement and crisis planning efforts to mitigate the threat of an individual or group using assault weapons to attack.

47. The threat of assault weapons attacks now requires crisis planning for large public and private venue sites to conduct significant pre-event planning, including the clearing and securing of large areas and rooftops, constant monitoring by drones and video cameras, a command center, pre-event and constant intelligence gathering, barricading of roadways with large industrial trucks, and significant and constant law enforcement presence. Based on my experience, these situations require large-scale planning and staged first-responder resources, contingency plans, extended crisis-site perimeters, immediate presence of tactically trained SWAT teams with special weapons and ceramic and metal-plated body armor gear, tactical

⁴⁴ Maya Rossin-Slater, *Surviving a school shooting: Impacts on the mental health, education, and earnings of American youth*, Stanford Institute for Economic Policy Research (June 2022), <https://siepr.stanford.edu/publications/health/surviving-school-shooting-impacts-mental-health-education-and-earnings-american>

⁴⁵ Abel Brodeur & Hasin Yousaf, "The Economics of Mass Shootings," IZA Institute of Labor Economics (Oct. 2019), available at <https://docs.iza.org/dp12728.pdf>.

shields, and armored vehicles. These elements and tactics take time to deploy and significant resources few departments can provide on their own.

48. Not only do most municipal police departments lack the financial and human resources to employ these protective event management functions, the use of more cost-effective measures, such as pre-emptive drone use, is prohibited by many privacy laws. When there is a mass-casualty event, often police departments come together in the response, but a coordinated response is not possible *ex ante* at large events because each police department has its own town to protect and serve.

49. In addition, these kinds of emergency-response plans rely heavily on an officer's mindset to run at gunfire after it has begun, placing law enforcement officers and others at greater risk during attacks with assault weapons than during attacks without assault weapons. While our police officers are heroes day in and day out, these plans ask officers to run into active situations without adequate protection from assault weapons. Most standard-issue ballistic vests are not rifle-rated and therefore do not protect the body against bullets fired by assault rifles. Officers can, in theory, add ceramic or metal plates to their vests, or don body armor, to better protect themselves, but that extra gear takes time to put on and then limits the movement of the responding officers, which creates its own safety risks. And even then, many assault weapons are able to fire rounds that pierce even ceramic and metal-plated vests and body armor.

50. For civilians, the widely endorsed active shooter "run, hide, and fight" response has limitations based on the crisis environment, the mindset of situational leaders, the age and capacity of those participating, and the attackers' preparation, surprise, and position, and it still results in death and injury even with training and practice. The limitations are amplified when officers and civilians are being actively shot at. Assault weapons and large-capacity magazines

allow shooters to shoot uninterrupted for longer periods, and get more shots off with fewer reloads, thus amplifying the problem.

51. In my experience, all crises are dynamic, chaotic, stressful, and confusing, even with preparation and training. Mistakes will happen. The impact of mistakes in assault weapon-involved shooting attacks is made worse by the increased capacity, power, and range of assault weapons.

III. Assault Weapons Pose An Especially Significant Risk To Law Enforcement And Complicate Law Enforcement Responses To Public Shootings.

52. Assault weapons pose a disproportionate risk to law enforcement. One out of five law enforcement officers slain in the line of duty in 2016 and 2017 (the most recent years for which information is available) were killed with an assault weapon. In 2016 and 2017, 109 U.S. law enforcement officers were slain in the line of duty. Of these, 25 (23 percent) were killed with an assault weapon. In six of these 25 deaths, a bullet penetrated the officer's body armor.⁴⁶

53. Law enforcement response, armed security, and concerned citizen response have proven to be slow for the few minutes that assault weapon attacks transpire and have low effectiveness in preventing death and injury in confrontations involving assault weapons. FBI long-trend reports from 2000-2019 determined that 119 of 345 active shooters incidents ended with the attacker committing suicide, 119 were apprehended by police after shooting people and

⁴⁶ K. Rand et al., "Cop Killers: Assault Weapon Attacks on America's Police," U.S. Department of Justice, Office of Justice Programs (1995), available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/cop-killers-assault-weapon-attacks-americas-police>. Information for the VPC analysis was obtained from the FBI under the Freedom of Information Act (FOIA) along with data published by the FBI's Law Enforcement Officers Killed & Assaulted Program for 2016 and 2017. Source: Unpublished FBI data, Law Enforcement Officers Feloniously Killed in the Line of Duty During 2016 and 2017, Type of Weapon, the most recent years for which information is available, excludes Puerto Rico; Bullets from assault rifles penetrated officers' protective body armor in incidents in California, Texas, Missouri, and New York, FBI 2016 and 2017 Law Enforcement Officers Killed & Assaulted reports.

law enforcement, 67 were killed by law enforcement after people and law enforcement were shot, and five perpetrators escaped. In only four cases did citizens kill the shooters, again after others were shot.⁴⁷ Attacks with assault weapons frequently result in death and injury even with on-duty and off-duty law enforcement, armed security, and lawfully armed citizens present or in immediate vicinity or response.⁴⁸

54. Traditional law enforcement tactics are proving inadequate to mitigate the threat posed by assault weapons in criminal hands and even in the hands of people not previously convicted of violent crimes. Law enforcement serving court-authorized warrants have been ambushed with assault weapons. In 2021, two FBI Agents were killed, and three others were injured, when fired on through a doorway by a subject with an assault weapon. The attack ended with a SWAT truck ramming the subject's dwelling and driving into staircase railings to counter the assault weapon's firepower.⁴⁹ This individual did not have a prior violent criminal record, but assault weapons put the civilian on an equal, and sometimes greater, footing with law enforcement. So the law enforcement response to assault-weapon-involved attacks must escalate, requiring highly aggressive officer responses, including specialized weapons, the surging of personnel, increased perimeters, and the mindset to undertake the force of violent action. These incidents increasingly require tactics such as charging structures with armored vehicles, the use

⁴⁷ U.S. Department of Justice, FBI, Active Shooter Incidents, 20-Year Review 2000-2019, available at <https://www.fbi.gov/file-repository/active-shooter-incidents-20-year-review-2000-2019-060121.pdf/view>.

⁴⁸ See, e.g., Larry Buchanan and Lauren Leatherby, "Who Stops a 'Bad Guy With a Gun?'," *New York Times* (June 22, 2022), available at <https://www.nytimes.com/interactive/2022/06/22/us/shootings-police-response-ualde-buffalo.html>.

⁴⁹ Patricia Mazzei et al., "2 F.B.I. Agents Killed in Shooting in Florida," *New York Times* (Feb. 2, 2021); available at <https://www.nytimes.com/2021/02/02/us/fbi-shooting-sunrise-florida.html>.

of explosives, robots, and drones with explosives. Such a response takes more time, resources, and coordination, but in active-shooter situations, officers have very little time to respond.

55. Law enforcement and other persons attempting to defend themselves or others from assault-weapon-involved attacks require significant skills, training, practice, and coordinated movement and action to defend against and eliminate the active threat of a shooter, particularly if the perpetrator is well-positioned behind protective cover, preventing a direct line of fire from defenders. Assault weapons, even in completely untrained hands, can easily kill a large number of people with little or no preparation. The so-called “good guy with a gun” requires significant training and expertise to effectively confront an attacker and still rarely has the opportunity to respond under the surprise circumstances. For example, in the Highland Park shooting, the perpetrator was able to shoot more than 80 rounds in a matter of minutes and escape before law enforcement or anyone else on the scene was able to locate him.⁵⁰

56. Indeed, the armed citizen narrative promoted by the firearms industry is inaccurate in the face of an AR-15, as illustrated by the fact that the perpetrator of the 2017 Las Vegas Concert attack was able to shoot for ten minutes uninterrupted even though 200 law enforcement officers were in the immediate vicinity.⁵¹ As the 2017 Las Vegas concert attack demonstrates, a well-placed attacker with an assault weapon is devastatingly effective and decreases the opportunity for effective law enforcement response. Such scenarios limit escape and protective cover for civilians and law enforcement, and require extraordinary law

⁵⁰ Associated Press, “The Highland Park shooting suspect is indicted on 117 charges,” NPR (July 28, 2022), available at <https://www.npr.org/2022/07/28/1114207587/the-highland-park-shooting-suspect-is-indicted-on-117-charges>.

⁵¹ <https://www.nytimes.com/2017/10/02/us/las-vegas-shooting.html>.

enforcement response measures, including training, equipment, additional personnel, an aggressive mindset, and luck.

57. Based on my experience, law enforcement officers are increasingly aware of the higher rate of deaths and injuries of officers due to assault weapons, which contributes to increased stress and, in turn, undermines officer mental health, recruitment, retention, performance, and general well-being of officers. Many are aware that assault weapons are being used to target and kill law enforcement.⁵² Law enforcement officers are also increasingly aware of the fact that not all body armor provides adequate protection in a shoot-out.⁵³ The soft body armor most commonly worn by American law enforcement, Level IIA, Level II, and Level IIIA, are no match for .223 and 5.56 rounds, which are the rounds typically used by an AR-15 style weapon. When law enforcement officers fear they are out-gunned by active shooters who may or may not have assault weapons, they are less likely to respond to the incident decisively and their response may be delayed or otherwise suboptimal, as it was in the tragic case of the Robb Elementary School shooting in Uvalde, Texas.⁵⁴

⁵² “Dallas Police Shooting: 6 Things to Know Now,” *The Trace* (July 8, 2016), available at <https://www.thetrace.org/2016/07/dallas-police-shooting-5-things-to-know-now/>.

⁵³ For example, anything that fires .223 (AK) or 7.62 (AR) caliber rounds defeats traditional patrol Level II body armor. The gun industry produces AK and AR pistols that do the same thing. These cut-down models do not have the barrel length to fire a round at around 3000fps like a rifle, but at 1200-1500fps they fire at a speed that exceeds traditional pistol rounds that are typically well below 1000fps.

⁵⁴ Timothy Bella, “Police slow to engage with gunman because ‘they could’ve been shot,’ official says,” *Washington Post* (May 27, 2022), available at <https://www.washingtonpost.com/nation/2022/05/27/uvalde-shooting-police-gunman-shot-olivarez/>.

IV. Bans On Assault Weapons Do Not Interfere With Responsible, Law-Abiding Citizens' Ability To Defend Themselves.

58. Based on my experience as a federal agent, a public safety professional, and my longtime familiarity with the local community and environment as a nearby resident, the Highland Park Assault Weapons Ban does not interfere with law-abiding citizens' ability to defend themselves.

59. There are other more suitable firearm choices for personal defense in the most likely but still rare circumstances when armed self-defense is justified. Though specific data is lacking, in my experience, most confrontations involving gunfire are at close range. In fact, most law enforcement agencies design their firearm training qualification course shooting protocols to emphasize close-quarter shootings between the range of 3-10 yards. Similarly, Illinois' Conceal Carry Weapon qualification course requires 30 rounds to be fired at shooting intervals of 10 rounds at the 5-yard line, 10 at the 7-yard line, and 10 at the 10-yard line, recognizing that most armed defense takes place within 3-7 yards.

60. As with on-scene and immediately responding law enforcement, legally armed civilians and private security have had limited impact in stopping assault weapon attacks. Armed citizens are taken by surprise, outgunned, and outmaneuvered by an attacker already killing and injuring others, and are rarely able to effectively defend against an active attack.

61. Firearms can be an effective tool for self-defense, both for law enforcement and civilian use.⁵⁵ But the best insights indicate that shotguns and 9mm pistols are generally

⁵⁵ Effective self-defense relies more heavily on factors related to understanding the law and environment, discipline, training, state of mind, knowledge, skills, practice with a particular firearm, vigilance, situational awareness, time, access, opportunity, size and location of the dwelling, understanding implications of over-penetration risk, bystanders' location and skills, protective cover, and luck than access to an assault weapon.

recognized as the most suitable and effective choices for armed defense, which are legal under the Highland Park ordinance.

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

Executed on January 19, 2023 at Kenilworth, Illinois

/s/ Philip J. Andrew

EXHIBIT A



Phil Andrew

Leader in Crisis Management, Public Safety, Violence Prevention & Negotiation

Experience

PAX Group, LLC - Principal

2018 – Present

Over 30 years of professional expertise in building teams, strategies, and cultures that navigate complex and dynamic relationships, projects, and environments. Providing consulting, training and development, investigation management, facilitation, and subject matter expertise in crisis and conflict management, public safety, violence prevention, and high-trust team and relationship development and resilience. Regular media contributor and keynote presenter.

Northwestern University Center for Public Safety - Adjunct Instructor

2022 - Present

Adjunct Instructor - Northwestern University Executive Education - Center for Public Safety. Navigating crisis and conflict in law enforcement; Policing with Compassion: strengthening trust, well-being, performance and resilience in officers, agencies, and community relationships. Crisis negotiation and critical incident response.

DePaul University - Adjunct Instructor

2015 - Present

Instruction graduate level MBA Negotiation, Business Intelligence, Leadership and Ethics courses at DePaul University's Department of Management & Entrepreneurship.

Archdiocese of Chicago - Director of Violence Prevention

2018 – 2020

Led one of the largest Archdioceses and private school systems in the nation's violence prevention mission and safety initiatives. Responsible for all aspects of safety, programs, and collaborative partnerships across the spectrum of social services addressing all aspects of violence prevention and agency response. Provided counsel to the Archbishop on matters related to safety and violence. Led a coalition of inter-religious communities in advocacy and awareness for violence prevention.

Federal Bureau of Investigation - Special Agent

1997 - 2018: Chicago, Illinois; New York, New York; Topeka, Kansas

FBI Chicago Division, 2011 – 2018

Focus areas: Intelligence, Public Corruption, Gun Violence, Financial Fraud, Counterterrorism, Counterintelligence and Crisis Management, Behavior Analysis, and Covert Operations. Key roles and responsibilities include:

Human Intelligence Branch

Responsible for identifying and creatively fulfilling intelligence requirements through liaison and overt and covert techniques. Function as an internal consultant managing special projects, establishing best practices, and developing and maintaining strategic relationships. Train and mentor team members and manage complex investigations.

Crisis Negotiation Team Leader

Provide day-to-day leadership and management of hostage negotiations.

Education

DePaul University

College of Law

1995 - J.D.

University of Illinois

1990 - B.A. History & Political Science

Subject Matter Expert

- Violence Prevention and Safety
- Crisis Planning, Response, and Communication
- Gun Violence, Workplace Violence, School Violence, Community Violence
- Law Enforcement, FBI, Crime, Police Reform, School Resource Officers, Police Abuse, Complex Investigation, Government Fraud
- Counterterrorism, Counterintelligence, National Security
- International, Corporate and Political Espionage
- Spying Insider Threats
- Threat Analysis, social media Threat and Violence, Stalking, Behavior Analysis
- Hostage Taking & International Kidnapping
- Business Negotiation and Crisis Communication
- Background Checks, Travel and Personal Safety, Corporate Security

Joint Terrorism Task Force

Managed and directed FBI Joint Terrorism Task Force Investigations. Led, trained, and mentored a team of special agents, TFOs, and analysts in criminal and national security investigations, resulting in critical intelligence, disruptions, and arrests.

Adjunct Instructor and Presenter

Designed and presented training and instruction in negotiation, crisis negotiation, management, terrorism, interviewing, interrogation, major case management, and violent and sex crime investigations for the FBI Academy and numerous other law enforcement organizations.

FBI New York Office, 2003 – 2011

Focus areas: National Security, Crisis Management, and Rapid Deployment Team. Key roles and responsibilities include:

Covert Operations and Project Manager

Managed and directed FBI covert operations. Functioned as an internal consultant providing subject matter and operational expertise in national security cases. Coordinated with U.S. Intelligence community stakeholders, including CIA, DHS, Commerce, and DOS. Selected, led, and mentored a team of special agents and analysts for customized operations, providing critical and actionable information for the intelligence community and policymakers. Consistently recognized and awarded for creative and substantive contributions and best practices.

Crisis Negotiation Team Coordinator

Trained hundreds of LEOs nationwide and internationally. Day-to-day leadership and management of an enhanced team of hostage negotiators, developed SOPs, and served as a primary negotiator in numerous international kidnappings.

Instructor and Presenter

Designed and presented training for the FBI Academy, John Jay College, New York City Police Department, West African Police, and numerous other international law enforcement organizations in crisis negotiation and trained hundreds of local and state law enforcement officers in crisis response, critical incident management, active listening, and negotiation. Keynote speaker at numerous national and international Crisis and Hostage Negotiator Conferences.

FBI Kansas City Division, Topeka Resident Agency, 1997 – 2003

Roles and responsibilities included:

Case Agent

Conducted investigations of federal crimes, counterterrorism, and counterintelligence. Led a broad range of successful investigations from initial response to conviction, including evidence collection, lead coverage, interviews, and interrogations. Developed exceptional liaison relationships with multiple agencies fostering a cohesive team approach to investigations. Specific expertise in bank robberies, economic espionage, computer intrusions, and violent crimes, including child abductions and drug and gun crimes.

Relief Supervisor

Mentored and trained new agents and established effective liaison with mission partners. Responsible for all aspects of the squad's operational activity, including briefing senior management, approving investigative reports, fulfilling procedural and legal requirements, and internal and external communication.

Service & Leadership

Schranner Negotiation

Institute, Zurich, Switzerland

– Expert 2022 - Present

Center for National Security
& Human Rights Law
Chicago-Kent College of Law,
Illinois Institute of
Technology Chicago-Kent
College of Law, Illinois
Institute of Technology -
Advisory Director.
2022 - Present

Ouilmette Foundation for
the Parks - Board Member
2015 - 2019

Illinois Governor JB Pritzker
– Public Safety Transition
Committee
2019

City of Chicago Violence
Reduction Working Group
2018-2020

Chicago Mayor Lori Lightfoot
– Public Safety Transition
Committee
2019

Headquarters Counseling,
Lawrence, KS - Board Vice
President
2000-2003

Center for Conflict
Resolution, Chicago, Illinois
-Mediator

Program Development and Case Management

Received FBI Merit Awards for the proactive development and management of a complex multi-agency undercover investigation requiring extensive coordination with Division heads and the FBI, CIA, and DHS representatives. The program was recognized as a national model of successful interagency cooperation.

Joint Terrorism Task Force (Topeka, KS)

Responsible for developing and directing regional JTTF. Selected, managed, and trained task force officers in terrorism and national security investigations. Established and maintained extensive liaison with local, state, and federal law enforcement and intelligence counterparts. Interfaced effectively with a wide network of corporate, community, and religious leaders - developing a comprehensive knowledge base and threat matrix analysis.

Assistant Legal Attaché, FBI Legat (Cairo, Egypt)

Responsible for developing and directing regional JTTF. Selected, managed, and supported high-priority criminal and major terrorism investigations, briefed senior Egyptian law enforcement and U.S. Embassy personnel on fast-developing investigations, and coordinated investigative efforts with foreign law enforcement and FBIHQ.

Supervisory Special Agent

National Infrastructure Protection Center, FBIHQ. Coordinated the investigation of and developed comprehensive guidelines for national and international computer intrusion investigations. Prepared briefs for the FBI Director on major Cyber case developments. Presented to DOJ a complex computer fraud and Economic Espionage Act case for prosecution.

Chicago Housing Authority – Assistant General Counsel

1995-1997

Litigation and Counsel

Served as general and litigation counsel for one of the largest public housing entities in the country. Provided counsel in commercial and real estate transactions. Drafted and executed contracts and corporate fillings. Represented the CHA in numerous tort and eviction cases. Managed high-volume caseload and tried bench and jury trials. Researched, drafted, and argued motions before the court. Conducted numerous arbitrations, mediations, and depositions.

Program Development

Developed and implemented an innovative training program for CHA police and housing development managers to implement standardized procedures in violence reduction strategies and for-cause eviction processes for drug, weapons, and violence cases.

One Aim (formerly Illinois Council Against Handgun Violence, Inc.) - Executive Director

1992-1995

Executive Management

Responsible for overall leadership and management of the nonprofit. Reported to and advised the Board of Directors. Developed and directed all programs, fundraising, budget, public relations, and strategic planning and managed staff and volunteers.

Oversaw expansion of public education programs, with funding, publicity and membership increased by a factor of 10. Successfully presented dozens of funding proposals to corporate and community foundations, including the Joyce Foundation and The Chicago Community Trust.

Service & Leadership (Continued)

Illinois Council Against Handgun Violence - Board Chairperson
1995 - 1997

Chicago Bar Association - Criminal Law and Legislation Committees
1996-1997

Loyola Academy, Wilmette, Illinois - Case Statement Committee
1993

Illinois Firearm Transfer Identification - Governor's Blue-Ribbon Committee
1992 - 1994

Honors

Heart of Charity Award
Catholic Charities

U.S. House of Representatives Award for Outstanding Courage & Heroism

Illinois State Bar Association Service Award

Numerous FBI Service, Achievement, and Merit Awards & CIA Outstanding Service Award

NCAA Valor Award Nominee

Captain of University of Illinois Swim Team & George Huff Athletic/Academic Award

Loyola Academy Athletic Hall of Fame

Public Policy and Public Relations

Developed a complete public education and legislative strategy, including the drafting of legislation. Regularly provided testimony, addressing community and religious organizations, including the Illinois Senate, U.S. Congressional Hearing on Violence in America, and the National Safety Council. Served as a Panel Expert, ABC's Good Morning America, Round Table Discussion of Parental Liability. Extensive debate, live television, and radio interview experience, including Oprah, Donahue, and Frontline. Recognized for innovative litigation strategy directed at curbing firearm violence.

Community Outreach and Coalition Building

Developed and coordinated grassroots lobbying initiatives and oversaw broad-based regional coalition-building projects. Efforts focused on public awareness and implementing evidence-based violence reduction strategies, securing over 100 professional and community member organizations.

Contact

www.paxgroupllc.com

Training & Speaking Engagements

Adjunct Instructor and Presenter

Design and present training and instruction in leadership, mentorship, communication and group/team dynamics, risk management, strategy formulation, adaptation, resilience, crisis negotiation, terrorism, interviewing, interrogation, major case management, violence, and sex crimes for organizations, including:

- FBI Academy and FBI National Academy
- Federal Executive Board – Great Lakes region and GSA
- Google
- Advocate Health Care
- Catholic Charities Chicago
- Family Action Network
- United States Conference of Catholic Bishops
- University of Notre Dame, ESTEEM
- University of Chicago Booth School of Business & School of Psychology
- Chicago School of Professional Psychology
- NYPD, CPD, Portland PD, Canadian Royal Mounted Police, Calgary PD, NJSP
- Middle East Law Enforcement Training Academy
- Cleveland Airport Authority
- US Coast Guard
- FBI InfraGuard
- Chief Financial Officers Association
- Keynote: CA, NY, New England, FL, Western States, WI, MI, OH, KS, MO, IN
- Crisis/Hostage Negotiator Conferences

EXHIBIT B

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TO:	Approved for public release, distribution unlimited
FROM:	Distribution authorized to U.S. Gov't. agencies and their contractors; Administrative/Operational Use; 31 JUL 1962. Other requests shall be referred to Defense Advanced Research Projects Agency, Arlington, VA.
AUTHORITY	
31 Jul 1974, DoDD 5200.10; DARPA per DTIC Form 55	

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ADVANCED RESEARCH PROJECTS AGENCY
Washington 25, D. C.

20 August 1962

To: Addressees
From: OSD/ARPA
Subject: Field Test Report, AR-15 Armalite Rifle
Enclosure: Final Report, OSD/ARPA Research and Development Field Unit - Vietnam

1. The AR-15 Armalite rifle has been subjected to a comprehensive field evaluation under combat conditions in Vietnam. The results of this evaluation, contained in the attached report, are forwarded for your information.

2. Because of the controversy which has surrounded this weapon, particular care was exercised to insure that the tests were objective, thorough and adequately documented, and to insure that valid data and conclusions were derived therefrom.

3. The suitability of the AR-15 as the basic shoulder weapon for the Vietnamese has been established. For the type of conflict now occurring in Vietnam, the weapon was also found by its users and by MAAG advisors to be superior in virtually all respects to the - a. M-1 rifle, b. M-1 and M-2 Carbines, c. Thompson Sub-machine gun and d. Browning Automatic rifle.

4. Test data derived from recent Service evaluations of the AR-15 in the U.S. support the technical conclusions of the report. The Central Intelligence Agency has conducted similar tests; it is understood that the results of that evaluation are essentially identical to those contained in the report.

5. Photographs 7 and 8, Appendix D, pictures of Viet Cong KIA showing the wound effect of the AR-15 bullet, were deleted from the attached report by this office.

6. The conclusions and recommendations of this report have been made available to COMUSMACV and CINCPAC by the originator and to DOD and CIA by OSD/ARPA.

R. C. Phelps
R. C. Phelps

Asst Director, for AGILE

Downgraded at 3 year
intervals; Declassified
after 12 years. DOD Dir 5200.10

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RESEARCH & DEVELOPMENT FIELD UNIT
Advanced Research Projects Agency
Office of the Secretary of Defense
APO 143, San Francisco, California

MACRD

31 July 1962

SUBJECT: Report of Task No. 13A, Test of Armalite Rifle, AR-15 (U)

THRU. Commander (3)
U. S. Military Assistance Command, Vietnam
APO 143, San Francisco, California

TO: Commander in Chief, U. S. Pacific (3)
c/o Fleet Post Office
San Francisco, California

Advanced Research Projects Agency (3)
Office of the Secretary of Defense
The Pentagon
Washington 25, D. C.

1. (C) Forward herewith is the final report of the test of the Armalite Rifle (AR-15). It should be noted that the report proper in its present form reflects the views of the U. S. element of CDTC only. It is being handled in this fashion to avoid the inference that the Vietnamese, in seeking a newer weapon, might have influenced the recommendations in the report.

2. (C) However, combat evaluations in Vietnam are necessarily joint ventures and the results must be made known to appropriate GVN authorities. This report will now be coordinated with the Vietnamese element in CDTC and will be officially closed out as a combined report. It is thought that this is unlikely to

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result in any substantive change in the report as now written.

**1 Incl.
AR-15 Report w/5 Annexes**

**WILLIAM P BROOKS, JR.
Colonel, Arty
Chief**

**Copies furnished:
CHMAAG, VIETNAM (4)**

**DOWNGRADED AT 3 YEAR INTERVAL
DECLASSIFIED AFTER 12 YEARS
DOD DIR 5200.10**

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**RESEARCH & DEVELOPMENT FIELD UNIT
Advanced Research Projects Agency
Office of the Secretary of Defense
APO 143, San Francisco, California**

REPORT OF TASK NO. 13A

TEST OF

ARMALITE RIFLE, AR-15 (U)

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REPORT OF TASK NO. 13A TEST OF ARMALITE RIFLE, AR-15 (U)

1. (U) REFERENCES.

- a. (U) OSD Message, DEF 907037, DTG 122354Z December 1961.
- b. (U) MACRD Message 367, DTG 050203Z June 1962.
- c. (U) US Army Infantry Board Report of Project 2787, 27 May 1958, Subject: Evaluation of Small Caliber, High Velocity Rifle - Armalite (AR-15).
- d. (U) Final Report, Lightweight High Velocity Rifle Experiment, US Army Combat Development Experimentation Center, Fort Ord, California, dtd 30 May 1959.
- e. (U) Evaluation Report of the Colt Armalite AR-15 Automatic Rifle, US Air Force Marksmanship School, Lackland AFB, Texas, dtd 22 September 1960.
- f. (U) Report No. DPS-96, A Test of Rifle, Caliber .223, AR-15, Aberdeen Proving Ground, Maryland, dtd 9 January 1961.
- g. (U) Fourth Report on the Test of the US Carbine, Cal. .30, M1, ORD Program #4972, Aberdeen Proving Ground, Maryland, dtd 13 Aug 1942.
- h. (U) First Report on Test of Production Models of the Carbine, Cal .30, M2, ORD Program #4972, Aberdeen Proving Ground, dtd 1 Aug 1945.
- i. (U) US Army Infantry Board Supplemental Report of Project No 2787, "Evaluation of Small Caliber, High Velocity Rifles - Armalite (AR-15)", dtd 13 August 1958.

2. (C) PURPOSE.

The purpose of this test was to determine if the AR-15 Rifle is compatible with the small stature, body configuration and light weight of the Vietnamese Soldier and to evaluate the weapon under actual combat

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conditions in South Vietnam. At the request of MAAG, Vietnam, the scope of the test was expanded to include a comparison between the AR-15 and the M2 Carbine to determine which is a more suitable replacement for other shoulder weapons in selected units of the Republic of Vietnam Armed Forces (RVNAF).

3. (U) DESCRIPTION OF MATERIEL:

The AR-15 Rifle is a lightweight, gas-operated rifle equipped with a 20-round, detachable magazine. It is chambered for Cartridge, Caliber .223. When fired in the rifle, this round gives the 55 grain bullet a muzzle velocity of 3200 feet per second. It has a plastic stock with a rubber butt, assembled in line with the bore. This, in conjunction with its high line of sight and separate hand grip, is designed to minimize rotation about the shoulder during firing. The two piece upper hand guard is made of metal and plastic and is designed for easy disassembly and rapid dissipation of heat. A lever above the grip on the left side of the receiver provides a selector for the trigger safety, semi-automatic and automatic fire. A bolt catch holds the bolt to the rear after the last round has been fired. A cover is provided for the ejection port in the receiver. A three-pronged muzzle attachment, threaded to the barrel, serves as a flash suppressor, grenade launcher, and a front support for a bayonet. The lower part of the front sight is machined to form a bayonet lug. Standard accessories include: Bayonet w/scabbard; bipod w/case; grenade-launching sight; and a cleaning rod. Photographs of the weapon appear in Annex "D".

4. (C) BACKGROUND.

a. (U) The problem of selecting the most suitable basic weapon for the Vietnamese soldier is complicated by his small stature and light weight. The average soldier stands five feet tall and weighs ninety pounds. Principle US weapons presently issued to Vietnamese troops include the M1918A2; the Thompson Sub-Machine Gun, Caliber .45; and the US Carbine, Caliber .30, M1.

b. (U) Because of its availability and the results of extensive studies and previous testing by military agencies, the Colt Armalite AR-15 Rifle was selected in July 1961 as the most suitable weapon for initial tests. This weapon was developed by the Armalite Division of Fairchild Aircraft Corporation to meet the military characteristics for a lightweight rifle utilizing the high velocity small caliber principle. It was first tested by the US Army Infantry Board in 1958 (Ref 1.c.). Since then, the weapon

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and its ammunition have undergone extensive engineering and service tests by: Aberdeen Proving Ground; the Combat Development Experimentation Center, Fort Ord, California; and the US Air Force at Lackland Air Force Base, Texas, (Refs l.d., l.e., l.f.). The rifle, with several modifications resulting from these tests, is presently being manufactured by Colt's Patent Firearms Manufacturing Company, Hartford, Connecticut. (Prior to completion of this report, the U. S. Air Force adopted the AR-15 as its basic shoulder weapon, replacing the M2 Carbine, the Browning Automatic Rifle and the M3 Sub-Machine Gun).

c. (C) Based upon favorable observations of the AR-15 by both US Advisors and RVNAF Commanders following limited firing demonstrations conducted in Vietnam during August 1961, weapons were requested in numbers sufficient to conduct a full scale combat evaluation of the AR-15 by selected units of the RVNAF. In December 1961, the Secretary of Defense approved the procurement of 1000 AR-15 Rifles, necessary ammunition, spare parts and accessories for evaluation.

d. (C) OSD/ARPA negotiated a contract with the firm of Cooper-MacDonald, Inc., Baltimore, Maryland, for procurement and air shipment of all materiel. The first shipment was received on 27 January 1962 and subsequent increments arrived approximately every three weeks until the contract was fulfilled on 15 May 1962. Operational evaluation and testing began on 1 February and terminated on 15 July 1962.

5. (C) SUMMARY OF TESTS:

a. (C) General.

(1) (C) To accomplish the stated purpose of this test, it was divided into two parts. One part was a combat evaluation of the AR-15 in which the weapons were issued to specially selected ARVN Units for use in their operations against the Viet Cong. Along with the rifles and ammunition, Vietnamese Unit Commanders and US Military Advisors were given weapon preference and operational questionnaires and requested to complete and return them after training and combat use of the AR-15. Samples of these questionnaires appear as Appendices 1, 2, and 3 of Annex "A".

(2) (C) The other part of the test consisted of a comparison between the AR-15 Rifle and the M2 Carbine. Areas in which the two weapons were compared included: physical characteristics; ease of disassembly and assembly; marksmanship ability at known distances, semi-automatic and automatic fire; marksmanship ability at unknown distances, semi-

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automatic and automatic fire; ruggedness and durability; adequacy of safety features; effects of open storage in a tropical environment; ability to penetrate dense brush and heavy foliage; and, the individual Vietnamese soldier's preference between the two weapons.

b. (C) Results, Combat Evaluation.

(1) (C) For detailed report see Annex "A".

(2) (C) Summary. The Vietnamese Unit Commanders and US Advisors who participated in the evaluation consider the AR-15 Rifle to be a more desirable weapon for use in Vietnam than the M1 Rifle, BAR, Thompson Sub-Machine Gun, and M1 Carbine for the following reasons:

(a) (C) It is easier to train the Vietnamese troops to use the AR-15 than the M1 Rifle, BAR, M1 Carbine, or the Sub-Machine Gun.

(b) (C) The AR-15's physical characteristics are well suited to the small stature of the Vietnamese soldier (see photographs 1 and 2, Annex "D").

(c) (C) It is easier to maintain the AR-15 both in the field and in garrison than the M1 Rifle, BAR, Sub-Machine Gun, or the M1 Carbine.

(d) (C) The ruggedness and durability of the AR-15 are comparable to that of the M1 Rifle and superior to that of the BAR, Sub-Machine Gun, and M1 Carbine.

(e) (C) The AR-15 imposes less logistical burden than any of the four principal weapons presently being used by Vietnamese Forces.

(f) (C) The AR-15 is tactically more versatile than any present weapon being used by Vietnamese Forces.

(g) (C) In semi-automatic fire, the accuracy of the AR-15 is considered comparable to that of the M1 Rifle, and superior to that of the M1 Carbine.

(h) (C) In automatic fire, the accuracy of the AR-15 is considered comparable to the Browning Automatic Rifle and superior to the Sub-Machine Gun.

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c. (C) Results, Comparison Test of the AR-15 Rifle and the M2 Carbine.

(1) (C) For detailed report see Annex "B".

(2) (C) Summary:

(a) (C) Test #1, Comparison of physical characteristics

(i) (C) The AR-15 is comparable to the M2 Carbine in size and weight.

(ii) (C) The addition of an integral grenade launcher, telescope mount, and an accessory bipod the AR-15 Rifle capabilities that the M2 Carbine does not possess at present and attainment of which would require modification of the weapon (see photograph 3, Annex "D").

(iii) (C) Both the AR-15 and the M2 Carbine are compatible with the light weight and diminutive stature of the Vietnamese soldier (see photographs 4 and 5, Annex "D").

(b) (C) Test #2, Comparative ease of disassembly and assembly.

(i) (C) The AR-15 is simpler than the M2 Carbine and requires less time to disassemble and re-assemble for normal field c:ahing (see photograph 6, Annex "D").

(ii) (C) The average Vietnamese soldier can be trained in the disassembly and assembly of the AR-15 in less time than for the M2 Carbine.

(c) (C) Test #3, Marksmanship ability, known distance.

(i) (C) The ARVN soldier's ability to deliver accurate semi-automatic fire at known distances up to 200 meters with the AR-15 and the M2 Carbine is comparable. (It is noted that a higher percentage of test participants fired qualifying scores with both the AR-15 and the M2 Carbine than with the M1 Rifle.)

(ii) (C) The ARVN soldier can deliver far more accurate automatic fire at known distances up to 200 meters with the AR-15 than he can with the M2 Carbine.

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(d) (C) Test #4, Marksmanship ability, unknown distance.

(i) (C) The ARVN soldier's ability to deliver accurate semi-automatic fire on targets of unknown range using the AR-15 and the M2 Carbine is comparable.

(ii) (C) The ARVN soldier can deliver more accurate automatic fire on targets of unknown range with the AR-15 than he can with the M2 Carbine.

(e) (C) Test #5, Comparative ruggedness and durability

(i) (C) The AR-15 is more durable than the M2 Carbine under conditions that require prolonged firing.

(ii) (C) The AR-15 will stand up to rough handling normally encountered in combat situations better than the M2 Carbine.

(f) (C) Test #6, Comparison of the adequacy of safety features.

(i) (C) The safety features on the AR-15 and the M2 Carbine are comparable with regard to their adequacy and the ARVN soldier's ability to understand how they function.

(ii) (C) The location of a single selector switch, which combines the functions of safety and type of fire selector, on the left side of the AR-15's receiver where it is easily accessible to the thumb, enables the ARVN soldier to get the first round off faster with the AR-15 than he can with the M2 Carbine. He must manipulate the safety selector on the M2 Carbine with his trigger finger, then return it to the trigger to fire. With the AR-15, he can keep his finger on the trigger while manipulating the safety selector with his thumb.

(g) (C) Test #7. Effects of open storage in a tropical environment.

(i) (C) The functioning capability of the AR-15 is less affected by prolonged exposure to tropical weather than that of the M2 Carbine.

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(h) (C) Test #8, Brush penetration

(i) (C) The trajectory of the AR-15 bullet is not significantly affected when fired through dense underbrush at ranges up to 50 meters.

(ii) (C) The AR-15 round will penetrate jungle undergrowth equally as well as the M2 Carbine round at ranges up to 50 meters.

(i) (C) Test #9, Troop opinion poll

(i) (C) The great majority of the ARVN soldiers who participated in the comparison test prefer the AR-15 to the M2 Carbine.

6. (C) DISCUSSION:

a. (C) The extremely mobile type of offensive warfare being stressed by US Advisors in Vietnam and the small stature and light weight of the Vietnamese soldier place a high premium on small, lightweight weapons. In addition, the violent short clashes at close ranges which are characteristic of guerrilla warfare in Vietnam make it highly desirable to have a dependable weapon capable of producing a high rate of accurate and lethal full automatic fire.

b. (C) From the viewpoint of standardization and simplicity of training and the resultant long range reduction of the logistics burden, characteristics of existing weapons were studied to determine if a single weapon could be found that would meet the requirements for a basic shoulder weapon for Vietnamese troops. It is believed that such a weapon should encompass the following desirable characteristics of individual weapons:

- (1) The effective range of the M1 Rifle.
- (2) The light weight and small size of the M1 Carbine.
- (3) The full automatic capability of the BAR.
- (4) The simplicity of the SMG.

Other highly desirable, if not mandatory, features would include a bayonet, grenade launching and sniper capability.

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c. (C) The AR-15 appeared to more nearly satisfy the above prescribed characteristics than any other US weapon. The import of the AR-15 weapon/ammunition weight for units that conduct extended operations without normal resupply capabilities can be seen in comparing the 24 lb. weight of an M1 with a battle load of 220 rounds of ammunition with the 12 lb. weight of the AR-15 with 220 rounds. This weight difference equals approximately 430 rounds of AR-15 ammunition.

d. (C) The Comparison Test (Annex "B") shows the AR-15 to be distinctly superior to the M2 Carbine. Although the M2 Carbine is sufficiently light for use by the Vietnamese soldier, it does not possess the essential characteristics of a basic weapon for offensive warfare. It lacks the effective range of the M1 Rifle and has a high malfunction rate (Ref l. e. and l. h.). However, it is apparently available and was considered by MAAG as the prime competitor against the AR-15.

e. (C) The Combat Evaluation (Annex "A") shows that all US Advisors and Vietnamese Commanders who participated in the evaluation prefer the AR-15 to any other weapon with which the RVNAF are now armed. The lethality of the AR-15 and its reliability record were particularly impressive. All confirmed casualties inflicted by the AR-15, including extremity hits, were fatal (see photographs 7 and 8, Annex "D"). The high degree of reliability and trouble-free performance of the weapon reflected in previous test reports (Ref l. c., l. d., and l. f.) was also noteworthy during the testing and evaluation here. No parts breakage was encountered while firing approximately 80,000 rounds during the Comparison Test. Only two parts have been issued to date to replace breakage for the entire 1,000 weapons. Stoppages on the AR-15 are easily cleared by the individual soldier through the application of "immediate action".

f. (C) A thorough review of the numerous stateside AR-15 test reports referenced in paragraph 1 reveals nothing which would make the foregoing views unsound. The reported poor performance of the AR-15 under cold weather conditions is of no concern in Vietnam. The widely held view that the AR-15 operates poorly under rainy conditions was disproved in the weapon's second test by Aberdeen Proving Ground (Ref l. f.). Those results were confirmed here during field operations. No deficiencies in the weapon requiring correction prior to adoption were found during the test in Vietnam, although two minor changes are recommended for product improvement. These recommendations appear in Annex "C".

g. (C) The combat evaluation part of this test is somewhat subjective since it is based on the individual judgments of many users. It is

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believed, however, that the professional judgments of the senior US Advisors and Vietnamese Commanders of the units testing the weapon, all of whom are mature, experienced soldiers, does provide for a sound combat appraisal.

h. (C) From an operational viewpoint, it is believed that the tests conducted in Vietnam show the superiority of the AR-15 over the M2 Carbine and over other weapons now issued to RVNAF. It is believed that the decision as to what units might be issued the AR-15 or which weapons the AR-15 might replace is dependent on cost and logistical factors which are beyond the purview of this unit.

7. (C) CONCLUSIONS: It is concluded that:

a. (C) The AR-15 is more compatible with the light weight and small stature of the Vietnamese soldier than the M1 Rifle, the Browning Automatic Rifle, and the Thompson Sub-Machine Gun.

b. (C) The AR-15 is superior to the M2 Carbine.

c. (C) The M2 Carbine lacks the necessary dependability and versatility for consideration as the basic shoulder weapon for Vietnamese troops.

d. (C) The AR-15 is capable of replacing any or all of the shoulder weapons currently being used by the Armed Forces of the Republic of South Vietnam.

e. (C) The AR-15 is considered by both Vietnamese Commanders and U.S. Military Advisors who participated in the tests as the best "all around" shoulder weapon in Vietnam.

8. (C) RECOMMENDATIONS: It is recommended that:

a. (C) The AR-15 be considered for adoption as the basic weapon for all RVNAF with a view toward improving effectiveness and simplifying training and weapons/logistics systems.

b. (C) Priority for adoption of the AR-15 be given to those units which frequently operate in jungle environment for extended periods, because

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of the significant operational and logistical advantages accruing to their having the lightest and most effective weapon/ammunition combination available.

c. (D) The M1 and/or M2 Carbine continue to be issued only to those individuals who, because of their duty or position, can function effectively with a weapon best suited for a defensive role.

ANNEXES:

- A. Combat Evaluation w/3 Appendices**
- B. Comparison Test**
- C. Suggested Corrective Actions**
- D. Photographs 1 through 8**

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ANNEX "A"

DETAILS OF THE COMBAT EVALUATION OF THE AR-15

I. (C) GENERAL.

Selected Vietnamese Units which had previously been engaged in considerable combat were issued AR-15 Rifles and ammunition for use against the Viet Cong. In addition, each Unit Commander and US Military Advisor with these units was given questionnaires in which he was requested to evaluate the AR-15 in comparison with the other weapons presently used by the RVNAF. (See Appendices 1, 2, and 3 for samples of questionnaires.)

II. (C) DISTRIBUTION OF WEAPONS AND AMMUNITION.

<u>Unit</u>	<u>AR-15 Rifles</u>	<u>Ammunition</u>
7th Infantry Division	100	50,000 rds
Rangers	100	50,000 rds
Airborne Brigade	390	195,000 rds
VN Marines	100	50,000 rds
VN Special Forces	100	50,000 rds
Special Battalions	125	120,000 rds
5th Infantry Division	40	25,000 rds
Father Hoa	10	10,000 rds
Total	<u>965</u>	<u>550,000 rds</u>

III. (C) DETAILS OF TEST.

A. (C) Purpose: To evaluate the performance of the AR-15 Rifle under actual combat conditions and to compare this performance to that of the weapons presently being used by the RVNAF.

ANNEX "A"

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B. (C) Method: Each Unit Commander and US Military Advisor of those units receiving AR-15 Rifles evaluated its performance in combat and compared it to the performance of those weapons presently being used by the RVNAF. Areas in which the AR-15 was evaluated and compared included: training; physical characteristics; ease of maintenance; ruggedness and durability; logistical considerations; accuracy; and tactical versatility. In the questionnaires given them, Commanders and Advisors were instructed to award 5 points to the most desirable weapon, 4 points to the second, 3 points to the third, 2 points to the fourth, and 1 point to the least desirable weapon in each category delineated above.

C. (C) Results: The results from the questionnaires are set forth in the table below and reflect the evaluation of the AR-15 by Commanders and Advisors of most of the different types of tactical units in Vietnam (as listed in paragraph II above). The figures indicate the total number of points awarded to each weapon by Vietnamese Unit Commanders and U.S. Military Advisors in their joint responses to the questionnaires.

1. <u>Training.</u>	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>	<u>Max. Poss.</u>
a. Simplest to train the troops to use	59	44	15	37	55	70
b. Simplest to train in functioning	61	50	15	37	47	70
c. Simplest to train in disassembly and assembly	63	48	14	37	48	70
Total	183	142	44	111	150	210
2. <u>Physical Characteristics</u>	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>	<u>Max. Poss.</u>
a. Easiest for soldier to aim and fire	60	29	17	42	62	70
b. Easiest to carry over open terrain	59	29	14	43	64	70
c. Easiest to carry through jungle terrain	59	29	14	45	63	70
d. Easiest to hold on a target while firing several rounds	69	40	24	24	53	70
Total	247	127	69	154	242	280

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3. <u>Maintenance</u>		M1			M1	Max.
	AR-15	Rifle	BAR	SMG	Carbine	Poss.
a. Simplest to disassemble and assemble	65	43	14	39	49	70
b. Easiest to maintain in the field	63	51	16	34	46	70
Total	128	94	30	73	95	140
4. <u>Ruggedness & Durability</u>		M1			M1	Max.
	AR-15	Rifle	BAR	SMG	Carbine	Poss.
a. Most rugged weapon	52	59	33	35	31	70
b. Had fewest stoppages or malfunctions during firing	59	59	20	32	39	70
c. Most reliable under all conditions	57	60	28	30	35	70
Total	168	178	81	97	105	210
5. <u>Logistics</u>		M1			M1	Max.
	AR-15	Rifle	BAR	SMG	Carbine	Poss.
a. Imposes least logistical burden	66	47	17	30	50	70
Total	66	47	17	30	50	70
6. <u>Tactical</u>		M1			M1	Max.
	AR-15	Rifle	BAR	SMG	Carbine	Poss.
a. Easiest to employ	64	40	18	39	49	70
b. Preferred in ambush/counter-ambush situations	69	28	36	48	29	70
c. Preferred against massed troops	65	32	61	33	19	70
d. Tactically most versatile	69	43	38	29	31	70
Total	267	143	153	149	128	280

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7. <u>General</u>	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>	<u>Max. Poss.</u>
a. Preferred by troops	67	28	18	46	51	70
b. Preferred by commanders and advisors	64	33	21	39	43	70
c. Most suited to VN soldier under present tactical condi- tions	67	30	21	42	50	70
d. Most effective at most common range for engaging VC (0-200 meters)	63	46	49	22	30	70
Total	261	137	109	149	174	280

Recapitulation: In all aspects covered, the total ratings for all weapons were as follows:

<u>AR-15</u>	<u>M1Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1Carbine</u>	<u>Maximum Possible</u>
<u>1320</u>	<u>868</u>	<u>503</u>	<u>763</u>	<u>894</u>	<u>1470</u>

8. Accuracy. Advisors and Unit Commanders were requested to evaluate the accuracy of the AR-15 and compare it with other present weapons in both automatic fire and semi-automatic fire. Their evaluation is reflected in the following table:

	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>	<u>Max. Poss.</u>
a. Semi-automatic fire	61	62			45	70
b. Automatic fire	65		57	42		70

9. (C) Remarks. Unit Commanders' and Advisors' remarks concerning the value of the AR-15 to Vietnamese Units and its worth as a combat weapon in the war in South Vietnam as opposed to existing weapons were also requested. Generally, the comments were extremely favorable to the AR-15. All of the comments received are presented below in their entirety and in the form in which they were received.

(1) (C) "On 160900 June 62, one platoon from the 340 Ranger Company was on an operation vic. YT260750 and contacted 3 armed VC in heavily forested jungle. Two VC had carbines, grenades, mines, and one had a

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SMG. At a distance of approximately 15 meters, one Ranger fired an AR-15 full automatic hitting one VC with 3 rounds with the first burst. One round in the head-took it completely off. Another in the right arm, took it completely off, too. One round hit him in the right side, causing a hole about five inches in diameter. It cannot be determined which round killed the VC but it can be assumed that any one of the three would have caused death. The other 2 VC ran, leaving the dead VC with 1 carbine, 1 grenade and 2 mines. " (Rangers)

(2.) (C) "On 9 June a Ranger Platoon from the 40th Inf Regt was given the mission of ambushing an estimated VC Company. The details are as follows:

- a. Number of VC killed: 5
- b. Number of AR-15's employed: 5
- c. Range of engagement: 30-100 meters
- d. Type wounds:
 1. Back wound, which caused the thoracic cavity to explode.
 2. Stomach wound, which caused the abdominal cavity to explode.
 3. Buttock wound, which destroyed all tissue of both buttocks.
 4. Chest wound from right to left, destroyed the thoracic cavity.
 5. Heel wound, the projectile entered the bottom of the right foot causing the leg to split from the foot to the hip.

These deaths were inflicted by the AR-15 and all were instantaneous except the buttock wound. He lived approximately five minutes.

The following is a list of minor deficiencies noted during this period:

- a. The stock and heat deflector will reflect light. This light is visible for approximately 150 feet at night.
- b. A brass brush is needed to remove carbon from the bolt carrier. " (Rangers)

(3.) (C) "72 AR-15 Rifles were carried into this action (airborne assault). The drop zone was barely acceptable and many troops landed in high trees. Several LMG's and BAR's were not operational after the drop. Only one AR-15 was reported slightly damaged (damaged pistol grip) and all were operational. Throughout the entire operation, which lasted 6 days and covered over 40 kilometers of difficult terrain including dense jungle and frequent water crossings, the weapons (AR-15) held up exceptionally well. " (Airborne Brigade)

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(4.) (C) "The AR-15 proved to be an effective weapon on this operation for the following reasons:

a. The weapon held up very well on the paradrop which took place on a small drop zone surrounded by dense forests. Landings of the troopers were much rougher than normal. Many troops landed in high trees. This subjected the individual weapons to a much more severe test than usual. Some of the LMG's and BAR's were not operational after the jump. All AR-15's were functional.

b. Field maintenance on this weapon (AR-15) proved to be much simpler than on the other weapons.

c. While no decisive engagement was made so that the striking power of this weapon (AR-15) could be observed, the troops had great confidence in it and it is my belief that it would have greatly increased our overall firepower had it been tested." (Airborne Brigade)

(5.) (C) "During the period from 16 April to 11 May 1962, the 8th Battalion, Airborne Brigade, participated in two (2) operations of five (5) and four (4) days duration.

The AR-15 was carried during both operations. I was not in a position to observe the engagement of Viet Cong with the AR-15 during either operation although it was fired on different occasions.

The following remarks therefore, are confined to other observations and personal opinions on the AR-15:

a. Maintenance requirements for the AR-15 were negligible. I inspected numerous weapons throughout the entire period stated above and always found the weapons in excellent firing condition.

b. A great simplification in the small arms weapons could be effected by the adoption of the AR-15 to replace the BAR, M1, and Carbine. The effectiveness of the weapon (AR-15), however, I cannot attest to at this time.

c. The troopers have a great amount of respect for the AR-15. If the weapon were adopted as TO&E for Airborne Units, there would be a tremendous psychological uplift in the individual soldier's belief in his ability to shoot and kill." (Airborne Brigade)

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(6.) (C) "One company (96 off & EM) completely equipped with the AR-15. Six operations took place prior to any real use of the weapon.

Five VC were hit, all five with body wounds, and all five killed. Four were probably killing wounds with any weapon listed, but the fifth was essentially a flesh wound. The AR-15 made it a fatal wound.

The troops have a great deal of respect for the weapon and prefer it to all others. They take excellent care of it.

One left upper handguard was cracked and broke during routing a stubborn captive from a wooded area. The soldier concerned placed the handguard against a VC head with considerable force." (7th Infantry Division)

(7.) (C) "On 23-24 May 1962, one company completely equipped with AR-15's (87) plus Bn Hq elements was involved in one light and one heavy action. No wounded were captured and all casualties were inflicted with the AR-15. 27 Viet Cong were killed (24 counted by the advisor) and 25 captured. Grenades were used for the first time and were very effectively employed at ranges of 100-500 meters. They served as the real artillery support as we could not get the artillery to fire any closer than 400 meters. About 36 grenades were utilized in the heavy action, all propelled from the AR-15. The troops are very enthusiastic about the weapon and treat it with greater care than usual." (7th Infantry Division)

(8.) (C) "To date, this weapon has been used only for training. The simplicity of construction has reduced training time necessary for maintenance by approximately fifty per-cent. It is believed that this is an ideal weapon for this type weather and terrain." (Special Battalions)

(9.) (C) "On 13 April, 62, a Special Forces team made a raid on a small village. In the raid, seven VC were killed. Two were killed by AR-15 fire. Range was 50 meters. One man was hit in the head; it looked like it exploded. A second man was hit in the chest; his back was one big hole." (VN Special Forces)

(10.) (C) "This weapon is ideal for this country primarily for these reasons:

- a. Durability & ease of maintenance.
- b. Good Accuracy.
- c. Rapid rate of fire.
- d. Light weight (size & shape make it easy for Vietnamese to handle).
- e. Excellent killing or stopping power." (Airborne Brigade)

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D. (C) Analysis: Based on the numerical ratings and the comments of US Advisors and VN Unit Commanders, the AR-15 is the most desirable weapon for use in Vietnam for the following reasons:

1. Ease of training.
2. Suitable physical characteristics.
3. It is easy to maintain.
4. It is more rugged and durable than present weapons.
5. It imposes the least logistical burden.
6. It is the best weapon for all-around tactical employment.
7. Its semi-automatic firing accuracy is comparable to that of the M1 Rifle, while its automatic firing accuracy is considered superior to that of the Browning Automatic Rifle.
8. Vietnamese troops, Commanders and US Advisors prefer it to any other weapon presently being used in Vietnam.

APPENDICES:

1. Weapons Questionnaire
2. For the RVNAF Unit Commander
3. Questionnaire for the Senior MACV Advisor

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WEAPONS QUESTIONNAIRE

Based upon your experience and observation as the Commander or Advisor of a unit of the RVNAF, rate the weapons on the right side of this questionnaire in order of preference with respect to the characteristics and questions listed. Your answers should reflect your opinion as to the value of the weapons to the Vietnamese, not the US Forces.

Rating Key: 5 - first choice 2 - fourth choice
 4 - second choice 1 - last choice.
 3 - third choice

A. TRAINING

	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
1. Which weapon is easier to train the troops to use?	_____	_____	_____	_____	_____
2. Which weapon is easier to train the troops in functioning?	_____	_____	_____	_____	_____
3. Which weapon is easier to train the troops to disassemble and assemble?	_____	_____	_____	_____	_____

B. PHYSICAL CHARACTERISTICS

	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
1. Which weapon, because of its size and shape, is easiest for the soldier to aim and fire?	_____	_____	_____	_____	_____
2. Which weapon, because of size, shape and weight, is easier for the soldier to carry over open terrain?	_____	_____	_____	_____	_____
3. Which weapon, because of size, shape and weight, is easier for the soldier to carry in the jungle?	_____	_____	_____	_____	_____
4. Which weapon is easiest to hold on a target while firing several rounds?	_____	_____	_____	_____	_____

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	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
C. <u>MAINTENANCE</u>					
1. Which weapon is simplest to disassemble and assemble?	_____	_____	_____	_____	_____
2. Which weapon is easiest for the troops to maintain in the field?	_____	_____	_____	_____	_____
D. <u>RUGGEDNESS & DURABILITY</u>	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
1. Which weapon is most rugged?	_____	_____	_____	_____	_____
2. Which weapon had the fewest stoppages and malfunctions?	_____	_____	_____	_____	_____
3. Which weapon is the most reliable under all conditions?	_____	_____	_____	_____	_____
E. <u>LOGISTICS</u>	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
1. Which weapon imposes the smallest logistical burden? (Consider weight, spare parts, ease of repair, etc.)	_____	_____	_____	_____	_____
F. <u>TACTICAL</u>	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
1. Which weapon is easiest to employ?	_____	_____	_____	_____	_____
Why?					
2. Which weapon would you prefer in ambush/counter-ambush situations?	_____	_____	_____	_____	_____
Why?					
3. Which weapon would you prefer against mass attacks?	_____	_____	_____	_____	_____
Why?					

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	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
4. Which weapon do you consider most versatile? (Consider all capabilities)	_____	_____	_____	_____	_____

	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
G. <u>ACCURACY</u> (Rate 5, 4 & 3)					
1. Which weapon appears most accurate when fired semi-automatically?	_____	_____	_____	_____	_____
2. Which weapon appears most accurate when fired automatically?	_____	_____	_____	_____	_____

	<u>AR-15</u>	<u>M1 Rifle</u>	<u>BAR</u>	<u>SMG</u>	<u>M1 Carbine</u>
H. <u>GENERAL</u>					
1. Which weapons do the troops prefer?	_____	_____	_____	_____	_____
Why?					
2. Which weapon would you prefer for your personal use?	_____	_____	_____	_____	_____
Why?					
3. Which weapon do you think is most suited to the Vietnamese soldier under present tactical conditions?	_____	_____	_____	_____	_____
Why?					
4. At what range do you think most Viet Cong are engaged?	_____	_____	_____	_____	_____
5. Which weapon do you think is most effective at that range?	_____	_____	_____	_____	_____
6. If the TO&E of your unit only allowed a single weapon, which one would you choose?	_____	_____	_____	_____	_____
Why?					

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I. REMARKS: In the space below, please make any pertinent remarks you may have concerning the AR-15 Rifle, its effectiveness in South Vietnam, its assets or its shortcomings (Continue on back of page if necessary).

Unit _____

Date _____

Signature _____

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FOR THE RVNAF UNIT COMMANDER

QUESTION NO. 1:

How many weapons of each of the following types were carried into the combat engagement, how many rounds of ammunition per weapon were carried, and how many rounds fired?

	<u>No. Weapons</u>	<u>Ammo rds/weap.</u>	<u>Ammo rds. fired</u>
BAR	_____	_____	_____
M1	_____	_____	_____
SMG	_____	_____	_____
Carbine	_____	_____	_____
AR-15	_____	_____	_____

QUESTION NO. 2:

How many VC were killed? _____
wounded? _____

How many of the VC were KIA by the AR-15? _____

How many of the VC were wounded by the AR-15? _____

QUESTION NO. 3:

What percentage of the friendly fire was full automatic? _____

What percentage of the AR-15 fire was full automatic? _____

What percentage of the AR-15's had the safety device installed that allowed either full or semi-automatic fire? _____

QUESTION NO. 4:

What was the maximum range at which shots were fired at the VC? _____

What was the average range? _____

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QUESTION NO. 5:

Were aimed shots fired through light brush? _____

If so, about what percent of the total fire from all weapons (BAR, SMG, M1, Cargine, AR-15) were aimed shots through light brush?

Less than 5% _____

Less than 20% _____

Less than 50% _____

More than 50% _____

In your opinion were shots from the AR-15 missed because of brush deflection? _____

If your answer to this question is yes, is it your opinion that the full automatic feature of the AR-15 and the extra rounds that can be carried for a given weight allowance do or do not compensate for this brush deflection? Yes _____ No _____ No Opinion _____

QUESTION NO. 6:

Were any rifle barrels bent in air drops or other rough handling and hard usage? _____

Were any barrels damaged by being fired with water in the bore? _____

Were there any malfunctions of any type? _____

If yes, please elaborate in the remarks section of this questionnaire.

QUESTION NO. 7:

As a unit commander of the RVNAF, how would you rate the AR-15 Rifle in the guerrilla warfare action you expect to fight as compared with the other types of weapons listed?

In each space use: A - For the AR-15 is better than
B - For there is no difference
C - For the AR-15 is worse than
D - For no opinion

	<u>M1</u>	<u>BAR</u>	<u>SMG</u>	<u>Carbine</u>
Speed of employment	_____	_____	_____	_____
Accuracy	_____	_____	_____	_____

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	<u>M1</u>	<u>BAR</u>	<u>SMG</u>	<u>Carbine</u>
Striking power	_____	_____	_____	_____
Fire power	_____	_____	_____	_____
Reliability	_____	_____	_____	_____
Field maintenance	_____	_____	_____	_____
Weight	_____	_____	_____	_____
Size	_____	_____	_____	_____
Overall	_____	_____	_____	_____
Overall for ambushes only	_____	_____	_____	_____

QUESTION NO. 8:

If the VC tactics grow into large scale attacks and the "human sea" type tactic is used, how would you rate the AR-15 overall against these other weapons? (Same scale as above: A, B, C, D)

<u>M1</u>	<u>BAR</u>	<u>SMG</u>	<u>Carbine</u>
_____	_____	_____	_____

QUESTION NO. 9:

Would the soldier who carried the AR-15 into this engagement choose it again over the weapon he formerly carried?

	<u>% would choose AR-15</u>	<u>% would choose other</u>
Formerly carried the BAR	_____	_____
Formerly carried the M1	_____	_____
Formerly carried the SMG	_____	_____
Formerly carried the Carbine	_____	_____

QUESTION NO. 10:

As an RVNAF unit commander, if you had your choice of weapons consisting of all four of the following: BAR, M1, SMG, Carbine or the AR-15, which would be your choice?

OPTION A: BAR, M1, SMG, Carbine _____.

OPTION B: AR-15 _____.

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If your answer is option A, would you choose to completely replace any of the four weapons with the AR-15?

Would completely replace: BAR.

M1

SMG_____

Carbine _____ .

QUESTION NO. 11:

Please elaborate in the space below or using extra sheets on any point not adequately covered above.

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QUESTIONNAIRE FOR THE SENIOR MAAG ADVISOR

1. In the engagement with the VC covered by this questionnaire, how many of each of the following weapons were carried by your unit?

BAR _____ SMG _____ M1 _____ Carbine _____ AR-15 _____

2. If the AR-15 had not been used, how many of each would have been carried?

BAR _____ SMG _____ M1 _____ Carbine _____

3. As a MAAG Advisor to the RVNAF you obtain insight into the combat situation in SVN not available to the CDTC or to other US Government officials. These questionnaires can only gain a little part of the whole individual weapons problem. Some of the questions asked of the RVNAF unit commander are, therefore, repeated here because they are considered of prime importance.

QUESTION: How do you as a MAAG Advisor rate the AR-15 Rifle in the SVN guerrilla war as compared to the following weapons?

	<u>BAR</u>	<u>M1</u>	<u>SMG</u>	<u>Carbine</u>
A. The AR-15 is better.	_____	_____	_____	_____
B. No difference.	_____	_____	_____	_____
C. The AR-15 is worse.	_____	_____	_____	_____
D. No opinion.	_____	_____	_____	_____

How would you rate the AR-15 against these weapons for ambushes only?

How would you rate the AR-15 in a "human sea" attack against these weapons?

As a MAAG Advisor to RVNAF, if you were to recommend the TO&E of the above weapons or the AR-15 only which would you recommend? _____.

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4. If you would not recommend completely replacing all four of the above weapons with the AR-15, would you recommend completely replacing any one of the four?

Would recommend completely replacing BAR _____.
Would recommend completely replacing M1 _____.
Would recommend completely replacing SMG _____.
Would not completely replace any of these weapons _____.

5. Remarks: In the space below or on additional sheets please elaborate on any points not adequately covered above.

(Signature)

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ANNEX "B"

DETAILS OF COMPARISON TEST BETWEEN THE AR-15 AND M2 CARBINE

I. (C) GENERAL.

Personnel from a Vietnamese company that had just completed advanced individual training were used as test subjects for most of this comparison. The unit of 180 men was divided into two groups of 90 men each. Group A received one M2 Carbine per man, while Group B received an AR-15 for each man. Each group was then given a course of instruction on their respective weapon. The instruction for each was identical in time and scope of material covered. Following this, both groups underwent an identical test program which consisted of: assembly and disassembly; known distance firing, both semi-automatic and automatic fire; unknown distance firing, semi-automatic and automatic fire; bayonet course; and, infiltration course. This phase lasted for one week (44 hours). At the end of the first week, the two groups traded weapons and the course of instruction and the tests were repeated.

II.(C) SUMMARY OF TESTS.

To arrive at a valid conclusion concerning the relative suitability of the AR-15 as opposed to the M2 Carbine for possible use by selected units of the Armed Forces of the Republic of Vietnam, a total of nine tests were conducted. They were:

1. Comparison of Physical Characteristics.
2. Comparative Ease of Disassembly and Assembly.
3. Marksmanship Ability - Known Distance (semi-automatic and automatic fire).
4. Marksmanship Ability - Unknown Distance (semi-automatic and automatic fire).
5. Comparative Ruggedness and Durability.
6. Adequacy of Safety Features.
7. Effects of Open Storage in a Tropical Environment.
8. Comparative Ability to Penetrate Dense Foliage.
9. Troop Preference Poll.

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III. (C) DETAILS OF TESTS.

Test No. 1. Comparison of Physical Characteristics.

Purpose: To compare the physical characteristics of the AR-15 Rifle and the M2 Carbine.

Method: Both weapons were weighted and measured and the resulting data recorded.

Results:

a. Weights (lbs.):	<u>AR-15</u>	<u>M2 Carbine</u>
Weapon (less sling, magazine and accessories)	6.24	5.98
Magazine (empty)	0.18*	0.25*
Magazine (loaded - 20 rds)	0.68	-
Magazine (loaded - 30 rds)	-	1.02
Bayonet	0.62	0.72
Bipod	0.50	(No Bipod)
Sling	<u>0.19</u>	<u>0.07</u>
Totals: w/20 rd mag loaded	8.23	
w/30 rd mag loaded		7.79

*Figure not included in totals.

Relative Battle Load (lbs.) - including accessories of sling, bayonet, bipod.

Weapon w/12 magazines (240 rds)	15.71
Weapon w/8 magazines (240 rds)	14.93

b. Dimensions (inches):	<u>AR-15</u>	<u>M2 Carbine</u>
Length of barrel	20.00	18.00
Overall length	37.50	35.58
Overall length w/bayonet	42.98	42.26

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Analysis: The AR-15 and the M2 Carbine are comparable in size and weight and both are compatible with the light weight and small stature of the VN soldier. An integral grenade launcher and telescope mount and an accessory bipod are included in the weapon weight of the AR-15. These are not standard items for the M2 Carbine.

Test No. 2. Comparative Ease of Disassembly and Assembly.

Purpose: To compare the ease of disassembly and assembly of the AR-15 Rifle and the M2 Carbine and the difficulties of training encountered therein.

Method:

a. Each group of test subjects received a two hour period of instruction in the disassembly and assembly of their respective weapons. After completing this instruction, test personnel selected random samples of 10 men and had them disassemble and reassemble their weapons. This procedure was repeated with each group until 100 men had been tested with each weapon. Times were recorded by Non-Commissioned Officers and the weapons were inspected for proper assembly by Test Committee Cadre.

b. For the purpose of this test, both weapons were disassembled only as far as was necessary for field cleaning, i.e., "field stripped".

Results:

	<u>AR-15</u>	<u>M2 Carbine</u>
a. Average time required for disassembly & assembly.	1 min. 17 sec.	3 min. 17 sec.
b. Could not reassemble (percent)	0%	19%
c. Reassembled improperly (percent)	4%	10%
d. Number of parts handled by soldier in field stripping	7	11

Analysis:

a. The AR-15 is simpler and requires less time to disassemble and assemble for normal field cleaning.

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b. The average Vietnamese soldier can be trained in the disassembly and assembly for field cleaning of the AR-15 in a shorter time than for the M2 Carbine. This is further emphasized by the fact that all test subjects had previously received 12 hours of instruction on the M1 Carbine while undergoing basic combat training.

Test No. 3. Marksmanship Ability, Known Distance.

Purpose: To compare the ability of ARVN soldiers to deliver accurate semi-automatic and automatic fire on targets at known ranges using the AR-15 and the M2 Carbine.

Method:

a. Each group of test subjects received 10 hours of preliminary marksmanship training on their respective weapon. Upon completion of formal instruction, zeroing of weapons and practice firing at 26, 100 and 200 meters, each group fired a qualification course for test purposes. Each test participant completed this qualification course with both the AR-15 and M2 Carbine.

b. In semi-automatic fire, the course fired for the test was the standard ARVN M1 rifle qualification course. The scores obtained by the test subject with both weapons in this firing were compared with each other and with previous scores fired by the test subjects in qualifying with the M1 Rifle while undergoing Basic and Advanced Individual Training.

c. In automatic fire, the test subjects engaged the standard ARVN silhouette target at ranges of 75, 100 and 200 meters. Each individual fired a total of 40 rounds from each range. Scores were computed on the basis of 5 points per target hit and an average of 50% hits was used as the basis for qualification.

d. Throughout all firing, stoppages or malfunctions due to mechanical failures were noted and recorded.

e. Throughout all firing, observations concerning the adequacy of safety features and the ARVN soldier's ability to understand them were recorded.

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Results:

	<u>AR-15</u>	<u>M2 Carbine</u>	<u>M1 Rifle</u>
Semi-automatic:			
Percent qualified	26%	27%	15%
Automatic:			
Percent qualified	71%	7%	

Analysis:

a. The ability of the ARVN soldier to deliver accurate semi-automatic fire on targets of known range with the AR-15 and the M2 Carbine is comparable. Test participants, as a group, fired a higher percentage of qualifying scores with both the AR-15 and M2 Carbine than they had previously fired with the M1 Rifle.

b. The ARVN soldier's ability to deliver accurate automatic fire on targets of known range is far greater with the AR-15 rifle than with the M2 Carbine.

Test No. 4. Marksmanship Ability, Unknown Distance.

Purpose: To compare the ARVN soldier's ability to deliver accurate semi-automatic and automatic fire on targets of unknown range using the AR-15 Rifle and the M2 Carbine.

Method:

a. The standard ARVN Transition firing course was used for this test.

b. Semi-automatic fire. Each man received 40 rounds to engage 20 targets at varying ranges from 50 to 250 meters. For a first round hit, he was awarded 10 points. For a second round hit, he was awarded 5 points. Qualification score for the course was 100 points.

c. Automatic Fire. Each man received 80 rounds to engage 20 targets in short bursts. Targets were located at varying ranges from 50 to 250 meters. Scores were computed on the basis of 5 points per target hit. Qualification score for the course was 100 points.

d. Throughout all firing, stoppages or malfunctions due to mechanical failures were noted and recorded.

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e. Throughout all firing, observations concerning the adequacy of safety features and the ARVN soldier's ability to understand them were recorded.

Results:

	<u>AR-15</u>	<u>M2 Carbine</u>
Semi-automatic run:		
Percent qualified	23%	22%
Automatic run:		
Percent qualified	23%	15%

Analysis:

a. The ARVN soldier's ability to deliver accurate semi-automatic fire on targets of unknown range using the AR-15 and the M2 Carbine is comparable.

b. The ARVN soldier's ability to deliver accurate automatic fire on targets of unknown range is greater with the AR-15 than with the M2 Carbine.

Test No. 5. Comparative Ruggedness and Durability.

Purpose: To compare the ruggedness and durability of the AR-15 Rifle and the M2 Carbine.

Method:

a. Concurrent with all other testing, observations concerning the ruggedness and durability of each weapon were recorded. During all firing exercises, any stoppage or malfunction of either weapon caused by mechanical failure was noted and recorded.

b. Fifty AR-15 Rifles and fifty M2 Carbines were each run through the standard ARVN Bayonet Assault Course twice. At the completion of the course, the weapons were inspected and "dry fired". Any deficiencies noted were recorded.

c. Fifty AR-15 Rifles and fifty M2 Carbines were each run through the standard ARVN Infiltration Course twice. At the completion of the course, the weapons were inspected and "dry fired". Any deficiencies noted were recorded.

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Results:

a. After the first week of firing, seven M2 Carbines were eliminated from the test. Six of these would not fire automatically because of defective disconnecter springs; the other would not fire at all because of a broken disconnecter pin. In contrast, all AR-15's functioned properly throughout the entire test period.

b. After negotiating the Bayonet Assault Course the second time, two M2 Carbines were eliminated from the test because of broken stocks. No AR-15 Rifles were damaged.

c. Both the M2 Carbine and the AR-15 were carried through the Infiltration Course twice without adverse effect.

Analysis:

a. The AR-15 is considered to be more rugged and durable than the M2 Carbine under conditions which require prolonged firing.

b. The AR-15 will stand up to rough handling normally encountered in combat situations better than the M2 Carbine.

Test No. 6. Comparison of the Adequacy of Safety Features.

Purpose: To compare the adequacy of the safety features of the AR-15 Rifle and the M2 Carbine with respect to their function and location and the ARVN soldier's ability to understand them.

Method:

a. Concurrent with all firing and tests in which ARVN soldiers handled the AR-15 and M2 Carbine, test committee cadre made observations concerning the adequacy of the safety features with respect to their function and location and the soldier's ability to understand them.

Results:

a. No misfires occurred throughout the firing that were attributable to improper functioning of the safety mechanism on either the AR-15 or the M2 Carbine.

b. The ARVN soldiers had no difficulty in understanding the function and operation of the safety mechanisms on either weapon.

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Analysis:

a. The safety features on the AR-15 and the M2 Carbine are considered comparable with regard to function and the ARVN soldier's ability to understand them.

b. The location of a single selector switch which combines the functions of safety selector and rate of fire selector, on the left side of the receiver where it is easily accessible to the thumb, enables the ARVN soldier to get the first round off faster with the AR-15 than he can with the M2 Carbine. With the M2 Carbine, he must manipulate the safety selector with his trigger finger, then return it to the trigger to fire. With the AR-15 he can keep his finger on the trigger while manipulating the safety selector with his thumb.

Test No. 7. Effects of Open Storage in a Tropical Environment.

Purpose: To determine the effects of open storage in a tropical climate on the AR-15 Rifle and the M2 Carbine and compare the results of such storage on each weapon.

Method:

a. Two AR-15 Rifles and two M2 Carbines were stored in the open for a period of two weeks without any care or maintenance. At the end of the storage, the weapons were examined and pertinent observations recorded.

Results:

a. M2 Carbines:

1. Because of rust and sand which had collected in the receivers, operating handles on both weapons could not be operated manually and force was required to open the bolts.

2. The operating slide stops would not function properly because sand and grit had fouled the operating slide stop springs.

3. Both magazines were rusty and had collected enough sand to prevent them from operating properly without first being thoroughly cleaned.

4. The chambers and bores of both weapons were rusty.

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5. The rear sights on both weapons could not be adjusted for windage due to the collection of rust and grit on the windage screws.

6. Approximately twenty minutes were required to clean each weapon before test personnel considered it safe to fire.

b. AR-15 Rifles:

1. The charging handles on both weapons were difficult to operate because sand had collected within the receiver.

2. The bolt and bolt carriers of both weapons were rusty.

3. The chambers and bores of both weapons were rusty.

4. Approximately five minutes were required to clean each weapon before test personnel considered them safe to fire.

Analysis: The AR-15 Rifle, because it has fewer moving parts, will function more readily than the M2 Carbine after extended periods of storage in the open under tropical conditions.

Test No. 8. Brush Penetration.

Purpose: To determine whether dense brush and undergrowth affects the trajectory of the AR-15 bullet and to compare its ability to penetrate heavy foliage with that of the M2 Carbine.

Method:

a. Silhouette targets were positioned behind dense underbrush which generally consisted of bamboo saplings, bush, grass and vines. From a distance of 15 meters, both the AR-15 Rifle and the M2 Carbine were fired at the targets.

b. The distance was then increased to 50 meters and the targets were fired upon again. (Beyond 50 meters it was impossible to distinguish a target, so this was considered an acceptable maximum distance for the test).

c. Procedures a and b above were repeated several times with foliage of varying density.

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<u>Results:</u>			<u>No. of hits</u>	
<u>Type of Underbrush</u>	<u>Range</u>	<u>No. of rounds fired</u>	<u>AR-15</u>	<u>M2</u>
Light underbrush	15 meters	6	6	6
Moderate underbrush & bamboo thicket	15 meters	6	6	6
Heavy underbrush & bamboo thicket interwoven with vines	15 meters	6	6	6
Light underbrush	50 meters	6	6	6
Moderate underbrush & bamboo thicket	50 meters	6	6	6
Heavy underbrush & bamboo thicket interwoven with vines	50 meters	6	6	5

Analysis:

- a. The trajectory of the AR-15 bullet is not significantly affected when fired through dense underbrush at ranges up to 50 meters.
- b. The AR-15 round will penetrate jungle undergrowth equally as well as the M2 Carbine round at ranges up to 50 meters.

Test No. 9. Troop Preference Poll.

Purpose: To obtain subjective data concerning the ARVN soldier's individual preference between the AR-15 Rifle and the M2 Carbine.

Method: Upon completion of all tests by participating personnel, each individual present for duty (158) was questioned with regard to preference between the two weapons.

Results:

- | | | |
|--|-----|----|
| a. Thought the AR-15 had the best "feel" | 129 | |
| Thought the M2 Carbine had the best "feel" | | 29 |

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b.	Thought the AR-15 had the best sight	66	92
	Thought the M2 Carbine had the best sight		
c.	Thought the AR-15 would stand up best under combat conditions	107	
	Thought the M2 Carbine would stand up best under combat conditions		51
d.	Preferred the AR-15 grip	129	
	Preferred M2 Carbine grip		29
e.	Thought AR-15 easier to load	120	
	Thought M2 Carbine easier to load		38
f.	Thought AR-15 easier to get ready to use	81	
	Thought M2 Carbine easier to get ready to use		77
g.	Thought AR-15 easier to disassemble	140	
	Thought M2 Carbine easier to disassemble		18
h.	Liked the AR-15 better from recoil standpoint	106	
	Liked M2 Carbine better from recoil standpoint		52
i.	Thought AR-15 easier to get back on target after firing a round	117	
	Thought M2 Carbine easier to get back on target after firing a round		41
j.	Thought AR-15 more dependable	107	
	Thought M2 Carbine more dependable		51
k.	Thought AR-15 best all around weapon for Infantry use	100	
	Thought M2 Carbine best all around weapon for Infantry use		58
l.	Thought AR-15 climbed least when fired automatically	117	
	Thought M2 Carbine climbed least when fired automatically		41

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m.	Thought AR-15 more accurate when fired full automatic	136	
	Thought M2 Carbine more accurate when fired full automatic		22
n.	Would prefer AR-15 in combat	130	
	Would prefer M2 Carbine in combat		28

Analysis:

a. The majority of test subjects preferred the AR-15 Rifle to the M2 Carbine in all aspects covered by the poll, except for the sights. Further questioning of the subjects by test committee personnel disclosed that this preference was due to greater familiarity with carbine-type sights, not because of an inability to understand the AR-15 sights. This is not considered a shortcoming of the weapon but a matter of training and familiarization.

CONFIDENTIAL**ANNEX "C"****SUGGESTED CORRECTIVE ACTIONS**

<u>DEFICIENCY/ SHORTCOMING</u>	<u>SUGGESTED CORRECTIVE ACTION</u>	<u>REMARKS</u>
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SECTION I

This section contains deficiencies requiring elimination in order to make the item acceptable for use on a minimum basis.

None

None

None

SECTION II

This section lists those deficiencies and shortcomings in the item which were discovered during test and satisfactorily corrected prior to completion of the test. They no longer represent a defect in the item tested. The correction must be applied to the production model of this item.

None

None

None

SECTION III

This section contains shortcomings which are desired to be corrected as practicable, either concurrent with elimination of deficiencies in Section I, or in production engineering or by product improvement.

1. The upper hand guard is hard to grip when hands are sweaty.

Roughen surface.

Ltr. from OSD/ARPA on 11 Jul 62 states that manufacturer is now moulding "checking" on upper hand guards.

2. The weapon cleaning rod is of minimum length and hard to grip.

Add one (1) additional section and provide "T" shaped handle.

ANNEX "C"**CONFIDENTIAL**

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ANNEX "D"

PHOTOGRAPHS

This Annex contains miscellaneous photographs which visually depict pertinent aspects of the evaluation of the AR-15 conducted in South Vietnam.

PHOTOGRAPHS:

- 1. VN Soldier with AR-15 and M1 Rifle**
- 2. VN Soldier with AR-15 and BAR**
- 3. M2 Carbine and AR-15 Rifle with Accessories**
- 4. VN Soldier with AR-15 and M2 Carbine**
- 5. M2 Carbine and AR-15 Rifle**
- 6. M2 Carbine and AR-15 Rifle "Field Stripped"**
- 7. VC Casualty by AR-15 - 150 Meters**
- 8. VC Casualty By AR-15 - 15 Meters**

ANNEX "D"

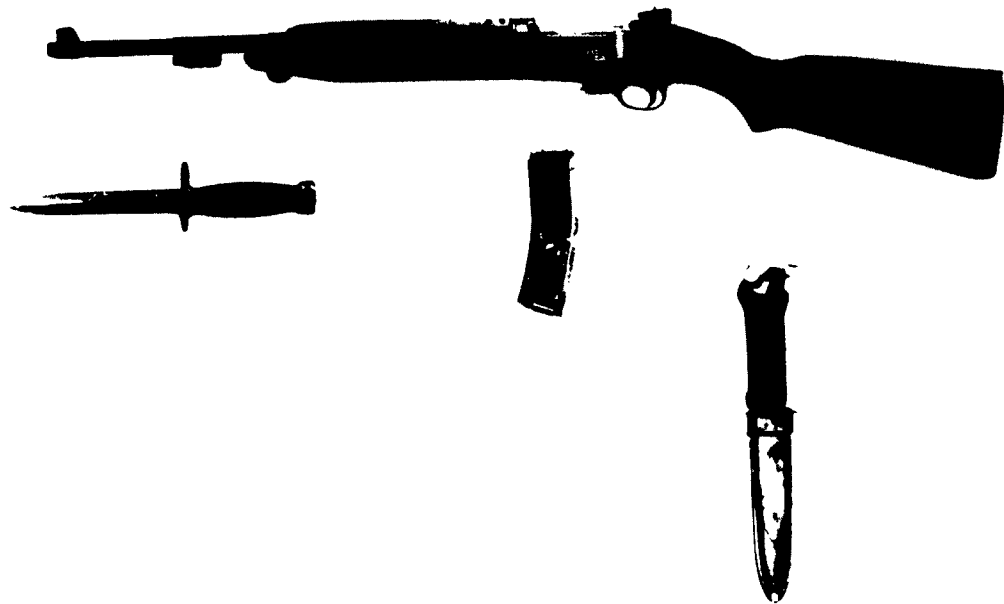
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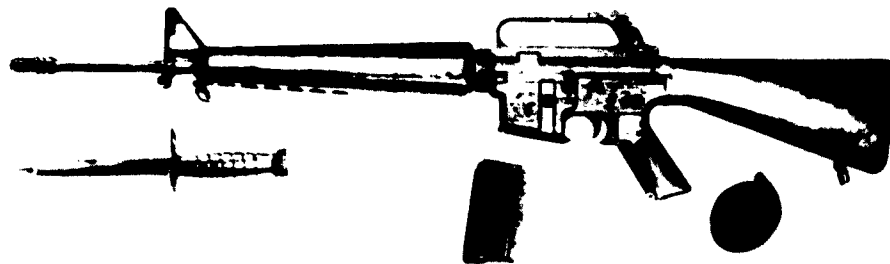
VN Soldier with AR-15.



VN Soldier with M1 rifle.



Marlin, cal. .30, 12, w/standard accessories



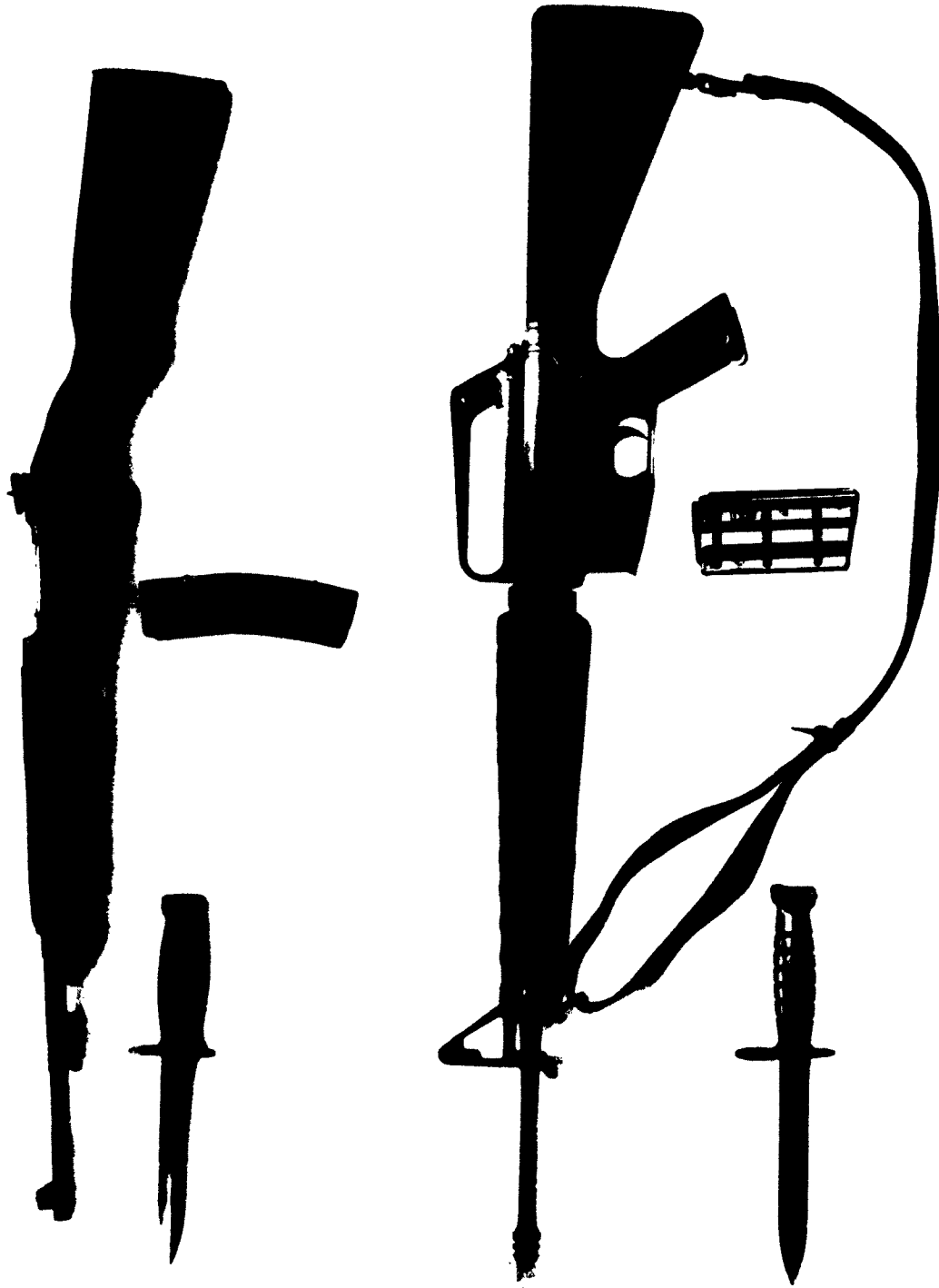
Rifle, ArmaLite Rifle, AR-15, cal. .22 w/standard accessories.



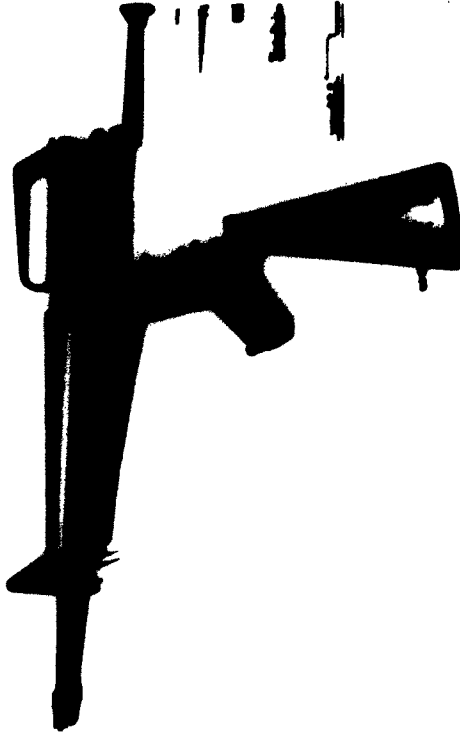
Assault Position with Carbine.



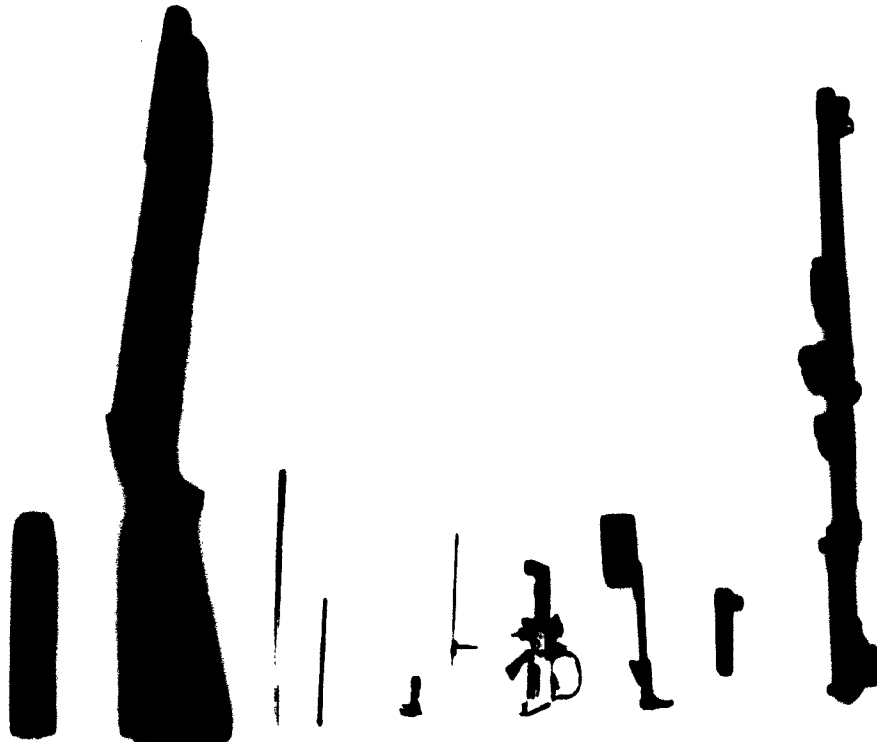
Assault Position with AR-15.



TOP: M2 CARBINE w/ BAYONET, 30 RD MAGAZINE
BOTTOM: AR-15 w/ 30 RD MAGAZINE



AR-15 Rifle, "Field Stripped."



M2 Carbine, "Field Stripped."

PHOTOGRAPH 6, ANNEX "D"

Exhibit E

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

DECLARATION OF RYAN BUSSE

DECLARATION OF RYAN BUSSE

I, Ryan Busse, declare that the following is true and correct:

1. I am a former senior executive in the firearms industry and the author of *Gunfight: My Battle Against the Industry that Radicalized America* (New York: PublicAffairs, 2021).
2. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.
3. I have been retained by the City of Highland Park, Illinois to render expert opinions in this case. I am being compensated at a rate of \$200/hour for my work on this declaration, and \$350/hour for any travel or testimony in connection with this matter.

BACKGROUND AND QUALIFICATIONS

4. I was raised with firearms as an integral part of my life. I began shooting with various guns as a young boy and continued to regularly use and study guns throughout my life (I am now 52). After graduating college, I entered the firearms industry in 1992. I became a sales executive in the firearms industry in 1995, and I spent more than 25 years in this role. While in the industry, I developed innovative sales teams, maintained relationships with the largest national retailers, and was responsible for worldwide sales of millions of firearms. I built a dealer-direct sales network that included more than 2500 firearms dealers including locations in all 50 states, and I regularly visited these dealers. In my job, I also studied and built sales programs that relied on understanding the technical nature of most firearms available in the U.S. market, including AR platform guns and other types of rifles. During my career, I played an integral role in building one of the largest firearms companies in the United States, Kimber, and I

was nominated by shooting industry leadership many times for the SHOT Business “Shooting Industry Person of the Year” Award. I served in an executive sales capacity as Vice President of Sales until August 2020. While in the industry I served as an advisor to the United States Senate Sportsmen’s Caucus, and as the North American board chairman for Backcountry Hunters & Anglers, a national wildlife conservation and hunting organization.

5. I left the firearms industry because I was concerned about what I believed to be irresponsible and dangerous marketing and sales practices. Since I left, I have served as an advisor to the 2020 Biden presidential campaign, I have testified twice before the U.S. Congress about the firearms industry and gun policy (before the House Committee on Oversight and Reform and the Joint Economic Committee, respectively), I have been called to testify in closed-door briefings at the U.S. Senate, and I currently serve as a Senior Advisor to Giffords. I remain a proud and active gun owner, outdoorsman, and advocate for responsible gun ownership. I have provided expert witness testimony in *Miller v. Bonta*, No. 3:19-cv-01536-BEN-JLB (S.D. Cal.), and *Duncan v. Bonta*, No. 3:17-cv-1017-BEN-JLB (S.D. Cal.).

OPINIONS

I. Terms In Highland Park’s Ordinance

6. I have reviewed the definition of “assault weapon” as defined under Highland Park’s Ordinance No. 68-13, codified at Highland Park Code § 136.001 (the “Highland Park Ordinance” or “Ordinance”). According to this definition, certain firearms may qualify as an “assault weapon” under the Ordinance if they have certain accessories attached to them or if they are configured in certain ways.

7. I have also reviewed the definitions of “ammunition” and “large capacity magazine” as defined under the Ordinance. The Ordinance defines “large capacity magazine” to

mean an “Ammunition feeding device with the capacity to accept more than ten rounds,” with certain exceptions set forth in the definition.

8. Under subsection (1) of the Ordinance’s definition of “assault weapon,” a semiautomatic rifle that has the capacity to accept a large capacity magazine, detachable or otherwise, qualifies as an assault weapon if it has one or more of the following: (a) only a pistol grip without a stock attached; (b) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand; (c) a folding, telescoping or thumbhole stock; (d) a shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or (e) a “muzzle brake,” defined under the Ordinance to mean a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil, or a “muzzle compensator,” defined under the Ordinance to mean a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

9. Under subsection (2) of the Ordinance’s definition of “assault weapon,” a semiautomatic pistol or any semiautomatic rifle that has a fixed magazine qualifies as an assault weapon if it has the capacity to accept more than ten rounds of ammunition.

10. Under subsection (3) of the Ordinance’s definition of “assault weapon,” a semiautomatic pistol that has the capacity to accept a detachable magazine qualifies as an assault weapon if it has one or more of the following: (a) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand; (b) a folding, telescoping or thumbhole stock; (c) a shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but

excluding a slide that encloses the barrel; (d) a muzzle brake or muzzle compensator; or (e) the capacity to accept a detachable magazine at some location outside of the pistol grip.

11. Under subsection (4) of the Ordinance's definition of "assault weapon," a semiautomatic shotgun qualifies as an assault weapon if it has one or more of the following: (a) only a pistol grip without a stock attached; (b) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand; (c) a folding, telescoping or thumbhole stock; (d) a fixed magazine capacity in excess of five rounds; or (e) an ability to accept a detachable magazine.

12. In addition, subsection (7)(a) of the Ordinance lists specific rifles that qualify as assault weapons for purposes of the Ordinance, including the following models: (i) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR; (ii) AR-10; (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR; (iv) AR70; (v) Calico Liberty; (vi) Dragunov SVD Sniper Rifle or Dragunov SVU; (vii) Fabrique National FN/FAL, FN/LAR, or FNC; (viii) Hi-Point Carbine; (ix) HK-91, HK-93, HK-94, or HK-PSG-1; (x) Kel-Tec Sub Rifle; (xi) Saiga; (xii) SAR-8, SAR-4800; (xiii) SKS with Detachable Magazine; (xiv) SLG 95; (xv) SLR 95 or 96; (xvi) Steyr AUG; (xvii) Sturm, Ruger Mini-14; (xviii) Tavor; (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

13. Subsection (7)(b) of the Ordinance lists specific pistols that qualify as assault weapons for purposes of the Ordinance, including the following models: (i) Calico M-110; (ii) MAC-10, MAC-11, or MPA3; (iii) Olympic Arms OA; (iv) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or (v) Uzi.

14. Finally, subsection 7(c) of the Ordinance lists specific shotguns that qualify as assault weapons for purposes of the Ordinance, including the following models: (i) Armscor 30 BG; (ii) SPAS 12 or LAW 12; (iii) Striker 12; or (iv) Streetsweeper.

15. Semiautomatic rifles, including AR-platform rifles, as well as semiautomatic pistols and shotguns, are capable of firing one shot per each pull of the trigger. Centerfire firearms are chambered with centerfire ammunition, which has the primer located in the center of the base of the cartridge case (as opposed to the rim of the cartridge). Today's modern rimfire ammunition is almost always confined to small and less powerful cartridges, such as the .22LR. Bullets fired from these cartridges are small and light and move slower than almost all centerfire rifle ammunition. Rimfire chamberings are common in youth and "beginner" hunting rifles because they are relatively quiet and inexpensive and have low recoil. Conversely, modern centerfire ammunition requires a detonation of a primer in the center of the cartridge (CENTERfire) and these cartridges are generally much more powerful than rimfire cartridges. As an example, the .223, which is the most common AR-15 cartridge, fires bullets at more than 3000 feet/second, whereas a rimfire cartridge typically propels bullets at around 1100 feet/second. This increased centerfire velocity greatly increases the range and lethality of centerfire cartridges. Most handgun cartridges are also now centerfire and these cartridges generally fire bullets much larger than rimfire cartridges, usually at velocities of between 800 and 1500 feet/second. Generally, centerfire weapons fire higher-caliber ammunition and/or fire it at higher velocities. The AR-platform, in particular, is the civilian version of the military's select-fire M-16 and M-4 rifles, which are capable of fully automatic or burst firing. Based on my familiarity with the firearms industry, AR-platform rifles and similar semiautomatic rifles did

not begin to sell in significant numbers until the late 2000s and particularly after the 2012 shooting at Sandy Hook Elementary in Newtown, Connecticut.

16. The AR-platform is highly modular, enabling owners to customize their rifles with a variety of interchangeable components. Some components of a firearm are integral to its operation, such as a trigger mechanism or barrel, and the firearm will not function properly without them. But as I discuss here, the particular components identified in the AWCA, which qualify a weapon as an “assault weapon” if it is equipped with them, are not integral to the basic operation of any firearm and are not necessary to use a firearm effectively for self-defense or sporting purposes, such as hunting.

17. **Pistol grip without a stock attached.** Pistol grips beneath the action of a rifle or shotgun are not necessary to operate those weapons as designed. A pistol grip is a feature incorporated into some firearm stocks that allows the shooter to control and aim the rifle during periods of rapid fire. For many decades, alternative stock designs have been incorporated into firearms such as Remington 870 shotguns which are widely accepted to be among the most effective home defense guns ever built. Even on AR-15s and similar rifles, stocks that do not incorporate this feature are currently sold in states such as California, and prominent, widely referenced firearms authorities on these topics, such as www.caligunner.com, assess those options and the function of these “compliant” (non-pistol grip) rifles in this manner: “Everyone has a preference on what looks the ‘best’ but the top picks below are *all great functioning options*.”¹ As also noted on that website, while “[s]ome people that are critical of the featureless option complain of the aesthetics of the available options,” “the overall function of the rifle is mostly maintained,” and “several companies continue to innovate and provide new products that

¹ <https://caligunner.com/california-compliant-featureless-rifle/> (last visited Dec. 30, 2022).

look decent and perform well considering the constraints of the law.” While a pistol grip beneath the action of a rifle may be useful during military operations because it helps the shooter stabilize the weapon and reduce muzzle rise during rapid fire, a pistol grip is not necessary to operate a firearm safely in lawful self-defense situations.

18. **Protruding grip that can be held by the non-trigger hand.** This feature is also commonly referred to as a “forward grip” or “foregrip” and is designed to aid in rapid firing, especially in confined spaces such as buildings. The feature first gained prominence inside special operations military units where “cluttering” from accessories and extreme heat generated from the firing of fully auto (submachine) rifles were problems for troops. A concise description of the feature’s origin is found in this firearms industry review from Lucky Gunner: “One of the items issued in this kit was a Knight’s Armament vertical forward grip, and it was included in order to deal with the problem of the forward rails becoming too cluttered to hold correctly when the other accessories were mounted. It also retained the benefits of recoil control and heat mitigation that made it a popular feature on submachine guns.”² As this article details, forward grips can be an effective feature for troops charged with fast and efficient killing of enemy combatants in urban warfare, but in my opinion they are not a necessary feature for self defense.

19. **Folding, telescoping, or thumbhole stock.** The stock is the part of a firearm that allows it to be held at the shoulder for firing. A folding or telescoping stock can be collapsed to shorten the length of the rifle (or extended to extend its length). A firearm does not need an adjustable stock to operate as designed and can be equipped with fixed-length stocks instead. Original rifles on which the current existing and newly manufactured AR-15s are based, and that were accepted by hundreds of thousands of military officers as their weapon of choice for

² <https://www.luckygunner.com/lounge/how-to-hold-an-ar15-foregrip/> (last visited Jan. 10, 2023).

decades, did not incorporate a folding stock and no credible firearms authority claims that those firearms did not function properly. Further, there are still non-folding stock options available today and all are sold and advertised as fully functioning options for semiautomatic rifles.

20. **Shroud attached to the barrel.** A barrel shroud wraps around the barrel of a rifle or pistol, enabling the shooter to grasp the barrel during firing without burning the non-trigger hand as the rifle heats up in rapid-fire and continuous-fire situations. A barrel shroud is not necessary to operate a rifle or pistol as designed in self defense situations.

21. **Muzzle brakes and muzzle compensators.** Muzzle brakes, and compensators are devices added to the end of a firearm barrel that are designed to direct the gas produced from firing in directions that result in reduced “felt recoil” and “muzzle rise.” These devices are therefore designed to aid the shooter in staying on target in rapid fire situations. Some of these devices are also commonly referred to as flash suppressors, which are devices that are attached to the muzzle of a firearm to also reduce or redirect the flash when shooting. This feature is affixed to military rifles to redirect the light (muzzle flash) generated from the burning of gasses while firing which reduces the prevalence of “night blindness” that can develop during low-light firefights. A flash suppressor also disguises the origin of fire and avoid detection by enemy forces but has marginal benefit in civilian self-defense situations, even in low-light conditions. It is widely accepted that the most effective self-defense guns are handguns and home-defense shotguns. These guns also produce muzzle rise and muzzle flash just like an AR-15 and yet none require a “flash suppressor,” “muzzle brake,” or “compensator” device to operate effectively in self defense situations.

22. **Fixed magazine with the capacity to accept more than 10 rounds.** A fixed magazine capable of holding more than 10 rounds of ammunition is not necessary to operate any

firearm as designed. As explained below in connection with detachable magazines, all firearms are capable of functioning with magazines capable of holding fewer than 10 rounds, including magazines that were originally capable of holding more than 10 rounds but have been permanently modified to hold 10 rounds or less. A fixed magazine of 10 rounds or more is generally a “work around” to avoid the regulations on detachable magazines, but the same functional realities apply to both detachable and fixed magazines.

23. **Detachable magazines.** Detachable magazines enable a shooter to replace an empty or depleted magazine with a fresh magazine to resume firing. Detachable magazines may hold more than 10 rounds of ammunition, which the Ordinance defines as “large capacity magazines.” Despite the recent popularization of large capacity magazines, it is important to note that I am not aware of a single existing firearm that requires a large-capacity magazine to function as designed. By this I mean that all firearms that can accept a large-capacity magazine can also accept a magazine that holds 10 or fewer rounds and function precisely as intended. This is true even of AR-platform rifles. Although many AR-platform rifles are sold with a 30 round magazine, the manufacturers all offer the optional purchase of 10 round or even lower capacity magazines. There are many pistols (such as the very popular Model 1911—which was the accepted sidearm of the U.S. Military for decades and is still one of the most widely sold guns in the United States) that are built for magazines of eight rounds or less. Other widely popular guns such as the Sig P938 are also designed to function with seven or eight round magazines and these guns have been widely acclaimed by dozens of notable firearms industry experts as among the most effective concealed carry/self defense firearms on the market.³ While

³ USA Carry review of Sig 938 9mm handgun: <https://www.usacarry.com/sig-sauer-p938-subcompact-9mm-review/> (last visited Jan. 10, 2023).

larger 10-plus round magazines exist for these pistols, a smaller magazine (standard seven or eight round) is considered preferable by almost all consumers because the physical size/profile of the shorter magazine is easier to carry, shoot and conceal. Still today, guns such as the 1911 and Sig938 are built to function with sub-10 round magazines. With regards to the 1911 design, it is so respected that it is currently reproduced by many gun companies (Smith and Wesson, Ruger, Kimber, Springfield, Rock Island, Dan Wesson, and many other companies build and sell these 1911 pistols) and they are sold in high volumes by most retailers in the United States. These guns are still considered extremely effective self-defense firearms by many of the leading firearms trainers in the country and have even been widely labeled as an “expert’s gun.” For most AR-15s and now for many handguns, even where magazines with capacities of more than 10 rounds are prevalent, the industry always offers 10-round or “compliant” magazines as an option. I am not aware of a single case where those magazines have been advertised as inadequate or ineffective.

II. Features And Marketing of AR-15s and Similar “Assault Rifles”

24. All AR-15 firearms are derivatives of the Armalite Rifle (AR) model 15, which was originally designed for the United States Military in the late 1950s. The AR-15 was specifically designed to satisfy clearly-stated military requirements for an “assault rifle.” The AR-15 incorporated features that achieved these requirements and those requirements included: being lightweight, easily portable, accurate, high-capacity-capable, low recoil, and fast-firing. The AR-15 was therefore adopted by the U.S. military in the early 1960s.

25. While there is no universally accepted definition of “assault rifle,” the term generally refers to a firearm that incorporates a set of physical features that increase the effectiveness of killing enemy combatants in offensive battlefield situations, usually in close and medium-range warfare. This list of features generally includes, but is not limited to, the features

enumerated in the Highland Park Ordinance and includes pistol grips, semi-automatic or fully-automatic fire control systems, the capability to accept detachable magazines, folding or telescoping stocks, and barrel shrouds.

26. Military versions of the AR-15, such as the Armalite Rifle model 15, are generally capable of “fully automatic” and “burst” rates of fire. These firing modes, which produce multiple shots with one trigger pull, are generally used to suppress enemy fire. In addition, these guns can be switched between “fully automatic” mode and “semi-automatic” mode. The “semi-automatic” mode, which is the most commonly used mode on military rifles, is the mode that is most often deployed in battle to efficiently target and kill enemy troops. It is my experience that most respected Special Forces trainers teach that “semi-auto” is the preferred and most lethal setting in most wartime scenarios.

27. United States civilian-legal versions of the AR-15 (and other “assault rifles” sold into the U.S. commercial market) are “semi-automatic” firearms.

28. While the AR-15 and its derivatives are by far the most common assault-style rifles in the United States, there are many other firearms that share the same purpose and generally have the same defining features. Those firearms include firearms utilizing all or part of the AK47 platform as well as many others enumerated in the Highland Park Ordinance.

29. The original patent for the gas operating system that assists the AR-15 with being rapidly fired with minimal recoil expired in 1977,⁴ which subsequently allowed the engineering prints for the AR-15 to be publicly available to all firearms companies. From that point forward, there could have been a large-scale, immediate, and legal proliferation of direct copies of these

⁴ Gas Operated Bolt and Carrier System, U.S. Patent No. 2,951,424 (accessible at <https://patents.google.com/patent/US2951424A/en>).

rifles into the United States commercial market. But that did not happen, at least not immediately. In fact, when I first started my work in the gun industry in the 1990s, AR-15s were not common and the acceptance or promotion of this product category was thought to be irresponsible.

30. This self-imposed industry “regulation” is evidenced in the commercial sales of AR-15s. During the period between 1964 and 1994, first for Colt, and then also for all companies who produced the guns after Colt’s patent sunset, commercial AR-15 sales averaged fewer than 27,000 units per year for a total of about 787,000 units in the 30-year period 1964-1994⁵. Even during the 10-year period of the federal assault weapons ban (1994-2004), AR-15s were legal to produce and sell as long as they did not incorporate and combine additional features as enumerated in that legislation. Even after that federal legislation expired, the gun industry did not immediately begin producing or selling these guns in large numbers. That is because there was a continued unspoken agreement in the industry that these guns, which were designed for military-style, offensive (i.e., attacking) use, and related gun paraphernalia—including virtually all large capacity magazines, which were generally also considered to be for military-style, offensive use—would not be displayed at trade shows or used at industry-sponsored shooting events.

31. This voluntary prohibition also extended to the largest sporting goods retailers in the country, none of which would sell or display the guns. Individuals in the shooting industry were asked not to bring such rifles to industry events or promote them publicly. This remained true as late as 2006. It was not until very recently that the gun industry began to push AR-15s

⁵ Estimating AR-15 Production, 1964-2017 (Nov. 9, 2019), http://www.alternatewars.com/Politics/Firearms/Count/AR15_Production.htm (last visited Jan. 12, 2023) (compiling data from the Bureau of Alcohol Tobacco, Firearms & Explosives’ *Annual Firearms Manufacturing and Export Reports*, among other sources).

and other assault-style guns, leading to their well-documented proliferation today, as shown in the following table of data compiled by the National Shooting Sports Foundation (NSSF), the leading trade group in the firearms industry:⁶

Year	US Production less exports of MSR/AR platform	US Import less exports of MSR/AR, AK platform	ANNUAL TOTAL
1990	43,000	31,000	74,000
1991	46,000	69,000	115,000
1992	33,000	72,000	105,000
1993	62,000	226,000	288,000
1994	103,000	171,000	274,000
1995	54,000	77,000	131,000
1996	27,000	43,000	70,000
1997	44,000	81,000	125,000
1998	70,000	75,000	145,000
1999	113,000	119,000	232,000
2000	86,000	130,000	216,000
2001	60,000	119,000	179,000
2002	97,000	145,000	242,000
2003	118,000	262,000	380,000
2004	107,000	207,000	314,000
2005	141,000	170,000	311,000
2006	196,000	202,000	398,000
2007	269,000	229,000	498,000
2008	444,000	189,000	633,000
2009	692,000	314,000	1,006,000
2010	444,000	140,000	584,000
2011	653,000	163,000	816,000
2012	1,308,000	322,000	1,630,000
2013	1,882,000	393,000	2,275,000
2014	950,000	237,000	1,187,000
2015	1,360,000	245,000	1,605,000
2016	2,217,000	230,000	2,447,000
2017	1,406,000	158,000	1,564,000
2018	1,731,000	225,000	1,956,000
2019	1,679,000	169,000	1,848,000
2020	2,466,000	332,000	2,798,000
TOTALS	18,901,000	5,545,000	24,446,000

⁶ https://www.nssf.org/wp-content/uploads/2022/07/EstMSR1990_2020.pdf (last visited Jan. 12, 2023).

32. In 2009, the firearms industry through the NSSF facilitated a public re-branding of “assault rifles” in an effort to make them more socially acceptable. As such, the NSSF broadly encouraged an industry-wide effort to rename such guns to “Modern Sporting Rifles” or MSRs. Even though the guns themselves were steadily “improved” in the functional areas that generally impact lethality of an assault rifle, industry members, including me, were then strongly encouraged to stop using the term “assault rifle” because that term was thought to portray an offensive military use and therefore harm the public perception of such guns.

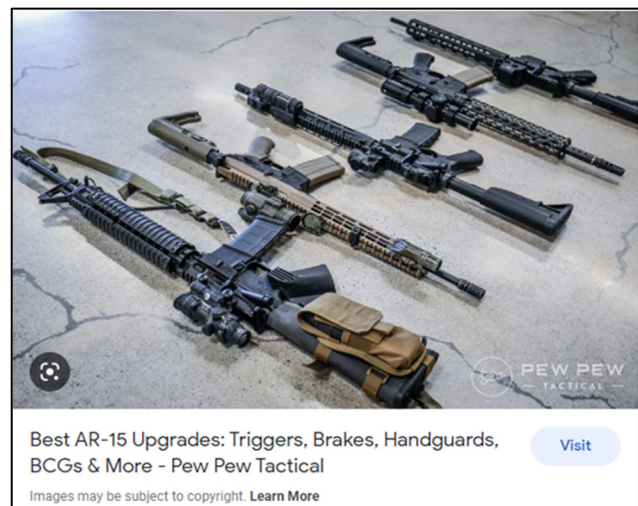
33. During the late 2000s and continuing through today, there has been a rapid increase in the number of companies that manufacture and market their own versions of AR-15s and other similar assault rifles. This has resulted in a transformation of the marketplace from only a few AR-15 manufacturers in 2000, to several hundred AR-15/assault rifle companies today. The list of AR-15 manufacturers now includes small, medium, and the largest firearms companies in the United States, all of whom are striving to obtain market share with versions of what is effectively the same rifle. This reality has created a highly competitive market resulting in thousands of “continuous improvements” in the AR-15-style firearms sold to the general public as a way to encourage consumers to buy one rifle over another. Over time these improvements have generally been incorporated on most rifles across the marketplace and therefore result in firearms that are more accurate, more portable, and more specifically tailored to produce lethal outcomes. Relative to the AR-15 assault rifles requested and then adopted by the U.S. military in the early 1960s, these commercially available AR-15s of today are generally more reliable, more accurate, more ergonomic, and therefore more effective. For example, this is

a typical marketing page⁷ for AR-15 manufactures in which a prominent company advertises the various ways in which its features “improve” upon the basic AR-15:



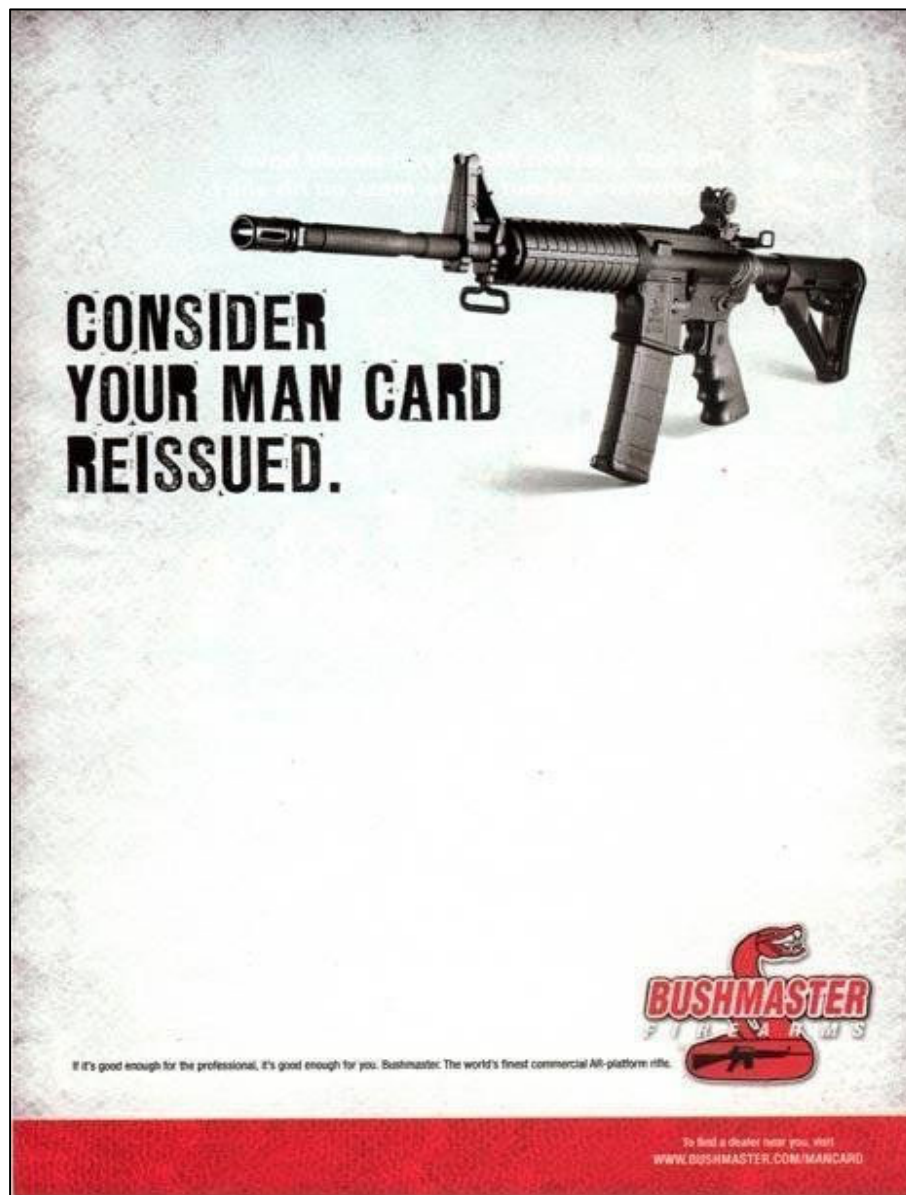
⁷ <https://danieldefense.com/daniel-dna> (last visited Jan. 10, 2023).

34. The increase in the AR-15 market has also facilitated an increase in accessory availability for the AR-15 and similar firearms (commonly referred to as “furniture”). Most AR-15s and similar firearms now incorporate features designed to accept one or more of dozens of accessories, all of which are designed and marketed to increase the effectiveness of the rifle in live-fire situations. The list of accessories includes highly-effective electronic optics, more sensitive triggers, forward and pistol grip options, tactical lights, laser-pointing devices, high-capacity magazines, and many others. Almost none of these accessories were available to the United States military at the time of the rifle’s adoption in the early 1960s. There are now hundreds of companies and retailers who encourage customers to make their rifles more effective by accessorizing. The following are examples of marketing images illustrating this trend:⁸



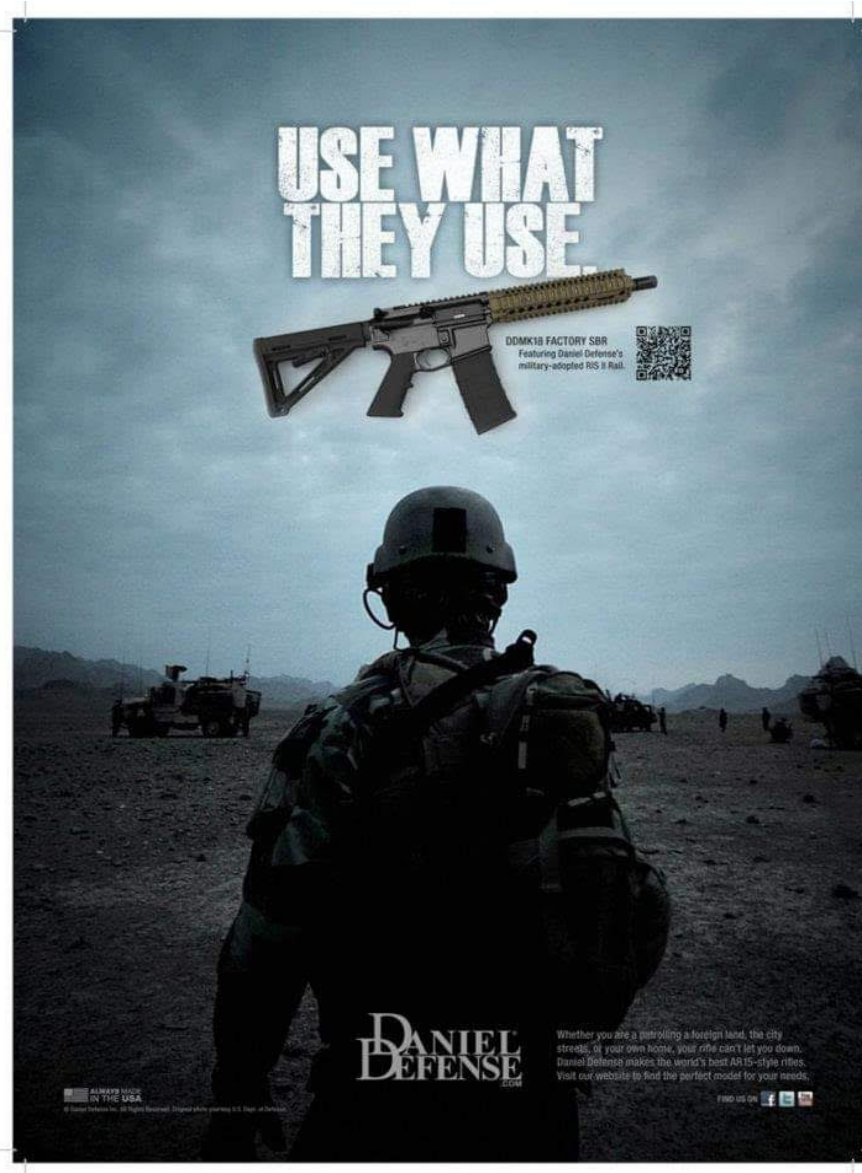
⁸ AR-15 accessory article examples: <https://www.tactical-life.com/gear/top-10-black-guns-ar-accessories/> (last visited Jan. 10, 2023), and <https://www.pewpewtactical.com/best-ar-15-furniture-accessories/> (last visited Jan. 10, 2023).

35. The competitive AR-15/assault rifle marketplace has also resulted in manufacturers creating new customers through professional, targeted marketing campaigns. Most of these marketing campaigns target young American males such as this example from 2010:⁹



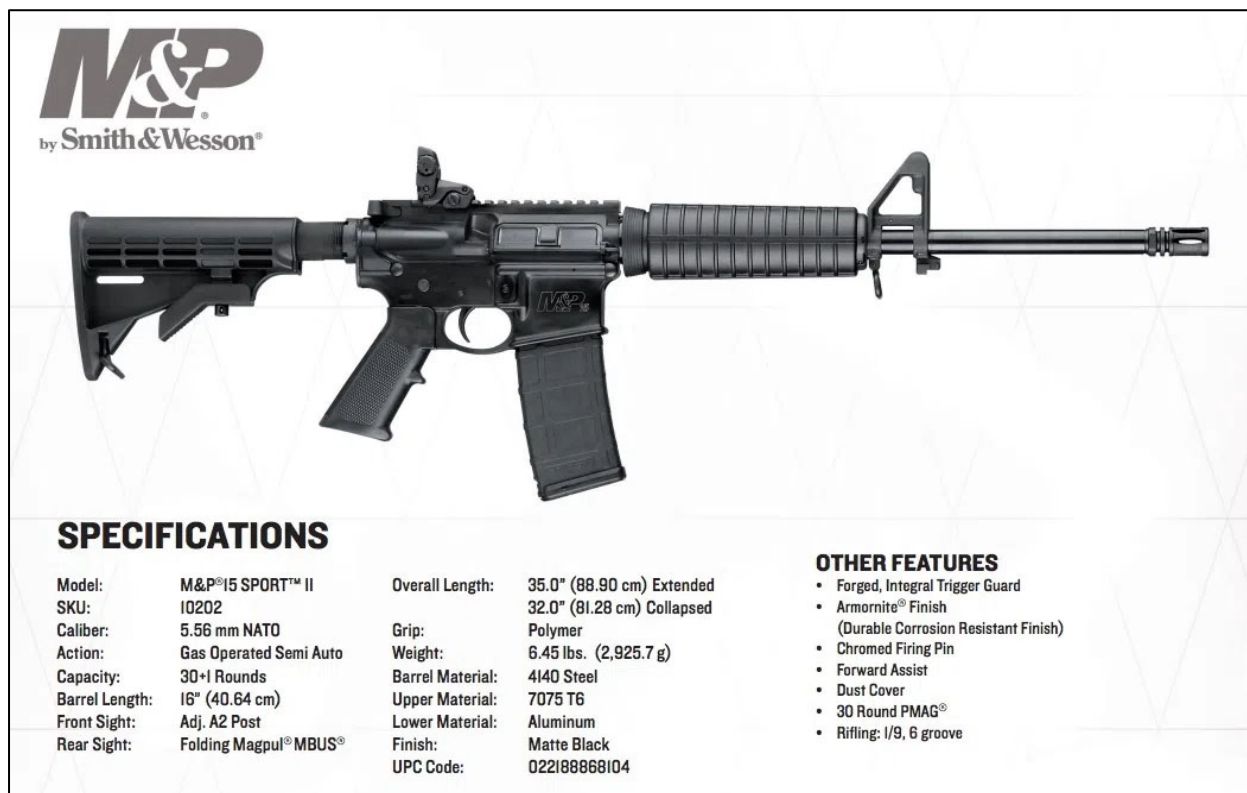
⁹ Bushmaster XM15 Mancard advertising article: <https://www.ammoland.com/2010/05/bushmaster-man-card/#axzz7q0HQao58> (last visited Jan. 10, 2023).

36. Other prevalent AR-15 marketing encourages potential customers, most of whom are young men, to buy the same weaponry as elite special forces units of the U.S. military. In other words, marketing within the industry itself characterizes AR-15-style weapons as military-style weapons, as in this example:¹⁰



¹⁰ Michael Daly, *Uvalde Shooter's Gunmaker Hypes 'Revolutionary' New Killing Machine*, <https://www.thedailybeast.com/uvalde-shooter-salvador-ramos-gunmaker-daniel-defense-hypes-revolutionary-new-killing-machine> (last visited Jan. 10, 2023) (showing Daniel Defense advertisement).

37. Smith and Wesson's AR-15 variant is now widely reported to be the best-selling AR-15 in the United States. One of these rifles was used in the Highland Park July 4th shooting. Smith and Wesson's primary customers for this rifle are U.S. civilians who are not trained in military or police tactics, but the company's chosen name for this rifle, the M&P15, which means "Military and Police AR-15," suggests buyers will be equipped with the same rifles as trained military and police units.¹¹



¹¹ <https://www.smith-wesson.com/product/mp-15-sport-ii> (last visited Jan. 10, 2023).

38. Smaller AR-15 manufacturers often seek to grow their market by advertising in ways that depict young men inciting or engaging in armed urban warfare, such as in this example from AR-15 maker Spike's Tactical:¹²



39. Other AR-15 manufacturers often depict men using their AR-15s in self-appointed vigilante actions, such as this advertising image supplied by the AR-15 maker Patriot Ordnance Factory:¹³

¹² Spikes Tactical Antifa advertisement: <https://www.spikestactical.com/press/left-wing-media-outlets-lose-minds-over-gun-ad-disregard-basic-rules-of-journalism/> (last visited Jan. 10, 2023).

¹³ <https://pof-usa.com/wallpapers/> (last visited Jan. 10, 2023).



40. Some prominent AR-15 companies design and market their rifle models with specific suggested uses that bear obvious similarity to the July 4th shooting in Highland Park. This is one relevant example from AR-15 maker Wilson Combat:¹⁴



41. There are many AR-15 companies that combine the trends of continuous improvement, accessorization and modern digital marketing to encourage potential customers to personalize and optimize their rifles through an online ordering process. Below is one such

¹⁴ <https://www.wilsoncombat.com/ar-calibers/224-valkyrie/super-sniper/> (last visited Jan. 10, 2023).

example.¹⁵ The official corporate name of this manufacturer suggests use of their AR-15s is from “rooftops,” which is how the shooter during the July 4th Highland Park parade deployed his rifle.



42. In my experience, many individuals in the firearms industry operate under the belief that the Protection in Lawful Commerce in Arms Act (PLCAA),¹⁶ which became law in 2005, provides a liability shield for these marketing practices. It is also my experience that the AR-15/assault rifle marketing as detailed in the examples above has increased in frequency and become more explicit since that time.

¹⁵ <https://rooftoparms.com/> (last visited Jan. 10, 2023).

¹⁶ 15 U.S.C. §§ 7901–7903.

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

Executed on January 13, 2023 at Kalispell, Montana.

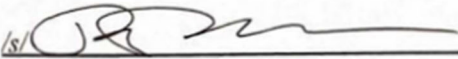
/s/ 
Ryan Busse

Exhibit F

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

DECLARATION OF DR. STEPHEN W. HARGARTEN, MD, MPH

DECLARATION OF DR. STEPHEN W. HARGARTEN, MD, MPH

I, Dr. Stephen W. Hargarten, M.D., M.P.H. declare under penalty of perjury that the following is true and correct:

1. My name is Stephen W. Hargarten, M.D., M.P.H. I am an emergency medicine specialist, having practiced emergency medicine for over 35 years. I have been board certified across four decades. My curriculum vitae, which is attached as **Exhibit A**, documents my educational and research experience in detail.

2. I am being compensated for my services in this case at the rate of \$250/hour.

BACKGROUND AND QUALIFICATIONS

3. I received my Medical Degree from the Medical College of Wisconsin in 1975, completed my internship at Gorgas Hospital, a U.S. Army hospital in Panama City, Panama in 1976, and received my Master's Degree in Public Health at the Bloomberg School of Public Health at The Johns Hopkins University in 1984.

4. I was an emergency medicine physician in the Milwaukee area for 35 years, most recently serving as an Attending Physician at Froedtert Hospital until 2018. As an emergency medicine physician, I treated patients who sustained gunshot wounds.

5. In addition to practicing emergency medicine, I've served as a Professor of Emergency Medicine, Chairman of the Department of Emergency Medicine, and Associate Dean for Global Health at the Medical College of Wisconsin. In 2001 I founded the Injury Research Center, which later was reorganized to become the Comprehensive Injury Center at the Medical College of Wisconsin, where I served as Founding Director for nearly 20 years.

6. The Comprehensive Injury Center focuses on the sciences of injury prevention and control, including violence prevention, through a multidisciplinary public health approach.

This includes community engagement, research, education, and collaboration with partners. The Center conducts research in a variety of areas, including interpersonal violence, gun violence, and opioid use.

7. I serve on a number of National and International Committees, including as the Chair of the Network to Prevent Gun Violence in the Americas (2020-present), Vice-Chair of the Community Preventive Services Task Force of the U.S. Department of Health and Human Services (CDC, 2018-present), and member of the Executive Committee of the Transportation Research Board of the National Academies of Science, Engineering, and Medicine. I have been a member of the National Academy of Medicine since 2011.

8. Over the course of my career, I've been awarded more than \$20 million in research grants and awards, including substantial awards by the State of Wisconsin Department of Health Services, United States Department of Justice, National Institute of Justice, and the Centers for Disease Control and Prevention. In addition, I've published more than 100 original papers in journals such as the *Academic Emergency Medicine*, the *Annals of Emergency Medicine*, and *New England Journal of Medicine*.

9. I have reviewed medical-legal cases for attorneys representing healthcare providers and patients. In the past four years, I have served as an expert in *Viramontes v. The County of Cook*, Case No. 21-cv-04595 (N.D. Ill.).

10. I have reviewed the complaint filed in this case, *National Association for Gun Rights v. City of Highland Park, Illinois*, Case No. 1:22-cv-04774 (N.D. Ill.), and the Highland Park ordinance challenged in this lawsuit, Highland Park Ord. No. 68-13.

11. I hold my opinions to a reasonable degree of medical and scientific certainty. My opinions are based on my education, training, research, and clinical experience, as well as my

knowledge of relevant medical literature and the application of scientific principles to wounding ballistics. Also relevant to the formation of my opinions is my knowledge of accepted standards of medical practice as they apply to emergency medicine.

OPINIONS

12. Each year, more than 45,000 people die from gun-related injuries in the United States.¹ Many shooting victims do not make it to the hospital, and those who survive are often left with serious complications, lifelong disabilities, and psychological trauma.²

13. Projectile weapons and their bullets cause damage to a body by transferring kinetic energy to the target, which ripples through tissue. The bullet penetrates the body, leaving a temporary and permanent cavity in its wake.³ The amount of energy a bullet transfers into a target is a function of the bullet's velocity and mass. The energy delivered to the target increases geometrically along with increases in mass, and exponentially with increases in velocity. The larger a projectile's surface area, the greater its ability to transfer its energy to the intended target.⁴

14. Assault weapons⁵ present an especially serious public health problem in the United States. Assault weapons release projectiles at a relatively high velocity, and can fire more

¹ John Gramlich, "What the data says about gun deaths in the U.S.," Pew Research Center (Feb. 3, 2022), available at <https://www.pewresearch.org/fact-tank/2022/02/03/what-the-data-says-about-gun-deaths-in-the-u-s/>.

² See, e.g., Arlene Greenspan & Arthur L. Kellerman, "Physical and Psychological Outcomes 8 Months after Serious Gunshot Injury," *The Journal of Trauma* 53(4), at 709–16 (Oct. 2002).

³ Alex Yablon, "The Simple Physics That Makes Some Bullets Deadlier Than Others," *The Trace* (June 21, 2017), available at <https://www.thetrace.org/2017/06/physics-deadly-bullets-assault-rifles/>.

⁴ *Id.*

⁵ For purposes of this declaration, I use "assault weapons" to refer to firearms like the AR-15,

bullets and thus release more kinetic energy per minute than other kinds of firearms. And due to a variety of factors, including the velocity of the bullet, spin of the bullet, and size of the bullet, bullets fired by assault weapons penetrate tissue to create relatively large temporary cavities and permanent wound channels that are generally more severe than other kinds of weapons. Assault weapons cause extreme damage to the tissue and organs (especially to solid organs such as the liver and spleen) of shooting victims, leading to relatively high fatality and complication rates in victims.⁶

I. The Energy Release Of Bullets Fired By Assault Weapons Typically Results In More Destructive Potential Than From Other Weapons.

15. For the past two years, I have researched the energy release and damage to human issue of different types of weapons at the Comprehensive Injury Center at the Medical College of Wisconsin (“MCW”), in collaboration with the Department of Biomedical Engineering at MCW and Marquette University. Over the past several years, I, along with a group of collaborators, have sought to perform wound ballistics modeling with state-of-the-art video technology and sensors. Specifically, we designed an experiment to gain a greater understanding of how the bullet “behaves” and transfers energy in simulated human tissue (gelatin). We wanted to quantify the scope and nature of the energy release, as summarized by this equation: Kinetic Energy equals $\frac{1}{2}$ mass times velocity squared.⁷ We wanted to measure the size of the permanent and

which typically are capable of firing rounds at relatively high velocity and with a high rate of delivery, are lightweight and easy to maneuver, have low recoil, and display a high degree of accuracy at long range. This kind of weapon is encompassed by the definition of “assault weapon” in Highland Park’s ordinance. See Highland Park Code § 136.001.

⁶ See, e.g., Gina Kolata and C. J. Chivers, “Wounds From Military-Style Rifles? ‘A Ghastly Thing to See,’” *The New York Times* (Mar. 4, 2018), available at <https://www.nytimes.com/2018/03/04/health/parkland-shooting-victims-ar15.html>.

⁷ Panagiotis K. Stefanopoulos *et al.*, “Wound ballistics of military rifle bullets: An update on controversial issues and associated misconceptions,” *Journal of Trauma and Acute Care Surgery*

temporary cavities created by the bullet as it travels through the human body model. We sought to measure energy release and cavity size because both are wounding predictors in the human body.

16. To do so, we partnered with the Wisconsin Crime Lab, Division of Firearms and Toolmark Examiners, in Milwaukee, Wisconsin, where we identified and utilized firearms from their laboratory. Specifically, we conducted biomechanical testing of the bullets released from several different types of firearms, with the standard ammunition associated with those weapons.⁸ We used three handguns, (all pistols with .25 caliber, .32 caliber, and .40 caliber bullets), a bolt-action Remington hunting rifle (.30-06 caliber), an AR-15 style rifle (5.56 NATO bullets), a Thompson Machine gun rifle (.45 caliber ACP bullet), and a musket model (musket ball). These weapons were chosen to compare the energy output and resulting cavity size from different types of weapons and bullets.

17. The bullet rounds were shot into gelatin. We chose to use gelatin because it simulates, with a similar projectile depth of penetration and permanent damage, the damage done to human soft tissue. Gelatin blocks allow researchers to measure and visualize the energy transfer, temporary cavity, and permanent wound channels created by a projectile.⁹

87(3), at 696 (Sept. 2019).

⁸ The size of the bullet can affect wound severity. In general, holding all else equal, larger caliber rounds are more likely to cause more severe injuries because they increase the surface area of affected tissue. *See, e.g.,* Anthony A. Braga & Philip J. Cook, “The Association of Firearm Caliber With Likelihood of Death From Gunshot Injury in Criminal Assaults,” *JAMA Network Open* 1(3) (July 27, 2018), available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2688536>.

⁹ *See, e.g.,* D.J. Carr *et al.*, “The use of gelatine in wound ballistics research,” *International Journal of Legal Medicine* 132(6), at 1659–64 (Apr. 25, 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6208714/>. For a helpful video demonstration of a similar gelatin experiment comparing a bullet fired by a 9mm handgun and one from an AR-15, see this *60 Minutes* episode “What makes the AR-15 style rifle the weapon of choice for

18. When conducting the experiment, science leaders, technicians, and doctoral students from the Bio-Engineering Department of the Medical College of Wisconsin/Marquette University set up the video technology sensors and gelatin, while the Wisconsin Crime Lab personnel set up the stand for the firearms. The distance from the firearm to the gelatin was approximately 10 feet.

19. We tested several bullets associated with different types of firearms to record and quantify the scope and nature of the permanent and temporary cavities and to quantify the energy release of the bullets with two energy sensors affixed into the gelatin. The system was set up so that when the bullet was released from the firearm, the passage of the bullet thru the gelatin was recorded by high-speed video technology and the energy release was quantified by the two energy sensors.

20. The two pressure transducers with range 0 – 50 megapascals (Entran Sensors & Electronics, Fairfield, NJ) were inserted about ten millimeters deep into the gelatin, perpendicular to the bullet path and recorded at 300 kHz. One sensor, the near sensor, was close to the front of the gelatin block; the other sensor, the far sensor, was close to the back of the gelatin block. Data capture was triggered after the bullet was fired using a sound-triggering device (Woods Electronics, Poway, CA). Pressure was filtered at 2.5 kHz using a low-pass Butterworth filter (MATLAB, The MathWorks, Inc., Natick, Massachusetts) and analyzed over time to evaluate peaks for maximum pressure.

21. The experiment measured a number of metrics; the results of the experiment are summarized in **Exhibit B**.

mass shooters?" (May 29, 2022), available at <https://www.cbsnews.com/news/ar-15-mass-shootings-60-minutes-2022-05-29/>.

22. First, the experiment measured pressure caused by the bullet. Pressure, which was measured by the two different sensors at different points in the gelatin, represents the transferred energy of the bullet as it enters and travels through the gelatin (i.e., the simulated human tissue). The pressure readings show the amount of energy release that is exerted on human tissue.

23. Second, the experiment measured the temporary cavity and permanent cavity formed by the bullet. A permanent cavity is formed by the mass of the bullet traveling through the gelatin, which causes crushing and tearing of the gelatin, similar to what occurs in human tissue and organs. The temporary cavity is formed by the dispersion of the kinetic energy radially from the permanent cavity path, resulting in the stretching and tearing of the gelatin, again similar to what occurs in human tissue and organs. The temporary cavity caused by the energy release is similar to when water is displaced when a diver enters a pool.

24. Third, the experiment measured energy lost by the bullet as it transferred through the gelatin. This was measured by calculating the different energies from the first and second transducer, thus resulting in a calculated transfer of energy to the gelatin. This represents the energy that human tissue will absorb as the bullet passes through the body.

25. Fourth, we measured the percentage of the bullet's energy transferred to the gelatin by the bullet. This was calculated by taking the energy transferred and comparing it to the kinetic energy of the bullet leaving the chamber. Occasionally a bullet will fragment when it enters the gelatin (which also occurs with human tissue). Energy transfer generally increases when a round fragments, because energy is released into the fragments and spread over a greater surface area.

26. We found that the energy release of a 5.56 NATO round fired by an AR-15 style rifle (1,055.05 joules) is significantly greater than that of a round fired by a handgun (54.13

joules for a .25 caliber, 108.73 joules for a .32 caliber, and 265.99 joules for a .40 caliber), a .45 caliber round fired by a Thompson Machine gun (301.81 joules), and a musket ball fired by a musket (111.27 joules). In fact, the energy release is approximately three times greater than a Thompson Machine gun, approximately four to nineteen times greater than the handguns (depending on the caliber), and approximately ten times greater than a musket. The energy release is even larger in a 5.56 NATO round when the bullet fragments, which it did in our second testing of the 5.56 NATO (1,138.13 joules).

27. Furthermore, the temporary cavity caused by the 5.56 NATO bullet was significantly larger than the cavity sizes caused by the handguns, Thompson Machine gun, and the musket. And again, the temporary cavity of the AR-15 increased, by nearly 2 inches, with fragmentation.

28. The only weapon that came close to producing energy and temporary cavities comparable to the 5.56 NATO round was the .30-06 round from the Remington hunting rifle, which is often used to hunt large game. However, a shooter firing an AR-15 style weapon is capable of firing substantially more rounds per minute than someone shooting the Remington hunting rifle for a variety of reasons, including because the hunting rifle requires the shooter to pull the bolt back before firing each round (i.e., the hunting rifle requires the shooter to manually cycle the round); the hunting rifle produces a higher recoil, which means the shooter typically must re-aim after each shot; and the hunting rifle has a magazine of only 3-5 rounds, which requires more frequent reloading. Because the shooter firing the AR-15 style weapon is capable of firing substantially more rounds per minute than the shooter firing the hunting rifle, the AR-15, in effect, releases significantly more energy on a per-minute basis than the hunting rifle.

29. It is my opinion that the AR-15 style bullet's kinetic energy release with its associated greater permanent and temporary cavities is more destructive than those fired by the Thompson Machine gun rifle, handguns, and muskets. Additionally, when considering the number of rounds per minute that each type of firearm is capable of firing, it is my opinion that an AR-15 style weapon is capable of significantly more destruction than a hunting rifle.

30. Large-capacity magazines only increase this destructive potential by increasing the number of rounds someone can fire without having to reload, thereby increasing the number of bullets that can be fired during a given time period.

II. AR-15 Style Weapons Produce More Damage to the Human Body Than Other Weapons.

31. The significant differences in energy transfer and temporary and permanent cavity sizes associated with rounds fired by AR-15 style weapons as compared to rounds fired by other weapons (including on a per-minute basis) have direct implications for injury and death.

32. AR-15 style weapons are capable of inflicting enormous damage on the human body, especially for children. Specifically, critical solid organs are more at risk, and the relative proximity of vital organs to each other in children increases the likelihood of serious injury or death, from gunshot wounds caused by an AR-15 style weapons than those caused by a lower-velocity weapon. Organs such as the liver and spleen, which are relatively inelastic organs due to their cellular structures (versus lung tissue, which is very elastic due to their need to inflate and constrict) are more severely lacerated due to the greater temporary cavity formation by these bullets, resulting in veins and arteries torn, which increases the risk of catastrophic bleeding. In addition, bullets from AR-15 style rifles are more likely to cause significant damage to bones and skeletal structure due to the higher energy release.

33. This reality is borne out by the experiences of those who have recently treated victims of mass shootings involving assault rifles. For example, trauma doctors and nurses who treated patients in the Pulse nightclub shooting in Orlando and other mass shootings “commented on the unbelievable devastation resulting from the bullet wounds.”¹⁰

34. The damage to the human body of bullets fired by assault rifles is amplified when there are multiple bullet wounds and in smaller bodies such as children. In a multiple-gunshot case, there are multiple cavities with energy being transferred to different places inside the body, which means the victim’s wounds are typically more complex, carry a higher likelihood of injury requiring surgical intervention, and carry a higher likelihood of death in the emergency department.¹¹

35. Finally, while the likelihood of serious injury and death from a wound caused by an assault weapon is high for adult victims, the likelihood of serious injury or death for pediatric victims is even greater. Because children have smaller torsos, relatively more compressed/adjacent vital organs, and smaller blood reserves, the energy release and greater temporary and permanent cavities associated with AR-15 style bullets are even more likely to cause serious damage to children as compared to teenagers or adults. Not a single child wounded by an assault weapon at Sandy Hook survived, for example.¹² Those patients who do survive

¹⁰ Leana Wen, “What Bullets Do to Bodies,” *The New York Times* (June 15, 2017), available at https://www.nytimes.com/2017/06/15/opinion/virginia-baseball-shooting-gun-shot-wounds.html?_r=1.

¹¹ Brendan G. Carr *et al.*, “Outcomes related to the number and anatomic placement of gunshot wounds,” *Journal of Trauma* 64(1), at 197–202 (Jan. 2008), available at <https://pubmed.ncbi.nlm.nih.gov/18188121/>.

¹² Report of the State’s Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newton, Connecticut on December 14, 2012 (Nov. 25, 2013) at p. 10, <https://portal.ct.gov/-/media/DCJ/SandyHookFinalReportpdf.pdf>.

after having been struck by these bullets often face surgical challenges, recurring operative procedures, and long-term recovery and disability that is often significantly more complex and difficult to manage than for older victims.

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

Executed on 1/19/2023 at Shorewood, Wisconsin.

/s/Stephen Hargarten

EXHIBIT A

CURRICULUM VITAE (Dec. 2022)

Professor of Emergency Medicine

Home Address: 2411 E. Menlo Boulevard
Shorewood, WI 53211

Office Address: The Hub for Collaborative Medicine
8701 W Watertown Plank Rd.
Milwaukee, WI 53226
Email: hargart@mcw.edu

Birth date: January 5, 1949

Marital Status: Married, 1987 - Janis
Children: Beth, Jordan, Leah

Education:

1984	MPH, Johns Hopkins School of Public Health and Hygiene
1975	MD, Medical College of Wisconsin
1971	BA, University of Wisconsin, Milwaukee

Postgraduate Training:

1975-1976	Rotating Internship, Gorgas Hospital, Canal Zone, Panama
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Faculty Appointments:

2020-present	Senior Injury and Policy Advisor, Comprehensive Injury Center at the Medical College of Wisconsin
2017-2019	Co-Director, Global Health Pathway, Medical College of Wisconsin
2014-2016	Faculty Representative, Board of Trustees, Medical College of Wisconsin
2013-2017	Director, Global Health Pathway, Medical College of Wisconsin
2013-2017	Adjunct Faculty, Joseph J. Zilber School of Public Health, University of Wisconsin
2012-present	Graduate Faculty, Graduate School of Biomedical Sciences, Medical College of Wisconsin
2010-2021	Associate Dean, Global Health, Medical College of Wisconsin
2010-2014	Institute for Health and Society, Medical College of Wisconsin
2008-present	Adjunct Professor, Department of Population Health Sciences University of Wisconsin School of Medicine and Public Health
2001-2020	Director, Comprehensive Injury Center at the Medical College of Wisconsin
1998-present	Professor, Department of Emergency Medicine, Medical College of Wisconsin

Stephen W. Hargarten, MD, MPH

1998-2018	Chairman, Department of Emergency Medicine, Medical College of Wisconsin
1998-2001	Director, Wisconsin Injury Research Center, Department of Emergency Medicine, Medical College of Wisconsin
1997-2002	Director, Firearm Injury Center, Department of Emergency Medicine, Medical College of Wisconsin
1994-1997	Associate Professor, Interim Chairman, Department of Emergency Medicine, Medical College of Wisconsin
1994-1996	Instructional Academic Staff Preceptor, Physician Assistant Program, Department of Family Medicine & Practice, University of Wisconsin Medical School - Madison, WI
1994-2004	Health Policy Institute, Medical College of Wisconsin
1989-1994	Assistant Professor of Emergency Medicine, Medical College of Wisconsin
1985-1988	Assistant Clinical Professor, Department of Trauma and Emergency Medicine, Medical College of Wisconsin

Hospital and Administrative Appointments:

1995-2018	Attending Staff, Froedtert Hospital
1992-1997	Associate Attending Staff, Children's Hospital of Wisconsin

Hospital Appointments: (past)

1989-1995	Associate Attending Staff, John L. Doyne Hospital, Milwaukee, WI
1985-1988	Staff Physician, Emergency Department, St. Luke's Hospital
1984-1985	Staff Physician, Emergency Department, St. Joseph's Hospital
1977-1983	Staff Physician, Emergency Department, St. Mary's Hospital
1976-1977	Staff Physician, Emergency Department, St. Joseph's Hospital

Other Appointments:

2014-2020	President and CEO, Milwaukee Global Health Consortium, Milwaukee, WI
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Specialty Certification:

2000	Board Re-certified, American Board of Emergency Medicine
1991	Board Re-certified, American Board of Emergency Medicine
1987-2010	Examiner, American Board of Emergency Medicine

Stephen W. Hargarten, MD, MPH

1987-2003	Instructor, Advanced Trauma Life Support
1983-2005	Fellow, American College of Emergency Physicians
1982	Board Certified, American Board of Emergency Medicine

Licensure:

National Board of Medical Examiners - July 1976 - #154341
 State of Wisconsin - July 1976 - #20218

Awards/Honors

2019	Distinguished Service Award, Medical College of Wisconsin
2018	Appointment to the Community Preventive Services Task Force (CPSTF) of the U.S. Department of Health and Human Services
2017	International Institute of Wisconsin's Dorothy Von Briesen World Citizen Award in recognition of dedication to the promotion of international cooperation and understanding between diverse cultural communities
2016	The Leonard Tow 2016 Humanism in Medicine Award in recognition of exemplary compassion, competence and respect in the delivery of care (presented by The Arnold P. Gold Foundation)
2015	Distinguished Achievement Award, Milwaukee Academy of Medicine
2012	Outstanding Pathways Advisor for the 2012 Academic Year Medical College of Wisconsin
2012	Outstanding Medical Student Teacher for the 2011-2012 Academic Year Medical College of Wisconsin
2011	Election to the National Academy of Medicine, (Formally the Institute of Medicine) of The National Academy of Sciences
2011	Selected to be a Johns Hopkins Scholar
2008	Outstanding Medical Student Teacher for the 2007-2008 Academic Year Medical College of Wisconsin
2000	Prevention Achievement Award – presented by the Brain Injury Association of Wisconsin
2000	President's Award, Milwaukee Academy of Medicine
1996	Contributions to the 1996 Healthy People 2000 Progress Review, and in recognition of leadership in the area of Violence Prevention, on behalf of the National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Washington, DC, November
1995	Public Citizen of the Year, National Association of Social Workers - Wisconsin Chapter
1994	Physician of the Year State Medical Society – Wisconsin

Stephen W. Hargarten, MD, MPH

1990

Rookie of the Year Award (presented by the Emergency Medicine Residents, Medical College of Wisconsin-MCWAH)

Memberships in Professional and Honorary Societies:

Society for Research Excellence
Community Preventive Services Task Force (US Dept of Health & Human Services)
The National Academy of Medicine (fka Institute of Medicine)
Johns Hopkins Society of Scholars
Society for Academic Emergency Medicine
American Public Health Association
Advocates for Highway and Auto Safety
Wisconsin Public Health Association
International Travel Medicine Society
Society for Advancement of Violence and Injury Research

Consultant:

Florida Department of Health
Colorado Department of Health

Journal Reviewer:

Academic Emergency Medicine
Annals of Emergency Medicine
Accident Analysis and Prevention
American Journal of Emergency Medicine
Journal of Global Health
Journal of the American Medical Association
Journal of Injury Prevention
Chinese Journal of Emergency Medicine, Editorial Board

Peer Grant Reviewer

NCIPC - Elimination of Health Disparities through Translation Research (R18), 2008

National Advisory Committees/Boards:

Chair, Network to Prevent Gun Violence in the Americas, 2020-present

Member, Global Violence Prevention Forum of the National Academies of Sciences, Engineering and Medicine, 2019-present

Member, Community Preventive Services Task Force of the U.S. Department of Health and Human Services, 2018-present

Member, Executive Committee, Transportation Research Board of the National Academies of Sciences, Engineering and Medicine, 2018-present

Member, Executive Committee, Transportation Research Board of the National Academies, 2018-present

Stephen W. Hargarten, MD, MPH

Member, Scientific Committee, Consortium of Universities for Global Health, 2013

Special Government Employee, Board of Scientific Counselors, National Center for Injury Prevention and Control, 2013-2017

Member, Institute of Medicine, Global Health Board, 2012-2018

Member, Scientific Advisory Committee, University of Michigan Injury Center, 2011-present

Board Member, Community Advocates, Urban Strategies, 2010-present

Board Member, Great Lakes Transportation Enterprise Institute, 2010-2013

Founding President, Society for Advancement of Violence and Injury Research, 2005-2007

President, Association of Academic Chairs of Emergency Medicine, 2004-2005

President, National Association of Injury Control Research Centers, 2004-2005

Member, Advisory Committee, National Center of Injury Prevention and Control, Acute Care Research Committee, 2004-2005

Board Member, St. Charles Youth and Family Services, 2001-present

Participant, Injury Research Grant Review Committee, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, June 7-8, 1998

Member, Senator Russ Feingold Health Care East Advisory Committee, 1999–2010

Co-Chair, Advocates for Highway & Auto Safety, 1998 – 2002

Public Health Task Force, Society for Academic Emergency Medicine 1998 - 2000

Member, Education Advisory Committee, Association for the Advancement of Automotive Medicine, 1996 – 1997

Board Member, Advocates for Highway & Auto Safety, 1994– present

Member, Public Health and Injury Prevention Committee - American College of Emergency Physicians, 1991-1995

Member, Program Committee, Society for Academic Emergency Medicine, 1993 - 1995

Board Member, Association for Advancement of Automotive Medicine, 1992 - 1995

Member, Public Health Committee - Society for Academic Emergency Medicine, 1990 - 1993

Member, Trauma Subcommittee American College of Emergency Physicians, 1990 – 1991

State/Local Advisory Committee/Boards:

Faculty Member, Board of Trustees, Medical College of Wisconsin, 2014-2016

Member, Committee on Inmate/Youth Death, Department of Corrections, 2005-2007

Stephen W. Hargarten, MD, MPH

Member, Public Health Council, Department of Health and Family Services, 2004-2006

Task Force Member, Governors Task Force on Terrorism, 2001-2003

Chair, State Trauma Advisory Committee, 1999-2003

Chair, State Medical Society Council on Health of the Public, 1999-2000

Eastern Regional Health Care Advisory Committee of Senator Feingold, 1998-2000

Chair, Policies and Practice Work Group, Fighting Back, 1998

Board Member, Fighting Back, 1997-2000

Chair, State Medical Society Injury Control Commission, 1996 - 1999

Chair, Public Health and Education Committee, Milwaukee Academy of Medicine, 1993 – 1999

Tom Dooley Heritage - Board Member (Private, Voluntary Organization), 1981 - 1995

Chairman, Safe Transportation Commission Wisconsin State Medical Society, 1990 - 1994

Board Member, Wisconsin Division American Trauma Society, 1990 - 1993

President, Wisconsin Public Health Association, 1992 - 1993

Co-Chairman, Wisconsin Safety Belt Coalition, Madison, Wisconsin, 1986 - 1991

Milwaukee County Medical Society Public Health Committee, 1989 - 1991

Commissioner, Milwaukee Safety Commission, 1987 - 1990

Medical Director, St. Luke's International Travel Clinic, 1985 - 1988

Board Member/President, Wisconsin Indochina Refugee Relief (WICRR) – Wisconsin, 1980 - 1982

Wisconsin Indochina Refugee Relief (WICRR) (Private, Voluntary non-profit organization), Volunteer Physicians - Tom Dooley Memorial Hospital Thailand, 1980

Co-Founder, Board Member West of the River Community Center, Milwaukee, Wisconsin, 1977 – 1979

Research Grants, Contracts, and Awards:

1. "Remembering the Lost: How Investigation of Military Suicides Can Improve Prevention Resources"
AWARD FOR FISCAL YEARS 2020-22
\$316,576
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Advancing a Healthier Wisconsin Endowment
2. "Using Hospital Records of Patients Presenting to Froedtert Hospital to Predict Risk of Opioid Use Disorder (OUD), Fatal and Non-fatal Opioid Overdose, and ED Readmission"
AWARD FOR FISCAL YEARS 2020-2021
\$50,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH

Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Clinical and Translational Science Institute through Advancing a Healthier Wisconsin Endowment

3. "Project Zero"
AWARD FOR FISCAL YEARS 2021-2023
\$316,760
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Advancing a Healthier Wisconsin Endowment
4. "Project Aware"
AWARD FOR FISCAL YEARS 2019-2024
\$300,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: (Sub-contract) State of Wisconsin Department of Health Services
5. "WVDRS and SUDORS Contract"
AWARD FOR FISCAL YEARS 2019-2020
\$170,440
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: (Sub-contract) State of Wisconsin Department of Health Services
6. FY20 DOC Contract
AWARD FOR FISCAL YEARS 2019-2020
\$99,874
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Department of Corrections
7. "Destination Zero: Zero Suicide in Fond du Lac County"
AWARD FOR FISCAL YEARS 2018-2020
\$419,691
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program
8. "MCW Blue Center Research Award"
INITIAL AWARD FOR FISCAL YEARS: 2017-2020
\$600,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Medical College of Wisconsin, Office of Research
9. "Scudder Travel Scholarship"
AWARD FOR FISCAL YEARS: 2017-2021
\$15,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Dr. James H. Taylor and Dr. Susan P. Taylor
10. "Dr. Elaine Kohler Summer Academy in Global Health Research and Electives"
AWARD FOR FISCAL YEARS: 2017-2021
TOTAL AWARD: \$250,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: John Michael Kohler Family Foundation
11. "The Cardiff Model: Strengthening Community Capacity to Reduce Violence:
AWARD FOR FISCAL YEARS 2016-2018
\$499,693
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH

Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: US Department of Justice

12. "Developing a Community-Based Approach to Reduce Drug Overdoses in Milwaukee County"
AWARD FOR FISCAL YEAR 2016
TOTAL AWARD \$25,000
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Milwaukee County
13. "Addressing Racial Disparities in the Ascertainment and Identification of Depression, Suicidal Ideation, and Death by Suicide"
AWARD FOR FISCAL YEARS 2016-2017
TOTAL AWARD \$37,347
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Charles E. Kubly Foundation
14. "Creating a Jackson County that Supports Mental Health"
AWARD FOR FISCAL YEARS 2015-2017
TOTAL AWARD: \$374,504
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program
15. "Wisconsin Violent Death Reporting System" (WVDRS)
AWARD FOR FISCAL YEAR 2015
AWARD: \$69,773
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: (Sub-Contract) State of Wisconsin, Department of Health Services
16. "Integrating Emergency Data with Law Enforcement, Emergency Medical Service and Community Data to Reduce Violence"
AWARD FOR FISCAL YEAR 2015
PRINCIPAL INVESTIGATORS: Stephen Hargarten, MD, MPH and Jennifer Hernandez-Meier, MSW
FUNDING AGENCY: National Institute of Justice
17. "Criminal Background Characteristics of Homicide Perpetrators and Victim's and Suicide Decedents: A Model State Analysis"
AWARD FOR FISCAL YEARS 2014-2016
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: New Venture Fund for a Safer Future
18. "Training Administration Support"
AWARD FOR FISCAL YEARS 2012-present
TOTAL AWARD: \$6,200
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Varies
19. "M4 University of the Philippines College of Medicine Global Health Elective"
AWARD FOR FISCAL YEARS: 2012-2013
TOTAL AWARD: \$1,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: David E. Engelhardt, MD
20. "Changing the Culture of Risky Drinking Behavior: Policy Change"
AWARD FOR FISCAL YEARS: 2012-2017
TOTAL AWARD: \$748,267
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH

Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Healthier Wisconsin Partnership Program

21. "Child Maltreatment and Partner Violence: Bridging the Medical/Social/Science Gap"
AWARD FOR FISCAL YEAR 2011-2012
TOTAL AWARD \$7,142
FUNDING AGENCY: NICHD/Sub-contract from Washington University-St. Louis
22. "M4 Global Health Elective Travel Scholarship"
AWARD FOR FISCAL YEARS: 2011-2017
TOTAL AWARD: \$70,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: St. Joseph's Hospital Professional Emergency Services, Inc. (PES) Fund Award
23. "M4 Global Health Elective Travel Scholarship"
AWARD FOR FISCAL YEARS: 2011-2017
TOTAL AWARD: \$70,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Ewens Wicare Fund
24. "Dr. Elaine Kohler Summer Academy in Global Health Research and Electives"
AWARD FOR FISCAL YEARS: 2011-2016
TOTAL AWARD: \$255,000
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: John M. Kohler Foundation
25. "Violence Prevention Initiative Research and Evaluation Team"
AWARD FOR FISCAL YEARS: 2010-2015
TOTAL AWARD: \$1,241,473
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program
26. "Strengthening Emergency Care in Belize"
AWARD FOR FISCAL YEARS: 2010-2012
TOTAL AWARD: \$21,360
PRIMARY INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wagner Foundation
27. "Changing the Culture of Risky Drinking Behavior"
AWARD FOR FISCAL YEARS: 2009-2012
TOTAL AWARD: \$300,000
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program
28. "Elaine Kohler Nicaragua Award"
AWARD FOR FISCAL YEARS: 2008-2016
TOTAL AWARD: \$5,000
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Julilly Kohler WI Care
29. "Kenosha County Suicide Prevention Initiative"
AWARD FOR FISCAL YEARS: 2008-2011
TOTAL AWARD: \$450,000
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program

Stephen W. Hargarten, MD, MPH

30. "Train the Trainer Alcohol Screening and Intervention"
AWARD FOR PERIOD: June-September 2008
TOTAL AWARD \$20,000
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Department of Transportation
31. "Comprehensive Injury Center at the Medical College of Wisconsin"
AWARD FOR FISCAL YEARS: 2007-2012
TOTAL AWARD: \$4,424,025
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
32. "Public Health Injury Surveillance and Program Development"
AWARD FOR FISCAL YEAR: 2007-2008
TOTAL AWARD: \$106,034
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Injury Prevention Program, Wisconsin Dept of Health and Family Services
33. "Changing the Culture of Risky Drinking Behavior"
AWARD FOR FISCAL YEARS: 2007-2008
TOTAL AWARD: \$49,944
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program
34. "Medical Student Training in Aging and Injury Research"
AWARD FOR FISCAL YEARS: 2007-2012
TOTAL AWARD: \$391,068
CO-PROGRAM DIRECTOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: National Institutes of Health/National Institute on Aging
35. "Public Health Injury Surveillance and Program Development"
AWARD FOR FISCAL YEAR: 2006-2007
TOTAL AWARD: \$68,870
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Injury Prevention Program, Wisconsin Dept of Health and Family Services
36. "Strengthening Public Health Policymaking for a Healthier Milwaukee"
AWARD FOR FISCAL YEARS: 2006-2008
TOTAL AWARD: \$49,816
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Healthier Wisconsin Partnership Program
37. "Youth Suicide Prevention and Early Intervention"
AWARD FOR FISCAL YEARS: 2006-2009
TOTAL AWARD: \$100,000
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Milwaukee Mental Health Association via Substance Abuse and Mental Health Services Administration
38. "Public Health Injury Surveillance and Program Development"
AWARD FOR FISCAL YEAR: 2005-2006
TOTAL AWARD: \$93,228
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Injury Prevention Program, Wisconsin Dept of Health and Family Services

Stephen W. Hargarten, MD, MPH

39. "Toward Regional Priorities for Injury Prevention"
AWARD FOR FISCAL YEAR: 2003
TOTAL AWARD: \$22,727
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Department of Health and Family Services
40. "Deaths to US Travelers Abroad"
AWARD FOR FISCAL YEAR: 2002
TOTAL AWARD: \$50,000
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Center for Disease Control and Prevention
41. "Annie E. Casey Foundation"
AWARD FOR FISCAL YEAR: 2002
TOTAL AWARD: \$68,181
PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Annie E. Casey Foundation
42. "Comprehensive Injury Center at the Medical College of Wisconsin"
AWARD FOR FISCAL YEARS: 2001-2007
TOTAL AWARD: \$5,180,275
PRIMARY INVESTIGATOR: Stephen W. Hargarten MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
43. "Grants for Injury Control Research Centers – Small Project 4"
AWARD FOR FISCAL YEARS: 2001-2004
TOTAL AWARD: \$ 66,672
CO-INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
44. "Grants for Injury Control Research Centers – Large Project 4"
AWARD FOR FISCAL YEARS: 2001-2006
TOTAL AWARD: \$ 204,000
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
45. "Grants for Injury Control Research Centers – Large Project 3"
AWARD FOR FISCAL YEARS: 2001-2006
TOTAL AWARD: \$100,000
CO-INVESTIGATOR (IN KIND): Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
46. "Grants for Injury Control Research Centers – Core A"
AWARD FOR FISCAL YEARS: 2001-2006
TOTAL AWARD: \$ 137,380
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
47. "2nd Annual Emerging Injury Conference: International Travel Related Injury"
AWARD FOR FISCAL YEARS: 2001-2002
TOTAL AWARD: \$ 50,000
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Centers for Disease Control and Prevention
48. "NVDRS – Intentional Injuries and Assaults"

Stephen W. Hargarten, MD, MPH

AWARD FOR FISCAL YEARS: 2001-2002

TOTAL AWARD: \$ 75,774

PRIMARY INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Wisconsin Office of Justice Assistance

49. "Improving Patient Safety: Health Systems Reporting, Analysis, and Safety Improvement Research Demonstrations"

AWARD FOR FISCAL YEARS: 2001-2004

TOTAL AWARD: \$1,418,594

CO-PI: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Agency for Healthcare Research and Quality

50. "International Injuries and Assaults"

AWARD FOR FISCAL YEARS: 2001-2002

TOTAL AWARD: \$ 68,196

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: State of Wisconsin

51. "Building a National Firearm Injury Reporting System"

AWARDED FOR FISCAL YEARS: 2000 - 2001

TOTAL AWARD: \$50,000

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Funder's Collaborative for Gun Violence Prevention by Harvard School of Public Health
National Violent Injury Statistics System (NVISS)

52. "Preventing Firearm Suicides and Unintentional Deaths"

AWARD FOR FISCAL YEARS: 2000-2001

TOTAL AWARD: \$60,000

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Funder's Collaborative for Gun Violence Prevention by Johns Hopkins Center for Gun Policy
& Research

53. "A Comprehensive Model for Firearm Injury Reporting, Analysis and Information" – Joyce 5

AWARD FOR FISCAL YEARS: 1999-2002

TOTAL AWARD: \$771,924

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Joyce Foundation

54. "Closing the Gap: Applying Injury Control Science to Patient Safety"

AWARD FOR FISCAL YEARS: 1999-2000

TOTAL AWARD: \$24,316 and \$30,000

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Centers for Disease Control and Prevention

55. "In the Wake of a Gunshot"

AWARD FOR FISCAL YEARS: 1999-2000

TOTAL AWARD: \$10,000

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Wisconsin Humanities Council and the National Endowment for the
Humanities

56. "Strategic Development of State Firearm Injury Reporting Systems"

AWARD FOR FISCAL YEARS: 1999-2000

TOTAL AWARD: \$116,911

PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH

Stephen W. Hargarten, MD, MPH

FUNDING AGENCY: Open Society Institute

57. "Wisconsin Firearm Injury Reporting Systems (FIRS) – Joyce 4
AWARD FOR FISCAL YEARS: 1998-1999
TOTAL AWARD: \$95,912
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Joyce Foundation
58. "Wisconsin Drug Abuse Emergency Room Registry"
AWARD FOR FISCAL YEARS: 1998-1999
TOTAL AWARD: \$1500
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: State of Wisconsin, Dept. of Health & Family Services
59. "National Firearm Information Center" – Joyce 3
AWARD FOR FISCAL YEARS: 1997-2000
TOTAL AWARD: \$391,581
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Joyce Foundation
60. "Firearm Injury Reporting System" – Joyce II
AWARD FOR FISCAL YEARS: 1996-1998
TOTAL AWARD: \$194,538
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: Joyce Foundation
61. "Brief Strategies for Alcohol-Related Non-traffic Injuries"
AWARD FOR FISCAL YEAR: 1996
TOTAL AWARD: \$10,904
PRINCIPAL INVESTIGATOR: Stephen W. Hargarten, MD, MPH
FUNDING AGENCY: University of Wisconsin – Madison
62. "Firearm Surveillance System - Wisconsin"
AWARD FOR FISCAL YEAR: 1994-1997
TOTAL AWARD: \$150,000
CO-DIRECTOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Division of Health, State of Wisconsin
63. "Firearm Injury Reporting System"
AWARD FOR FISCAL YEAR: 1994-95
TOTAL AWARD: \$50,000
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Faye McBeath Foundation
64. "Firearm Injury Reporting System" – Joyce II
AWARD FOR FISCAL YEAR: 1994-95
TOTAL AWARD: \$79,997
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Joyce Foundation
65. "Emergency Room Drug Abuse Data"
AWARD FOR FISCAL YEARS: 1992 - 2000
TOTAL AWARD: \$5,000/yr.
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: State of Wisconsin

66. "Crash Outcome Data Evaluation (CODES) in Wisconsin"
AWARD FOR FISCAL YEAR: 1992-1993
TOTAL AWARD: \$15,000
CO-INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: National Highway Traffic Safety Administration
67. "Partnerships in Health/EMS Training for Poland"
AWARD FOR FISCAL YEARS: 1992-1994
TOTAL AWARD: \$2.4 million
ASSOCIATE DIRECTOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: United States Agency for International Development
68. "Emergency Medical Services Course for Physicians"
AWARD FOR FISCAL YEAR: 1992
TOTAL AWARD: \$29,789.00
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Department of Transportation
69. "Motorboat Propeller Injuries in Wisconsin 1987-1989"
AWARD FOR FISCAL YEAR: 1991
TOTAL AWARD: \$2,000.00
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Institute for Injury Reduction
70. "Electronic Log System for Emergency Department"
AWARD FOR FISCAL YEAR: 1990
TOTAL AWARD: \$40,356.00
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Department of Transportation
71. "Cost & Data Analysis of Motor Vehicle Trauma in Milwaukee County"
AWARD FOR FISCAL YEAR: 1990
TOTAL AWARD: \$3,417.00.
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Department of Transportation
72. "Hunting Injuries and Illnesses in Montana 1990"
AWARD FOR FISCAL YEAR: 1990
TOTAL AWARD: \$2,500.00
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wilderness Medical Society
73. "Motor Vehicle Crashes - Emergency Physician Costs"
AWARD FOR FISCAL YEAR: 1990
TOTAL AWARD: \$6,000.00
PRINCIPAL INVESTIGATOR: Stephen Hargarten, MD, MPH
FUNDING AGENCY: Wisconsin Safety Belt Coalition

Invited Lectures/Testimony:

1. "Gun Violence as a Biopsychosocial Disease," Midwest Injury Prevention Alliance Virtual Summit, December 9, 2020.

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2. "Global Health from Neighborhoods to Nations", Milwaukee Academy of Medicine, Virtual Webinar, November 17, 2020.
3. "Impact of COVID-19 on the University's Global Health Programming," 7th Annual Midwestern Universities for Global Health, Virtual Webinar, September 30.
4. "Gun Violence in the Americas: Local Solutions to a Hemispheric Challenge," Consortium of Universities for Global Health, Virtual Webinar, July 16, 2020.
5. "Assault Weapons Ban in the Americas," Newtown Action Alliance, Virtual Webinar, July 9, 2020.
6. "Gun Violence in Mexico and Central America," Consortium of Universities for Global Health, Virtual Webinar, April 21, 2020.
7. "The Milwaukee Global Health Landscape Study," Milwaukee Global Health Consortium, Virtual Webinar, April 13, 2020.
8. "Gun Violence in the Americas Focus: Mexico," Consortium of Universities for Global Health, Virtual Webinar, March 24, 2020.
9. "Physician Advocacy," Medical College of Wisconsin Health Policy and Advocacy Course, Milwaukee, WI, March 23, 2020.
10. "Understanding the Biopsychosocial Aspects of Violence Involving Firearms," American Hospital Association Webinar Series on Gun Violence, Virtual Presentation, February 19, 2020.
11. "Gun Violence: A Biopsychosocial Disease," 2020 Comprehensive Injury Center Lecture Series, Medical College of Wisconsin, Milwaukee, WI, January 23, 2020.
12. Assembly Health Committee Public Hearing (Military Civilian Partnership + Cancer Clinical Trials Legislation), Madison, WI, January 7, 2020.
13. "Global Burden of Gun Violence," University of Wisconsin Population Health Seminar Series, University of Wisconsin, Madison, WI, December 2, 2019.
14. "Gun Violence: A Biopsychosocial Disease," Department of Medicine Grand Rounds, Medical College of Wisconsin, Milwaukee, WI, September 27, 2019.
15. "Suicide in Wisconsin: Considerations for Prevention," Wisconsin State Legislature's Suicide Prevention Task Force Testimony, Milwaukee, WI, September 9, 2019.
16. "Gun Violence: A Biopsychosocial Disease," Department Conference, Department of Emergency Medicine, Medical College of Wisconsin, Milwaukee, WI, August 8, 2019.
17. "Road Traffic Injury Prevention and Violence Injury Prevention," International Congress on Emergency Medicine Meeting, Seoul, South Korea, June 12, 2019.
18. "Gun Violence Prevention: Dispelling Myths, Understanding Science, Strengthening Prevention, Programs, and Policies," Community Conversations, La Crosse, WI, April 24, 2019.
19. "Gun Violence: A Biopsychosocial Disease," Toward One Wisconsin Inclusivity Conference, Milwaukee, WI, April 11, 2019.
20. "Motor Vehicle Crash Deaths and Injury – Moving to Zero," Wisconsin Medical Society Physician Education Conference, Madison, WI, April 6, 2019.

21. "Gun Violence: A Biopsychosocial Disease," Wisconsin Medical Society Physician Education Conference, Madison, WI, April 6, 2019.
22. "Injury as a Biopsychosocial Disease," Wisconsin Violence and Injury Prevention Program Summit, Madison, WI, April 4, 2019.
23. "Gun Violence: A Biopsychosocial Disease," Society for the Advancement of Violence and Injury Research Conference, Cincinnati, OH, April 2, 2019.
24. "Gun Violence: A Complex Biopsychosocial Disease," Grand Rounds, University of Wisconsin School of Medicine and Public Health, Madison, WI, February 21, 2019.
25. "Why Do Health Systems Have A Role?" NASEM: Health Systems Interventions to Prevent Firearm Injuries & Death – A Workshop, Washington DC, October 17, 2018
26. "Vision Zero – Emphasis on Public Health" Transportation Research Board Transportation Safety Management Mid-Year Meeting, Washington DC, July 30, 2018
27. "Gun Violence: A Biopsychosocial Disease: Myths, Science & Prevention", 2018 Preventive Medicine Annual Meeting, American College of Preventive Medicine, Chicago, ILL, May 24, 2018
28. "International Challenges and Higher Education", 39th Annual National Conference on Law & Higher Education. Stetson University College of Law, Clearwater, FL, February 3, 2018
29. "Faculty promotion for global health" 4th Annual Midwest Universities for Global Health Meeting: Capacity Building in Global Health at Washington University Medical School, December 1, 2017.
30. "Gun Violence: A Biopsychosocial Disease: Physician Roles and Responsibilities", Grand Rounds, University of Michigan Emergency Medicine Residency Conference, Ann Arbor, MI, November 8, 2017.
31. "International Partnerships: Global Wisdom, Global Citizens" American Association of Medical Colleges, Boston, MA, November 5, 2017.
32. "Legal Characteristics of Emergency Medicine" Belize Medical and Dental Association XXXVI Congress, Belize City, Belize, October 17, 2017.
33. "Global Health Challenges: The Burden of Injury" University of Norte Dame Eck Institute for Global Health, Norte Dame, IN September 28, 2017.
34. "Gun Violence: Myths, Science, Opportunities", Underground Science Society, The Sugar Maple,
 - i. Milwaukee, WI, September 11, 2017.
35. "Gun Violence as a Biopsychosocial Disease Burden: Our Roles and Responsibilities" for The Violence Epidemic: Justice, Public Health and Ethics, Center for Bioethics and Medical Humanities, Medical College of Wisconsin, Milwaukee, WI, June 13, 2017.
36. "Global Burden of Road Traffic Injury: Opportunities and Strategies for Prevention and Control: Roles of Civil Society" Consortium of Universities for Global Health, Washington DC, April 8, 2017.
37. "Gun Violence: A Biosocial Disease" Keynote for Wisconsin Chapter of American College of Emergency Physician's 2017 Spring Symposium, Madison, WI, March 28, 2017.
38. "Global Burden of Injury" Hainan Medical University, Hainan, China, March 15, 2017.

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39. "MCW's Impact on the World: From Milwaukee, Wisconsin to Around the Globe", MCW/Marquette Medical Alumni Association 51st Clinical Conference, Sonoma, CA, March 7, 2016.
40. "Global Health and Medical Education: The Ethics of Short-term International Electives" Advancing Global Health: Ethical and Logistical Issues, Bronx, NY, December 5, 2016.
41. "Global Emergencies" Belize Medical and Dental Association XXXV Congress, Belize City, Belize, November 17, 2016
42. "Shoot to Kill: Shooting Trends Across the Nation" Panel at Marquette University, Milwaukee, WI,
i. October 14, 2016.
43. "Gun Violence: A Biosocial Disease", Sanford Trauma Symposium, South Dakota Department of Health, Sioux Falls, SD, October 11, 2016.
44. "Global Health from a Milwaukee Perspective" Marquette University Global Health Symposium, Milwaukee, September 30, 2016
45. "Study Abroad Student Safety", Wisconsin Association of Independent Colleges and Universities Student Safety Workshop, Milwaukee, September 28, 2016
46. "Global Health Challenges", Notre Dame University, Notre Dame, IN, September 1, 2016
47. "Beyond the Basics of Health, Safety, Security and Risk Management", Keynote Speaker for The Forum on Education Abroad Standards of Good Practice Institute, Northwestern University, Evanston, IL, June 23, 2016.
48. "Global Burden of Injury" University College of Dublin, Dublin, Ireland, June 8, 2016
49. "Global Health: The Ultimate Sustainable Challenge", Sustainability Summit, Milwaukee, May 13, 2016
50. "Medical Student Perspectives on Global Health" MCW Today, Tomorrow, and Beyond Symposium Alumni Weekend, Milwaukee, April 30, 2016
51. "Gun Violence: A Biosocial Disease" for Medical College of Wisconsin Nursing Trauma Conference, Milwaukee, WI, April 23, 2016.
52. "Gun Violence: A Biosocial Disease", Keynote Speaker for Gun Violence: A Public Health Symposium, Washington University – Institute for Public Health, St. Louis, MO, April 5, 2016.
53. "How Violence Impacts Public Health", Panel Participant for University of Wisconsin-Zilber School of Public Health, Milwaukee, WI, February 25, 2016.
54. "Programs and Policy: Addressing a Global Need for Surgery and Emergency Care" and "Global Burden of Injury", Global Health Conference Midwest, Creighton University, Omaha, NE, February 6, 2016.
55. "Inequality and Freedom from Violence: Community violence has identifiable causes and implementable cures" University of Wisconsin-Milwaukee Fireside Forum, Milwaukee, WI, February 2, 2016
56. "Global Health: Managing Health & Safety", 2nd Annual Midwestern Universities for Global Health, Rush University, Chicago, IL, December 2, 2015
57. "Global Burden of Injury" Visiting Professor, Notre Dame, Notre Dame, IN, October 15, 2015
58. "Global Burden of Injury" Visiting Professor, University of Wisconsin, Madison, WI, October 12, 2015

59. "Challenges and Opportunities in Academic Medicine: Collaborating for Global Health" Visiting Professor, Universidad Católica de Guayaquil, Guayaquil, Ecuador, May 6, 2015
60. "Disaster Preparedness & Response: An All Hazard Approach" Consortium of Universities for Global Health Annual Meeting, Boston, MA, March 26, 2015
61. "Injury Science and Geriatrics: Coming of Age Together", Visiting Professor, Weill Cornell Medical College, Division of Geriatrics & Palliative Medicine Grand Rounds, New York, NY, February 12, 2015
62. "Emergency Medicine and Injury Prevention and Control: A Room with a View", Visiting Professor, Weill Cornell Medical College, Divisions of Emergency Medicine and Geriatrics & Palliative Medicine Grand Rounds, New York, NY, February 11, 2015
63. "Firearm Injuries", Community Memorial Hospital Medical Staff Education Program, Menomonee Falls, WI, January 16, 2015.
64. "Firearm Injuries", Institute of Medicine Forum on Violence, Washington, DC, December 17, 2014
65. "Global Health Managing Traveler Safety" Midwest Universities for Global Health Inaugural Meeting, University of Illinois at Chicago Center for Global Health, December 3, 2014
66. "Global Health and Medical Education: The Ethics of Short-term International Electives" Advancing Global Health: Education, Building, and Support, Albert Einstein College of Medicine, Bronx, New York, November 10, 2014
67. "Strengthening Emergency Care in Belize" 33rd Belize Medical and Dental Association International Congress, Belize City, Belize, October 31, 2014
68. "Triage Use and Implementation" 33rd Belize Medical and Dental Association International Congress, Belize City, Belize, October 31, 2014
69. "The Science of Injury Prevention and Control" University of Zagreb School of Medicine, Zagreb, Croatia, September 9, 2014
70. "Challenges and Opportunities in Academic Medicine: Collaborating for Global Health", University of Rzeszow Jubilee of Medical Faculty, Rzeszow, Poland, September 5, 2014
71. "Burden of Global Violence/Injury" for the 2014 World Affairs Seminar, Carroll University, Waukesha, Wisconsin, June 23, 2014
72. "Practical advice for implementing useful global health curricula and effective academic programs" USAID The Future of Global Health: Building Better Professionals & Programs, Washington DC, May 9, 2014
73. "Global Health and Partnerships" Shanghai Minhang Central Hospital, Shanghai, China, April 25, 2014
74. "Organizing Injury prevention and control programs" 2014 China- US-Japan Summit Forum of Emergency Medicine, Xinhua Hospital, Shanghai, China, April 25, 2014
75. "Technical Consultation for United Nations Office for Disarmament Affairs", Research and Information Gathering Participant, UN Headquarters, New York, NY, November 19, 2013.
76. "Gun Violence as a Public Health Issue", Tuesday Speaker for Milwaukee Rotary Club, War Memorial, Milwaukee, WI, October 29, 2013

77. "Transportation Safety and Injury Prevention," Keynote Speaker for Midwest Conference of Institute of Transportation Engineers, Pfister Hotel, Milwaukee, WI, June 27, 2013.
78. "Patient Safety or Injury Control: Two Worlds or One?," Patient Safety Summit, Johns Hopkins, Baltimore, MD, June 21, 2013
79. "Gun-Related Violence", Guest Speaker for Milwaukee Forum, Haggerty Museum, Milwaukee, WI, January 17, 2013.
80. "Gun Policy Summit". Expert Panel Participant, Johns Hopkins University, Baltimore, MD, January 14-15, 2013.
81. "Emergency Medicine: Going Global", Guest Speaker for Klippel Lecture, Washington University School of Medicine, St. Louis, MO, December 4, 2012.
82. "Global Burden of Injury", Introduction to Public Health: Global Health, Carroll University, Waukesha, WI, November 30, 2012, April 20, 2012, November 11, 2011
83. "Gun Violence: The Strengths and Limits of the Disease Model", Guns in America: Conflicting Points of View, University of Wisconsin, Madison, WI, November 1, 2012.
84. "Increasing Utilization of NVDRS Data", National Violent Death Reporting System Reverse Site Visit, Atlanta, GA, September 13, 2011.
85. "Researching Car Crashes and Gun Shot Wounds: Products, Problems, Policies," and "Opportunities in Injury Research: Getting Started and Connecting the Dots", Visiting Lecturer for the University of Alberta, Canada, June, 2011.
86. "Congressional Briefing". Expert Testimony, Association for Safe International Road Travel and the U.S. Congressional Caucus on Global Road Safety, United Nations Decade of Action for Road Safety 2011-2020 United Nations, Washington, DC, May 11, 2011.
87. "The Team Approach to Caring for Acutely Injured Patients", Jao Tong University, Xinhua Hospital, Shanghai, China, November 9, 2010.
88. "Trauma Evaluation and Management, TEAM" for 29th Belize Medical and Dental Association International Pre-Congress, Belize City, Belize, October 20, 2010.
89. "The Emergency Department and Systems Approach to Emergency Medicine" for 29th Belize Medical and Dental Association International Pre-Congress, Belize City, Belize, October 19, 2010.
90. "The Public Health Approach to Violence Prevention in Health Care Settings" for International Association for Healthcare Security and Safety Conference, Baltimore, MD, June 22, 2009.
91. "Epidemiology of Travel-Related Injury & Death" for 11th Conference of the International Society of Travel Medicine, Budapest, Hungary, May 26, 2009.
92. "Reducing Firearm Injuries and Death: A Public Health Approach" for Trauma Conference, Kent State University, Canton, OH, November 7, 2008.
93. "Guns and Cars: A Tale of Product Design Flaws Linked with Death & Injury" for Trauma Conference Kent State University, Canton, OH, November 7, 2008.
94. "Gun Violence" for Grand Rounds, Mount Sinai Hospital, Milwaukee, WI, October 17, 2008.

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95. "Town Hall Meeting – Status of Impaired Driving in Wisconsin" for MADD, NHTSA, DOT in Middleton, WI, August 14, 2008.
96. "Guns and Cars: Stories for preventing car and gun related deaths" for Grand Rounds, Columbia-St. Mary's, Milwaukee, WI, June 13, 2008.
97. "Panel on Urban Studies Programs" for 2nd Annual Henry W. Maier State of Milwaukee Summit, Milwaukee, WI, April 30, 2008.
98. "The Public Health Approach to Reduce Alcohol Related Injury and Death" Noon Conference for Gundersen Lutheran Trauma & Emergency Center, LaCrosse, WI, November 1, 2007
99. "From the Bedside to the Community and Beyond: The Physician's Role in Injury Prevention and Control", Grand Rounds, Philadelphia, PA, October 23, 2007.
100. "Public Health Approach to Reducing the Burden of Suicide" Grand Rounds for Psychiatry, St. Joseph's Outpatient Conference Center, Milwaukee, WI, June 20, 2007.
101. "Violence is a Disease", 2007 Global Health and Social Justice Conference, University of Wisconsin-Milwaukee College of Nursing, Milwaukee, WI, March 29, 2007.
102. "Burden of Injury in Wisconsin: Spelling It Out", Injury Summit, Holiday Inn, Neenah, WI, October 25, 2006.
103. "Injury Policy Forum", EMSC Policy Forum, Monona Terrace, Madison, WI, March 21, 2006.
104. "To Be or Not to Be: Case Studies in Injury Control and Advocacy", Seminar on Gun Violence, University of Wisconsin, Population Health Institute, Madison, WI, December, 2005.
105. "Emergency Medicine Leadership", Yale University, Section of Emergency Medicine, April 2005
106. "Emergency Medicine Leadership," Brown University, Department of Emergency Medicine, March 2005
107. "Emergency Medicine Leadership", University of Alabama-Birmingham, Department of Emergency Medicine, November 2002
108. "Medical Examiner and Coroner Data for Public Health: A Model Linked System", Institute of Medicine Workshop on the Medicolegal Death Investigation System, Washington, DC, March 23-25, 2003.
109. "The National Violent Death Reporting System: It's About Time We're Connecting-the-Dots for Injury Prevention", University of North Carolina Injury Prevention Research Center Seminar, Chapel Hill, NC, March 17-19, 2003.
110. "Emergency Medicine Leadership in the 21st Century: Guns and Cars, Acute Care, and Injury Prevention", University of North Carolina Injury Prevention Research Center Seminar, Chapel Hill, NC, March 17-19, 2003.
111. "Medical Injury", Grand Rounds at the University of Western Ontario, Ontario, Canada, January 24, 2003.
112. "Planning for a State Violent Death Reporting System", National Violent Death Reporting System Implementation Training, Atlanta, Georgia, January 16-17, 2003.
113. "Advocacy in Emergency Medicine", Grand Rounds at the University of Alabama Birmingham, Birmingham, A., November 20, 2002.
114. "Causes of Gun Crime", American Society of Criminology Conference, Chicago, IL, November 12, 2002.

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115. "Nonfatal Gun Injuries – What We Know, Don't Know and Need to Know", The 7th HELP Network Conference, Chicago, IL, October 27, 2002.
116. "Youths and Guns", Gun Violence Workshop, The National Academies National Research Council Institute of Medicine, Washington, D.C., September 16, 2002.
117. "Injury Prevention: Creating an Agenda for Action", Springfield, Illinois, July 31, 2002.
118. "The Public Health Approach to reducing firearm related deaths", Coalition Against Gun Violence, Cleveland, Ohio, June 6, 2002.
119. "The Physician Scientist as Advocate", The Spivey Lecture, Society for Academic Emergency Medicine Annual Meeting, St. Louis, MO, May 16, 2002.
120. "Firearm suicides: A two-state comparison", 6th World Conference on Injury Prevention and Control, Montreal, Quebec, Canada, May 12-15, 2002.
121. "Travel related injury prevention for students", NAFSA Conference, University of Wisconsin Milwaukee, Milwaukee, WI, April 18, 2002.
122. "Suicide among Wisconsin farmers", American Association of Suicidology, 35th Annual Conference, Bethesda, MD, April 10-13, 2002.
123. "The relationship between health providers and law enforcement: Information sharing and lessons learned in the Firearm Injury Reporting System", 30th Annual Conference on Value Inquiry – Values in Health Care: Past, Present and Future, Milwaukee, WI, April 4-6, 2002.
124. "The Public Health Approach to Reducing Firearm Injuries", 13th Annual Trauma Symposium for Coastal Area Health Education Center, Wilmington, NC, February 9, 2002.
125. "Emergency Medicine and Advocacy", Department of Emergency Medicine Grand Rounds at Johns Hopkins School of Medicine, Baltimore, MD, January 31, 2002.
126. "Gun Violence and Gun Policy Conference", Brookings Institute, Washington, D.C., January 25, 2002.
127. "Emergency Medicine Advocacy: A Model Discussion", Northwestern University, Department of Emergency Medicine, December 2001.
128. "Emergency Medicine Advocacy", Northwestern University, Chicago, Illinois, December 19, 2001.
129. "Firearm suicide in Wisconsin 1999: Urban/rural and age-related patterns", Mobilizing for a Safe USA, Atlanta, GA, December 3-5, 2001.
130. "Improve Research Information and Data on Firearms", National Academy of Science Committee, 2nd Meeting, Irvine, CA, November 15, 2001.
131. "The Public Health Approach to Reducing Firearm Injuries", AMA Key Stakeholders Meeting, Oak Brook, IL, November, 2001.
132. "Linking the gun with homicides and suicides: A model analysis of the who, when, and where of the gun's first purchase", American Society of Criminology, Atlanta, GA, November 6-10, 2001.
133. "Firearm Injury Data Systems", AMA Science Reporters Conference, San Francisco, California, October 30, 2001.

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134. "Firearm suicide: The Wisconsin experience, 1999", American Public Health Association, 129th Annual Meeting, Atlanta, Georgia, October 20-24, 2001.
135. "Relationship of household gun ownership to firearm suicide rates in Wisconsin communities", American Public Health Association, 129th Annual Meeting, Atlanta, Georgia, October 20-24, 2001.
136. "Firearm Homicide in Milwaukee and the Progress of the Firearm Injury Reporting System", The Milwaukee Fire and Police Commission, Milwaukee, Wisconsin, October 18, 2001.
137. "Identification and Classification of Homicide in Wisconsin 2000: A Comparison of Two Data Systems", Medical College of Wisconsin 2001 Student Research Forum, Milwaukee, Wisconsin, October 4, 2001.
138. "Demonstrating the Linkage of Data Sets from the Firearm Injury Center and the City of Milwaukee Using Geographic Information System Analysis" Medical College of Wisconsin 2001 Student Research Forum, Milwaukee, Wisconsin, October 4, 2001.
139. "The Public Health Challenge and the Model Firearm Injury Reporting System", Plenary Presentation, Aiming for Prevention: International Medical Conference on Small Arms, Helsinki, Finland, September 28-30, 2001.
140. "Highlights of the Firearm Injury Reporting System's first statewide report: Investigating regional differences", 13th Annual Milwaukee County Medical Examiners Office Forensic Science Seminar, Milwaukee, Wisconsin, September, 2001.
141. "What We Don't Know is Killing Us: The Need for Better Data about Firearm Injuries and Deaths", National Academy of Sciences Committee on Law and Justice, Washington, DC, August 30, 2001.
142. "Injury Control of Gun Shot Wounds", Advances in Trauma, American College of Surgeons, Kansas City, Missouri, December 8, 2000.
143. "Trauma Care in the State of Wisconsin", 2000 Annual Meeting of the Wisconsin Chapter of the American College of Surgeons, Waukesha, Wisconsin, December 2, 2000.
144. "Travel Health: Clinical Issues for Occupational and Environmental Health Providers", American Occupational Health Conference, American College of Occupational and Environmental Medicine, Philadelphia, Pennsylvania, May 18, 2000.
145. "To Be or Not to Be a Physician Scientist Advocate: That is the Question", Emergency Medicine Spring Research Forum, University of Michigan, Ann Arbor, May 2000.
146. "US Citizen Deaths Abroad: What we know, don't know, and need to know to prevent them", Occupational Health Conference, Philadelphia, Pennsylvania, May 14, 2000.
147. "Firearms: The Need for Better Information and Safer Guns", Commission for the Prevention of Youth Violence, American Medical Association, Houston Texas, May 9, 2000.
148. "Understanding State-of-the-Art Treatment & Prevention of Firearm Injuries", National Conference for Health Care Professionals, Froedtert Memorial Lutheran Hospital, Milwaukee, WI, December 10-11, 1999.
149. "Better Data, Safer Guns Equals Fewer Injuries", Gun Violence Forum, Entertainment Industries Council, Los Angeles, California, November 3-4, 1999.
150. "Bridging the Gap between Information and Policy: A Public Health Approach to Reducing Firearm Injuries", Conference of Wisconsin Network for Health Policy Research, University of Wisconsin School of Medicine, Madison, WI, November 4-5, 1999.

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151. "Counting Firearm-related Deaths: A case study for better surveillance and knowledge through data linkage," Emergency Medicine New England Conference, Newport, Rhode Island, August 11-13, 1999.
152. "Guns, Cars & Death: A View from a Room," Department of Emergency Medicine and Division of Traumatology and Surgical Critical Care Grand Rounds, University of Pennsylvania Medical Center, Philadelphia, PA, July 9, 1999.
153. "The Scientist as Policy Advocate: Clarifying the Issues and Framing the Data for Effective Policy Development and Debate," 1999 Society for Academic Emergency Medicine Annual Meeting, Boston, MA, May 23, 1999.
154. "Firearm Injury Surveillance", The 5th Annual Citizens' Conference to Stop Gun Violence, The Educational Fund to End Handgun Violence, Washington DC, November 13-14, 1998.
155. "Public Health Strategies to Address Family Violence", National Advisory Council on Family Violence, Rosemont, IL, April 4, 1998.
156. "Rapid Deceleration Injuries Involving Recreational Vehicles", Flight for Life's Annual Emergency Services Conference: Trends and Issues 1998, Flight for Life, Milwaukee, WI, April 4, 1998.
157. "Rapid Deceleration Injuries Involving Recreational Vehicles", Flight for Life's Annual Emergency Services Conference: Trends and Issues 1998, Flight for Life, Milwaukee, WI, March 31, 1998.
158. "Taking Aim at Cars and Guns", Skills Fair 1998, Shared Governance Development Council, Froedtert Memorial Lutheran Hospital, Milwaukee, WI, March 26, 1998.
159. "Preventing Firearm Injury: Protecting Our Children", Firearm Injury Prevention Training Conference, American Academy of Pediatrics, Chicago, IL, March 14-15, 1998.
160. "Scope and Nature of Firearm Injury Research: Issues and Challenges" Injury Prevention Research Center, The University of Iowa, Iowa City, IO, February 1998.
161. "Mechanism of Injury", Flight for Life's Trauma Nurse Specialist Course, Flight for Life, Milwaukee, WI, February 4, 1998.
162. "Scope and Nature of Firearm Injury Research: Issues and Challenges", University of Iowa Injury Prevention Research Center, Iowa City, IO, February 3, 1998.
163. "Adult Option of the Master's Program in Nursing" Medical College of Wisconsin, Fall Semester, Marquette University College of Nursing, Milwaukee, WI, August 24 - December 6, 1997.
164. National HELP Conference -Tracking the Firearm Epidemic National Conference, Washington DC, April 1997.
165. Lafollette Institute-Public Health Model for Reducing Firearm Injuries and Deaths, Madison, WI, April 1997.
166. "Futures in Emergency Medicine Research Conference, Macy Foundation, Washington D.C., March 1997 (invited as representing the Association of Academic Chairs in Emergency Medicine)
167. "Emergency/Trauma Medicine." Sheboygan Memorial Medical Center, Knights of Columbus Center, Sheboygan, WI, February 18, 1997.
168. "Firearm Injury Prevention: A Model Strategy." Medical College of Wisconsin, Winter Refresher Course for Family Physicians, Pfister Hotel, Milwaukee, WI, January 30, 1997.
169. The Johns Hopkins School of Public Health and Hygiene, Gun Policy and Research Center, Baltimore, MD December 3-6, 1996.

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170. "The Nature and Scope of Firearm Injury Research: Issues and Challenges." Visiting Professor, The Johns Hopkins School of Public Health and Hygiene, Gun Policy and Research Center, Baltimore, MD, December 3-6, 1996.
171. "The Milwaukee County Firearm Injury Reporting System." Healthy People, National Health Promotion and Disease Prevention Objectives, Violent and Abusive Behavior - 1996 Progress Review, Washington, DC, November 26, 1996.
172. "Violence Prevention." Tenth Annual Summer Trauma Symposium. Paper Valley Hotel & Conference Center, Appleton, WI, June 1996.
173. "Teenage Violence." Tenth Annual Summer Trauma Symposium. Paper Valley Hotel & Conference Center, Appleton, WI, June 1996.
174. Injury Prevention and Control for Emergency Medicine, Department of Emergency Medicine, University of Pittsburgh Medical Center, Pittsburgh, PA, May 1996.
175. "Firearm Injury Surveillance System." 1996 Attorney General's Law Enforcement Conference, Stevens Point, WI, May 1996.
176. "The Milwaukee County Firearm Injury Reporting System." Visiting Professor, Department of Emergency Medicine, University of Pittsburgh Medical Center, Pittsburgh, PA, May 1996.
177. "Tracking the Epidemic." Third Annual HELP Network Conference: Promoting Public Policy for the Public's Health, guest lecturer, Washington, DC, November 1995.
178. "Injury and Violence Prevention: Confronting the Crisis." 69th National School Health Conference of the American School Health Association, Milwaukee, WI, October 1995.
179. "Guns and Violence: The Tragic Cost." National Violence Prevention Conference, University of Iowa, Des Moines, IA, October 1995.
180. "Monitoring Firearm Injuries." National Violence Prevention Conference, University of Iowa, Des Moines, IA, October 1995.
181. "Rural Trauma/Rural Violence." Day of Country Medicine Conference, Howard Young Medical Center, Minocqua, WI, September 1995.
182. "Firearm Violence and Gun Control in America." Panel participant at the Wisconsin Surgical Society meeting, Lake Geneva, WI, September 1995.
183. "Milwaukee County Firearm Injury Reporting System: A Model for Injury Prevention." State of Wisconsin, Department of Health and Social Services, Milwaukee Managed Care Forum, Milwaukee, WI, August 1995.
184. "Firearm Injury Prevention for Primary Care Physicians." Family Practice Grand Rounds, Waukesha Memorial Hospital, August 1995.
185. "Strategies to Reduce Firearm Deaths." Wisconsin Council of Administrators of Special Services, Ltd., Madison, WI, May 1995.
186. "Violence Prevention." State Medical Society of Wisconsin Alliance, 66th Annual Convention, Milwaukee, WI, April 1995.

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187. "Emergency Medicine Research: A View from the Riverbank." Faculty Development Seminar Series, University of Illinois at Chicago, Department of Emergency Medicine, Chicago, IL, March 1995.
188. "Committee on Transportation and Infrastructure Subcommittee on Surface Transportation." Advocates for Highway and Auto Safety, Washington, DC, March 1995.
189. "Firearm Injuries and Deaths." Department of Psychiatry, University of Wisconsin - Madison Medical School, Milwaukee Campus, WI, March 1995.
190. "Firearms, Violence and Prevention." Public Issues Committee, Family Service of Milwaukee, Milwaukee, WI, March 1995.
191. "Injury Control." Grand rounds, Department of Emergency Medicine, William Beaumont Hospital, Department of Emergency Medicine, Royal Oak, MI, March 1995.
192. "Understanding How to Access Health Care Delivery Systems II Conference." Milwaukee Regional Medical Complex, Milwaukee, WI, March 1995.
193. "Proposal to Establish a Reporting System for Firearm Injuries." Public Issues Consortium, 12th Annual Legislative Breakfast, Milwaukee, WI, January 1995.
194. "Firearm Violence: A Public Health Issue." Marquette University College of Nursing, Milwaukee, WI, January 1995.
195. "Handgun Violence as a Public Health Problem in our Community." Social Development Commission, November 1994.
196. "Integrated Firearm Injury Reporting System: A Model for Communities." Second Annual HELP Conference, Chicago, IL, October 1994.
197. "Violence and Firearms: Reshaping the Discussion and Restructuring the Prevention Strategies." Forum on Youth Violence Conference, Wisconsin AODA Education Network, Stevens Point, WI, October 1994.
198. "Injury Control and Emergency Medicine." American College of Emergency Physicians Scientific Assembly, Orlando, Florida, September 1994.
199. "Trauma Systems." American College of Emergency Physicians Scientific Assembly, Orlando, Florida, September 1994.
200. "Firearm Injury and Death Problems in the United States, Wisconsin, and Milwaukee." Wisconsin Coroners & Medical Examiners Association, Oshkosh, WI, June 1994.
201. "Firearm Injuries and Deaths: Reshaping the Discussion." Department of Emergency Medicine, University of Missouri-Kansas City School of Medicine, Kansas City, MO, June 1994.
202. "Injury Prevention and Control and Emergency Medicine." Department of Emergency Medicine, University of Missouri-Kansas City School of Medicine, Kansas City, MO, June 1994.
203. "The Science of Injury Prevention: A Framework for Violence Prevention." The University of Wisconsin - Milwaukee, School of Nursing, Continuing Education and Outreach Program, Milwaukee, WI, March 1994.
204. "Firearm Injuries and Deaths: Reshaping the Discussion." Columbia Hospital Grand Rounds, Milwaukee, WI, February 1994.
205. "Injury Patterns of Motor Vehicle Crashes." Wisconsin EMT Association Annual Conference, Milwaukee, WI, January 1994.

206. "Firearm Injuries and Deaths: Reshaping the Discussion." Milwaukee Forum, Milwaukee, WI, November 1993.
207. "Alcohol and Medicine: An Emergency Medicine Perspective." Association of American Medical Colleges, Washington, DC, November 1993.
208. "Handguns: Taking Aim at the Problem." Emergency Nurses Association Annual Meeting, LaCrosse, WI, September 1993.
209. "Violence and the Elderly." Wisconsin Chapter American College of Emergency Physicians Annual Conference, LaCrosse, WI, September 1993.
210. "Advocacy in Public Health Workshop." Wisconsin Public Health Association Annual Conference, Appleton, WI, June 1993.
211. "State of the Art Session on Injury Control." Society for Academic Emergency Medicine, San Francisco, CA, May 1993.
212. "Injury Prevention: A Crucial Aspect of Travel Medicine." Third Biennial International Travel Medicine Society Meeting. Paris, France, April 26, 1993.
213. "Firearms Deaths and Injuries." Emergency Nurses Association - Milwaukee Chapter, Milwaukee, WI, January 1993.
214. "Facial Injuries: Epidemiology, Acute Care, and Prevention." Wisconsin Emergency Medical Technician Association Annual Meeting, Milwaukee, WI, January 1993.
215. "Boating Injuries and Deaths: Challenges for Emergency Medical Services." American Trauma Society - Wisconsin Division, Stevens Point, WI, December 1992.
216. "Firearm Injuries: Public Policy Issues, Data Sources for Firearms Injuries." American Public Health Association, Washington, DC, November 1992.
217. "Data Sources for Firearms Injuries: Problems and Opportunities." Milwaukee Academy of Medicine, Milwaukee, WI, November 1992.
218. "EMTs and Injury Prevention: It's in our job description." American Trauma Society - Wisconsin Division, Milwaukee, WI, December 1991.
219. "Firearms and Children." Wisconsin Nurse Practitioners Conference, Madison, WI, November 1991.
220. "Drownings: Acute care and prevention." American Red Cross - Milwaukee Chapter, Milwaukee, WI, January 1991.
221. "Fire-safe cigarettes." Illinois Public Health Association, Chicago, IL, May 1990.
222. "Travel-related mortality." Travel Medicine Update Conference, Seattle, WA, May 1990.
223. "Travel-related illness - Where have you been lately?" Wisconsin Chapter, American College of Emergency Physicians, October 12, 1989.
224. "Travel-related mortality." Travel Medicine Conference, Seattle, WA, May 1988.
225. "Motor Vehicle Crashes and Seat Belts." Beloit Memorial Hospital, May 1987.

Exhibits:

1. Producer: Photograph Exhibit - "Portraits of the Silent Epidemic" - Head Injury in Wisconsin, 1988.

Medical College Committees:

Chair, Global Health Advisory Council, 2014-2019

Chair, Milwaukee Regional Medical Center Strategic Planning for Global Health, 2014- 2015

Chair, Global Health Department Liaisons, 2011- present

Board Member, Medical College Physicians, 2000- 2017

MCP Finance Committee, 2005-2007

Froedtert Credential Committee, 2005-2007

Chair, Global Health Program Advisory Council, 2010-2011

Member Department of Medicine Search Committee, Medical College of Wisconsin, 2000

Froedtert & Medical College Joint Management Cabinet, 1997-2000

Faculty Career Development Advisory Committee, Medical College of Wisconsin, 1998 - 2003

Chair, Ad Hoc Committee for M3/M4 Curriculum, 1998

Intramural Review Committee, Department of Medicine, Medical College of Wisconsin, 1999

Intramural Review Committee, Department of Family Medicine, Medical College of Wisconsin, 1997

Clinical Practice Group Committee, Medical College of Wisconsin, 1995 - 2000

Curriculum and Evaluation Committee, Medical College of Wisconsin, 1998 – 2000

Executive Committee of the Faculty, Medical College of Wisconsin, 1994 – present

Nominating Committee - Medical College of Wisconsin, 1992 – 1995

Medical College Teaching:

1. MCW Faculty's Efforts in Low- and Middle-Income Countries" PhD in Public and Community Health Seminar, January 10, 2018
2. "MCW's Impact on the World: From Milwaukee, Wisconsin to Around the Globe", Asthma/Allergy, and Clinical Immunology Grand Rounds, Children's Hospital of Wisconsin, September 22, 2017

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3. "Global Health Electives: What to Consider with International Travel Health and Wellness" Global Health Elective Preparation, September 12, 2017
4. "MCW's Global Health Efforts and Opportunities for Pharmacy" School of Pharmacy, January 16, 2017
5. "Global Health Impact" Department of Pediatrics Division of Adolescent Medicine, January 20, 2017
6. "Local/Global Lens: Exploring the Impact of Medical Training Experiences in Low-Resource Settings" Pediatrics Grand Rounds, December 2, 2016
7. "The State of MCW Global Health and Opportunities for Neurosurgery" Neurosurgery Grand Rounds, December 2, 2016
8. "Global and Local Global Health" Neurology Grand Rounds, December 2, 2016
9. "Developing a Medical Elective in Nicaragua" Orthopedic Grand Rounds, November 30, 2016
10. "Global Health at MCW" Faculty Council Meeting, October 21, 2015
11. "Supporting Faculty's Global Health Efforts" Administrators Monthly Meeting, September 3, 2015
12. "Minimizing GME Global Health Rotation Risk" Graduate Medical Education Committee, April 20, 2015
13. "Injury Prevention and Management in Resource Limited Settings" Pediatrics Noon Conference, February 18, 2015
14. "Insight and Direction Global Health Nursing", Froedtert Global Health Nursing Committee, November 26, 2014
15. "Global Health Definitions, Implications", Physical Medicine and Rehabilitation Grand Rounds, December 5, 2014
16. "Establishing Partnerships to Promote Global Health" PhD in Public and Community Health Global Health Seminar, September 29, 2014
17. "Promoting Diversity and Inclusion with Global Health Efforts" Diversity and Inclusion Committee, January 28, 2014
18. "Growing a campus-wide Global Health Effort" Froedtert Hospital Operations Committee, Milwaukee, Wisconsin, January 22, 2014
19. "Growing a campus-wide Global Health Effort" Children's Hospital and Health System Leadership, Milwaukee, Wisconsin December 10, 2013
20. "Global Health Program and Faculty Partnerships" Women's Faculty Council, November 25, 2013
21. "Growing Global Health Opportunities" Neurology Faculty Meeting, October 10, 2013
22. "M4 Global Health Electives for MCW Students" Global Health Pathway Core Curriculum, April 25, 2013
23. "Move toward global health care, what new skills or knowledge will the physicians of the future need to master" Docere Panel, January 8, 2013
24. "Partnering with Faculty to Grow Global Health" Department of Ophthalmology, November 25, 2012

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25. "Global Burden of Injury," The Clinical and Translational Science Institute Seminar, September 20, 2012
26. "Ethical Considerations of Defining Global Health" Bioethics Summer Course Poverty, Justice and Global Health, June 6, 2012
27. "MCW's Global Health Program: An Exciting New Development" Pediatric Surgery Grand Rounds, May 4, 2012
28. "Grand Rounds in Injury for the Master Clinician Pathway" M1, M2 & M3 students, Medical College of Wisconsin, March 29, 2012.
29. "What is the Definition of Global Health" PhD in Public and Community Health Seminar Series, February 14, 2012
30. "Global Burden of Injury," Global Health Pathway Program, January 5, 2012
31. "Injury Prevention and Management in Resource Limited Settings" Pediatrics Noon Conference, November 30, 2011
32. "Growing MCW's Global Health Program and Opportunities to Engage" Medical College of Wisconsin Global Health Organization, Student Interest Group, November 28, 2011
33. "Faculty's Global Health Efforts" Global Health Pathway Program, May 13, 2019. "Wound Ballistics", Emergency Medicine Grand Rounds, Medical College of Wisconsin and Froedtert Hospital, March 10, 2011.
34. "Health Policy and Physician Advocacy" M4 Selective, Family Medicine, Medical College of Wisconsin, February 8, 2011
35. "Alcohol and Youth: Big Problem with a Hospital Based Intervention", Pediatric Trauma Grand Rounds, Children's Hospital and Health System, May 12, 2010
36. "Reducing the Public Health Burden of Suicide: A View from the Room" for Department of Psychiatry and Behavioral Medicine Grand Rounds, Wheaton Franciscan Healthcare, Wauwatosa, WI, March 18, 2009
37. "Alcohol Related Illness in the ED", Emergency Medicine Grand Rounds Lecture, Medical College of Wisconsin and Froedtert Hospital, December, 2008
38. "Department Administrator Update", Emergency Medicine Grand Rounds Lecture, Medical College of Wisconsin and Froedtert Hospital, October, 2008
39. "Firearm Related Injury: Myths, Physiology & Epidemiology", Pediatric Trauma Grand Rounds, Children's Hospital of Wisconsin, December 4, 2007
40. "Gunshot Wounds: An Integrated Approach to a Biosocial Disease", Integrated Grand Rounds, Medical College of Wisconsin, November 2, 2007
41. "Wound Ballistics", Emergency Medicine Grand Rounds Lecture, Medical College of Wisconsin and Froedtert Hospital, July, 2008
42. "Injury Prevention", Emergency Medicine Grand Rounds Lecture, Medical College of Wisconsin and Froedtert Hospital, July 5, 2007
43. "Emergency Medicine Update", Grand Rounds Lecture, Medical College of Wisconsin and Froedtert Hospital, July 13, 2006

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44. "Firearm suicide: The Wisconsin experience 2000", 10th Annual Emergency Medicine Research Forum, Medical College of Wisconsin, April 16, 2002
45. "Comprehensive Injury Center at MCW", EPI Seminar Series, Medical College of Wisconsin, October 18, 2001
46. "Advanced Trauma Life Support", Instructor, Medical College of Wisconsin and Froedtert Hospital, June 21, 2000
47. "Acute Trauma Care & Prevention", AIM Program, Medical College of Wisconsin, Milwaukee, WI, August, 1996, 1997, 1998, 1999
48. "Epidemiology of Unintentional and Intentional Injuries", Course Director, Medical Student Lecture, Medical College of Wisconsin Graduate School, Milwaukee, WI, February-April 1998
49. "Bags, Belts, and Bruises", Emergency Medicine Grand Rounds, Medical College of Wisconsin, Milwaukee, WI, February 13, 1997
50. "Mechanism of Injury", Trauma Nurse Specialist Course, Flight for Life, Milwaukee Regional Medical Center, Milwaukee, WI, January 29, 1997
51. "Firearm Injuries and Deaths," Department of Epidemiology, medical student lecture, Medical College of Wisconsin, Milwaukee, WI, 1995, 1996, 1997, 1998, 1999
52. "Firearm Injury Epidemiology," Epidemiology seminar of the Health Policy Institute, Medical College of Wisconsin, Milwaukee, WI, September 1996
53. "Propeller Injuries," Flight for Life Lecture, Medical College of Wisconsin, Milwaukee, WI, March 1996
54. "Mechanisms of Injury", Trauma Nurse Specialist Course. Flight for Life, Milwaukee Regional Medical Center, Milwaukee, WI, February 1996
55. "Scope and Nature of the Firearm Injury and Death Problem", Fourth Annual Firearms Seminar, Froedtert Memorial Lutheran Hospital, Milwaukee, WI, January 1996
56. "Violence as a Public Health Issue," First Annual Forum - The Changing Urban Health Care Environment: Ethical Implications, Sponsored by the Center for Ethics Studies, Marquette University, and the Center for the Study of Bioethics at the Medical College of Wisconsin, November 1995
57. "Issues & Challenges of Gunshot Wound Research", J. (Deke) Farrington, MD, Trauma Visiting Professorship presented by the Section of Trauma & Emergency Surgery of the Medical College of Wisconsin, the American Trauma Society (Wisconsin Division), ACS Wisconsin Committee on Trauma, and Flight for Life, Milwaukee, WI, November 1995
58. "Firearm Injuries and Deaths: Epidemiology and Prevention", Pathology lecture to medical students. Medical College of Wisconsin, Milwaukee, WI, November 1995
59. "Patterns of Injury and Opportunities for Prevention." Milwaukee Regional Medical Complex, Flight for Life, Milwaukee, WI, March 1995
60. "Trauma Systems: Where Does Emergency Medicine Fit In?", Emergency Medicine Grand Rounds, Medical College of Wisconsin, Milwaukee, WI, December 1994
61. "Wound Management." Medical Student Lecture/Workshop, Medical College of Wisconsin, Milwaukee, WI, December 1994, 1995, 1996, 1997, 1998, 1999

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62. "Trauma Systems: Who, What, Where?", Surgery Grand Rounds, Medical College of Wisconsin, Milwaukee, WI, November 1994
63. "Firearm Injury and Death Problems in the United States, Wisconsin, and Milwaukee," Medical College of Wisconsin (Firearms Seminar) January 1994
64. "Injury Prevention." Department of Pediatrics Research Seminar Series, Medical College of Wisconsin, Milwaukee, WI, January 1994
65. POMP Students, 1992 – 1994
66. Biostatistics & Epidemiology Course, First Year Medical Students at the Medical College of Wisconsin, March 1993
67. Introduction to Clinical Medicine Lecture, Junior Medical Students, July 1993
68. Advanced Trauma Life Support Instructor/Shock Lecture, Medical College of Wisconsin, June 1993
69. Advanced Cardiac Life Support Instructor/Airway Management, Dysrhythmia Recognition, Medical College of Wisconsin, June 1993
70. Biostatistics Course Lecturer, Freshman Students, March 1993
71. "Alcohol and Health: Emergency Medicine View from the Bottom of the Bottle." Medical College of Wisconsin Emergency Medicine Grand Rounds, Milwaukee, WI, December 7, 1993
72. "The Epidemiology of Firearm Deaths and Injuries." Surgery Grand Rounds, Froedtert Memorial Lutheran Hospital, Milwaukee, WI, July 1993
73. "Firearm Deaths and Injuries: Lessons from the 1960s and the Corvair." Health Policy Institute Seminar, Medical College of Wisconsin Alumni Center, Milwaukee, WI, June 10, 1993
74. "Mechanisms of Injury", Trauma Nurse Specialist Course: Flight for Life, Milwaukee, WI, March 1993
75. "Firearms and Children", Children's Hospital of Wisconsin Grand Rounds, Milwaukee, WI, July 1992
76. Introduction to Advanced Cardiac, Life Support, Junior Students, July 1992
77. Wound Management Course, Junior Students, 1991 – present
78. Basic Trauma Life Support Course Director, 1989 1990, 1991, 1991

BIBLIOGRAPHY

Original Papers:

1. Timmer-Murillo, S.C., Schroeder, M.E., Trevino, C., Geier, T., Schramm, A.T., Brandolino, A.M., Hargarten, S., Holena, D., deMoya, M., Milia, D., & deRoos-Cassini, T.A. (In Press). Comprehensive Framework of Firearm Violence Survivor Care: A Review. *JAMA Surg.*
2. Girasek, D.C., Hargarten, S. (2022). Prevention of and Emergency Response to Drowning. *N Engl J Med* 2022;387:1303-8.
3. Sakran, J.V., Hargarten, S., Rivara, F.P. (2022). Coordinating a National Approach to Violence Prevention. *JAMA*, Sept. 28, 2022 Volume 328, Number 12

4. Ehrlich, P.F., Pulcini, C.D., De Souza, H.G. Hall, M., Andrews, A., Zima, B.T., Fein, J.A., Chaudhary, S., Hoffmann, J.A., Fleegler, E.W., Jeffries, K.N., Goyal, M.K., Hargarten, S., Alpern, E.R. (2022). Mental Healthcare Following Firearm and Motor Vehicle Related Injuries: Differences Impacting Our Treatment Strategies. *Ann Surg.* 2022 June 28. doi: 10.1097/SLA.0000000000005557. Online ahead of print.PMID: 35762587
5. Wyler, B.A., Young, H. M., Hargarten, S.W., Cahill, J.D. (2022) Risk of deaths due to injuries in travellers: A systematic review. *J Travel Med.* June 11
6. Kohlbeck, S., Schramm, A., deRoos-Cassini, T., Hargarten, S., Quinn, K. (2021). Farmer Suicide in Wisconsin: A Qualitative Analysis. *Journal of Rural Health.*
7. Barron, A., Hargarten, S., & Webb, T. (2021). Gun violence education in medical school: a call to action. *Teaching and learning in medicine*, 1-6.
8. Dunton, Z. R., Kohlbeck, S. A., Lasarev, M. R., Vear, C. R., & Hargarten, S. W. (2021). The association between repealing the 48-hour mandatory waiting period on handgun purchases and suicide rates in Wisconsin. *Archives of suicide research*, 1-9.
9. Kohlbeck, S., Levas, M., Hernandez-Meier, J., & Hargarten, S. (2021). Implementing the Cardiff Model for violence prevention: using the diffusion of innovation theory to understand facilitators and barriers to implementation. *Injury Prevention.*
10. Dunton, Z., Hargarten, S., Kohlbeck, S., & Osman, F. (2021). Homicide: a leading cause of death for black non-hispanics in Wisconsin. *WMJ (Wisconsin medical journal)*, 120(S1), S6-S9.
11. Kohlbeck, S., deRoos-Cassini, T., Levas, M., Hargarten, S., Kostelac, C., Totoratis, M., ... & Smith, J. (2021). 0023 Multidisciplinary data-sharing for community violence prevention: shifting power to the community.
12. Martin, I. B., & Hargarten, S. (2020). The antiracist, propatient pledge of emergency medicine. *Academic Emergency Medicine*, 27(9), 932-933.
13. McDougall, S., Annapureddy, P., Madiraju, P., Fumo, N., & Hargarten, S. (2020, December). Predicting Opioid Overdose Readmission and Opioid Use Disorder with Machine Learning. In *2020 IEEE International Conference on Big Data (Big Data)* (pp. 4892-4901). IEEE.
14. Hargarten, S. W. (2020). The Bullets He Carried. *Western Journal of Emergency Medicine*, 21(5), 1036.
15. Kohlbeck, S, Hargarten, S., Cassidy, L. (2020). Age- and Sex-Specific Risk Factors for Youth Suicide: A Mixed Methods Review. *WMJ.*
16. Zosel, A., Kohlbeck, S., Davis, C. S., Meurer, L., & Hargarten, S. (2020). Medical student education for injury prevention: closing the gap. *Injury Prevention.*
17. Kohlbeck, S, Fumo, N, Hargarten, S. (2020). Systems Change for Suicide Prevention Among Adolescents: A Rural Wisconsin County Approach. *Injury Prevention*, Published Online First: 28 February 2020.
18. Bonk C, Weston B, Davis C, Barron A, McCarty O, Hargarten S. (2019). Saving Lives with Tourniquets: A Review of Penetrating Injury Medical Examiner Cases. *Prehospital Emergency Care:* DOI: [10.1080/10903127.2019.1676344](https://doi.org/10.1080/10903127.2019.1676344)
19. Hernandez-Meier J, Akert B, Zheng C, Guse C, Layde P, Hargarten S. (2019). Status of Legal Firearm Possession and Violent and Deaths: Methods and Protocol for a Retrospective Case-Control Study. *Injury Prevention*; Published Online First: 31 January 2019.

20. Hargarten SW, Lerner EB, Gorelick M, Brasel K, deRoos-Cassini T, Kohlbeck S. Gun Violence: A Biopsychosocial Disease. *Western Journal of Emergency Medicine: Integrating Emergency Care with Population Health*, 2018; 19(6), 1024-1027.
21. Levas M, Hernandez-Meier J, Kohlbeck S, Piotrowski N, Hargarten S. Integrating Population Health Data on Violence into the Emergency Department: A Feasibility and Implementation Study. *Journal of Trauma Nursing*: May/June 2018 – Vol 25 – Issue 3/149-158
22. Rajan S, Branas CC, Hargarten S, Allegrante JP: Funding for Gun Violence Research Is Key to the Health and Safety of the Nation. *American Journal of Public Health*, Am J Public Health. 2018 Feb;108(2):194-195. doi: 10.2105/AJPH.2017.304235. PMID: 29320291
23. Hargarten, S: Firearm Injury in the United States: Effective Management Must Address Biophysical and Biopsychosocial Factors. *Ann Intern Med*. 2016 Dec 20;165(12):882-883. doi: 10.7326/M16-2244. Epub 2016 Oct 18. PMID: 27750331
24. Bloemen EM, Rosen T, Schirio JC, Clark S, Mulcare MR, Stern ME, Mysliwie R, Flomenbaum NE, Lachs MS, Hargarten S. Photographing injuries in the acute care setting: Development and evaluation of a standardized protocol for research, forensics, and clinical Practice. *Acad Emerg Med* May 2016; 23(5):653-9. Doi:10.1111/acem.12955. Epub 2016 Apr 13.
25. Rosen T, Hargarten S, Flomenbaum NE, Platts-Mills TF. Identifying elder abuse in the Emergency Department: Toward a multi-disciplinary team-based approach. *Ann Emerg Med*; 63(3):378-82; Sept 2016.
26. Guse CE, Hargarten S. Limitations of travel data for rate computations. *Injury Prevention: Journal of the International Society for Child and Adolescent Injury Prevention*. 2015; 21(e1):e153.
27. Vu A, Duber HC, Sasser SM, Hansoti B, Lynch C, Khan A, Johnson T, Modi P, Clattenburg EJ, Hargarten S. Emergency Care Research Funding in the Global Health Context: Trends, Priorities, and Future Directions. *Academic Emergency Medicine* December 2013 20(12):1259-63.
28. Myers SR, Salhi RA, Lerner EB, Gilson R, Mehrotra A, Kraus A, Kelly JJ, Hargarten S, Carr BG: Pilot Study Describing Access to Emergency Care in 2 States Using a Model Emergency Care Categorization System. *Academic Emergency Medicine* [Volume 20, Issue 9](#), pages 894–903, September 2013.
29. Hanlin ER, Delgado-Rendón A, Lerner EB, Hargarten S, Fariás R: Fall Risk and Prevention Needs Assessment in an Older Adult Latino Population: A Model Community Global Health Partnership. *Progress in Community Health Partnerships: Research, Education, and Action* 2013; 7(2):191-9.
30. Kowalenko T, Gore R, Sachs CS, Barata IA, Gates D, Hargarten SW, Josephson EB, Kamat S, Kerr HD, McClain A, Cunningham RM. Workplace Violence in Emergency Medicine: Current Knowledge and Future Directions, *Journal of Emergency Medicine*, Available online May 2012.
31. Galvin S, Robertson R, Hargarten S. Injuries Occurring in Medical Students during International Medical Rotations: A Strategy towards Maximizing Safety. *Family Medicine* 2012; Jun 44(6):404-7.
32. Webb T, Winthrop A, Klingbeil F, Hein L, Czinner M, Christiansen A, Hargarten S, Simpson D. Using an Inter professional Approach to Teach about the Disease of Injury. *Wisconsin Medical Journal*, 2011.
33. Schlotthauer AE, Guse CE, Brixey S, Corden TE, Hargarten SW, Layde PM. Motor Vehicle Crashes Associated with Alcohol: Child Passenger Injury and Restraint Use, *Am J Prev Med*, 2011 Mar 40(3): 320-3.
34. Villaveces A, Christiansen A, Hargarten SW. Developing a Global Research Agenda on Violence and Injury Prevention: A Modest Proposal, *Injury Prevention*, 2010

35. Pribble JM, Fowler EF, Karmat SV, Wilkerson WM, Goldstein KM, Hargarten SW. Communicating Emerging Infectious Disease Outbreaks to the Public Through Local Television News: Public Health Officials as Potential Spokespeople, *Disaster Medicine and Public Health Preparedness*, 2010; (4) 220-5.
36. Runyan CW, Hargarten S, Hemenway D, Peek-Asa C, Cunningham RM, Costich J, Gielen AC. An Urgent Call to Action in Support of Injury Control Research Centers, *Am J Prev Med*, 2010; 39(1)89-92.
37. Houry D, Cunningham RM, Hankin A, James T, Bernstein E, Hargarten, S. Violence Prevention in the Emergency Department: Future Research Priorities, *Journal of Acad Emerg Med*, November 2009; 16(11),1089-95.
38. Tonellato DJ, Guse CE, Hargarten SW. Injury Deaths of US Citizens Abroad: New Data Source, Old Travel Problem. *J Travel Med* 2009.
39. Wanta BT, Schlotthauer AE, Guse CE, Hargarten SW. The Burden of Suicide in Wisconsin's Older Population. *Wisconsin Medical Journal* 2009; 108(2), 87-93.
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41. Cunningham R, Knox L, Fein J, Harrison S, Frisch K, Walton M, Dicker R, Calhoun D, Becker M, Hargarten SW. Before and After the Trauma Bay: The Prevention of Violent Injury Among Youth. *Ann Emerg Med*. April 2009; 53(4) 490-500.
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46. Guse C, Cortés L, Hargarten S, Hennes H. Fatal injuries of US citizens abroad. *J Travel Med*. 2007; 14 (5), 279-287.
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ABSTRACTS:

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35. Weesner CL, Apprahamian C, Hargarten SW: Fatal childhood injury patterns in an urban setting: The case for primary prevention. *Ann Emerg Med* 21(5): 608, 1992.
36. Bergstein JM, Robertson ME, Hedell D, et al.: Rapid resuscitation may contribute to hypothermia despite blood warmer use. *Ann Emerg Med*, 21(5): 597, 1992.
37. Hargarten SW, Karlson T, Oldham G: Alcohol and injuries in the ED: Patients, places, and problems. *Ann Emerg Med* 20(4): 477, 1991.

EXHIBIT B

Crime Lab Tests

August 2021



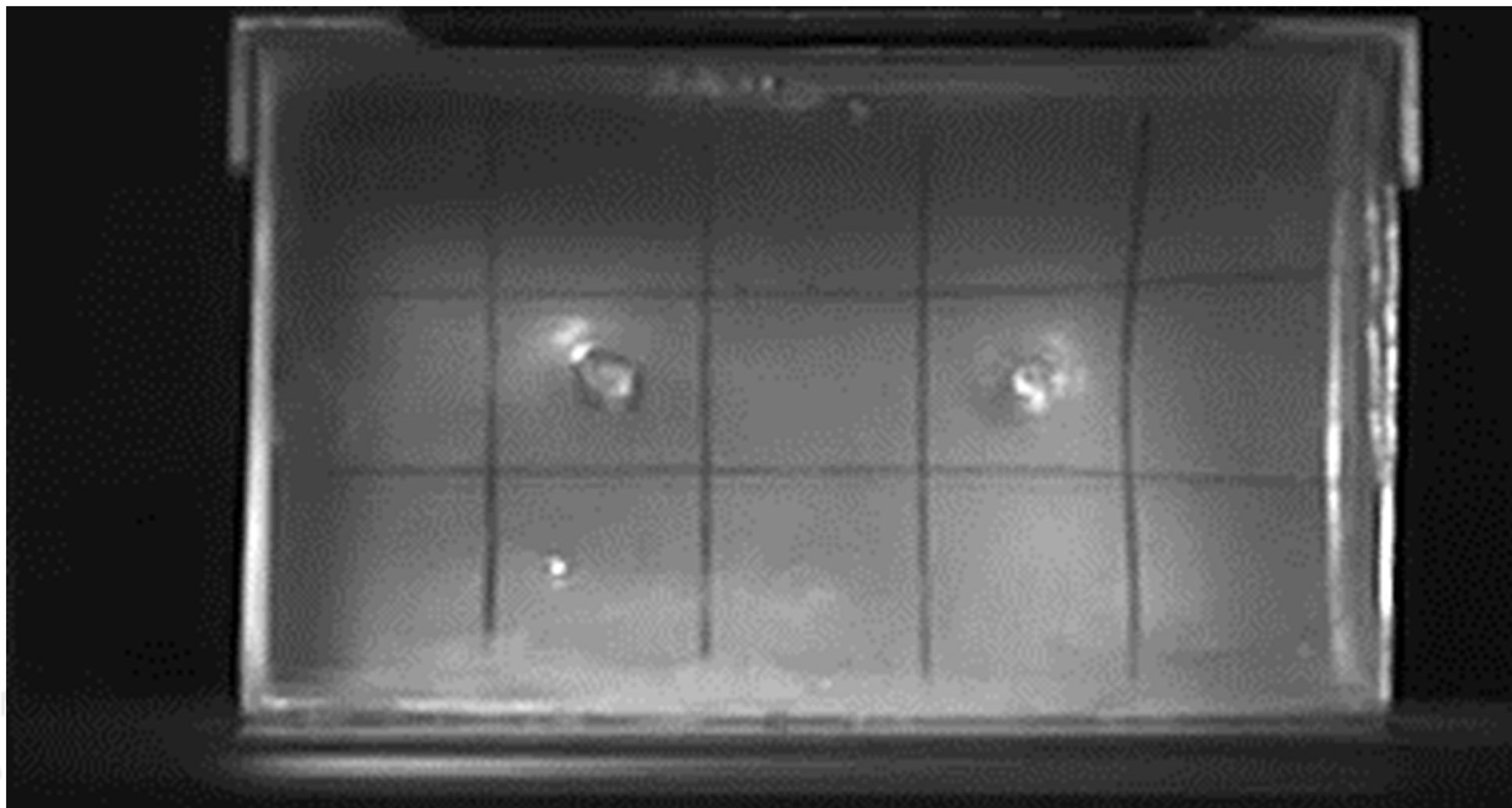
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**MEDICAL
COLLEGE
OF WISCONSIN**

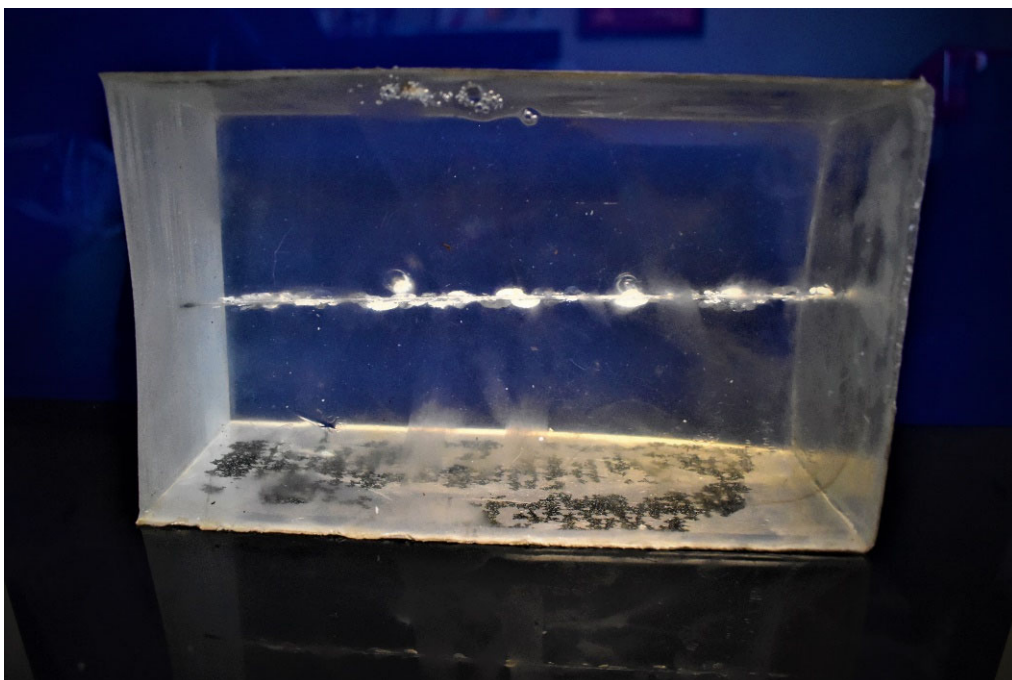
Thompson .45 Auto



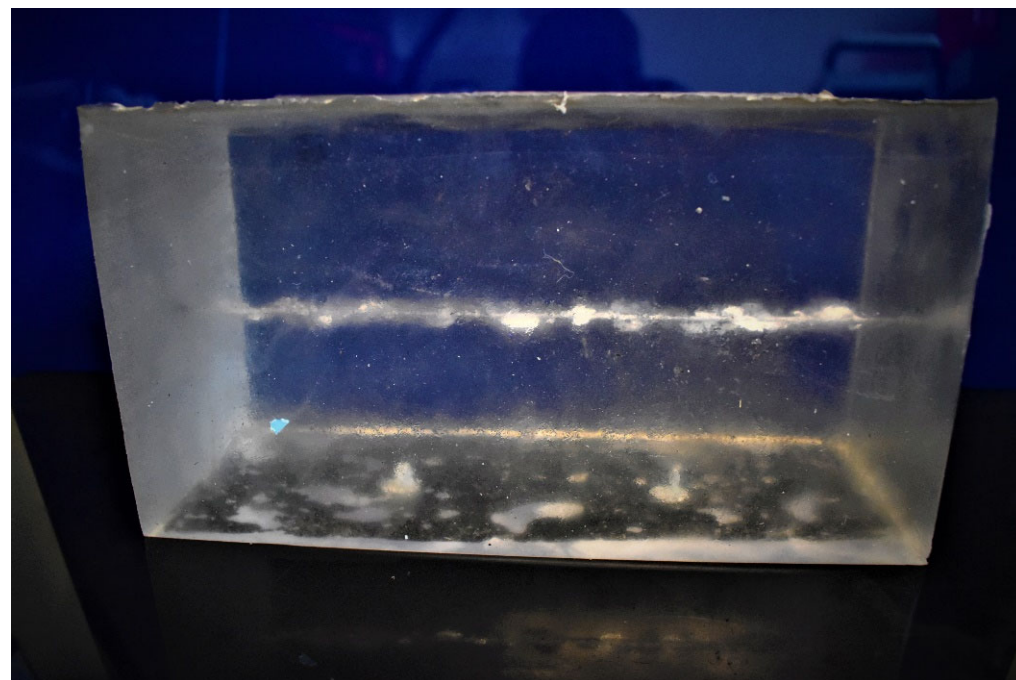
Exit Velocity: 212.4 m/s

Entrance Velocity: 292.6 m/s

Thompson .45 Auto



Lateral view. Bullet travelled right to left.

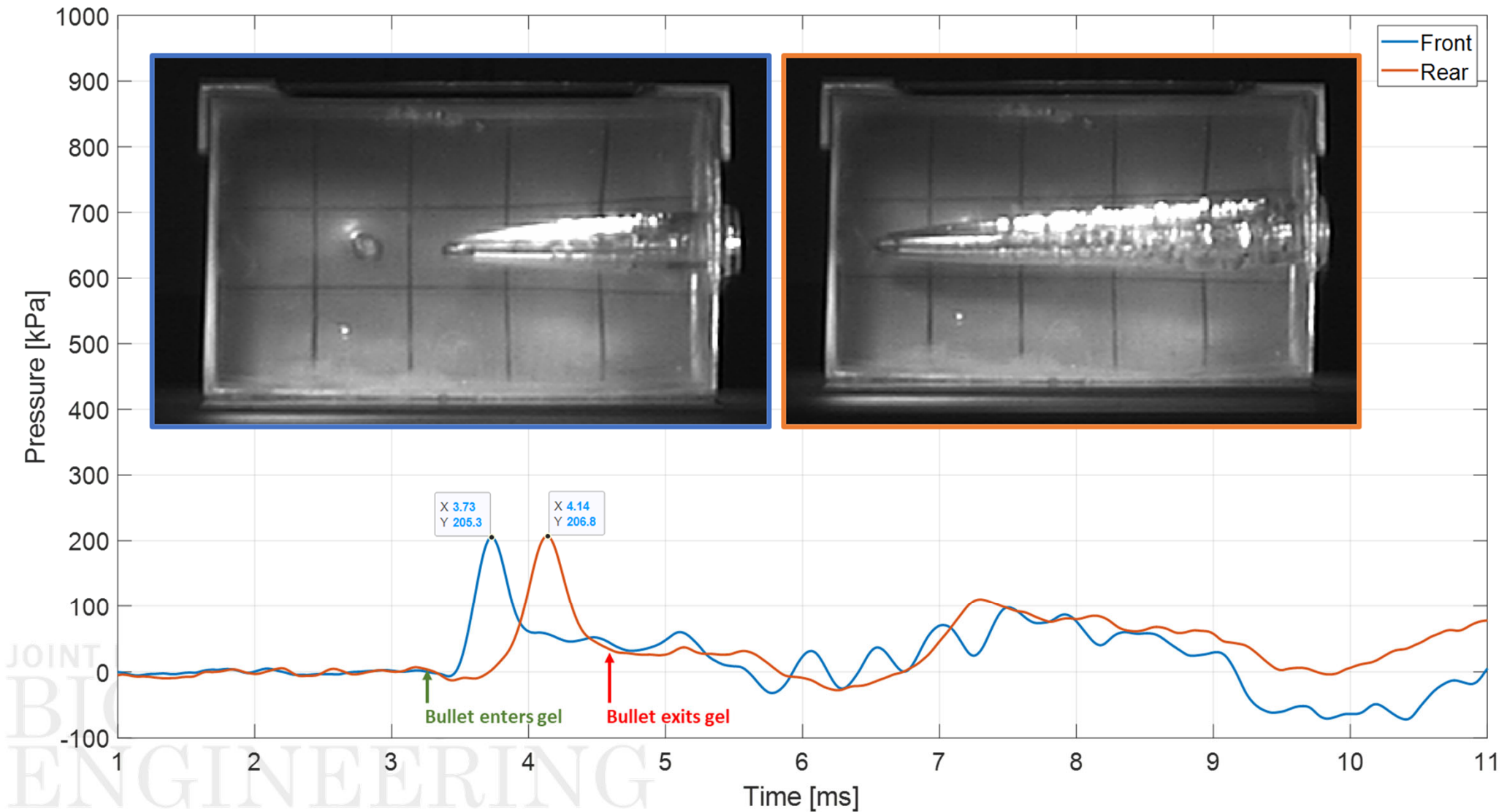


Bottom view. Bullet travelled right to left.

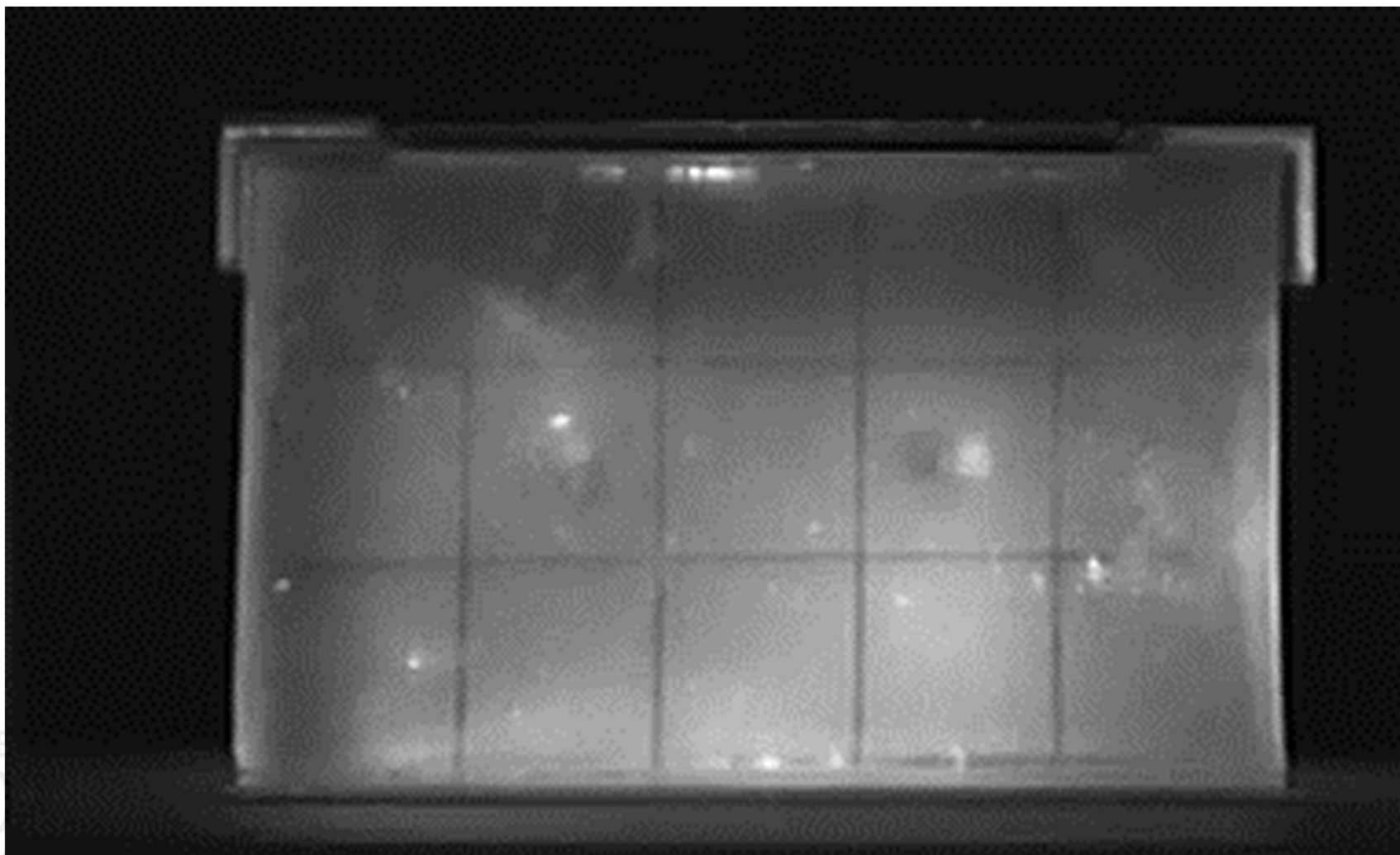


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Thompson .45 Auto



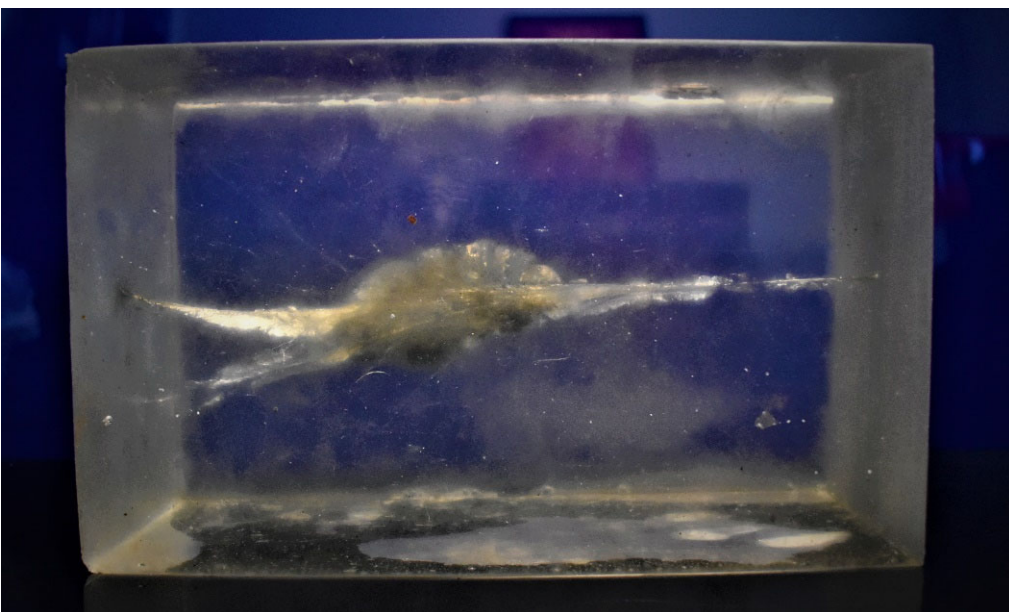
5.56 NATO



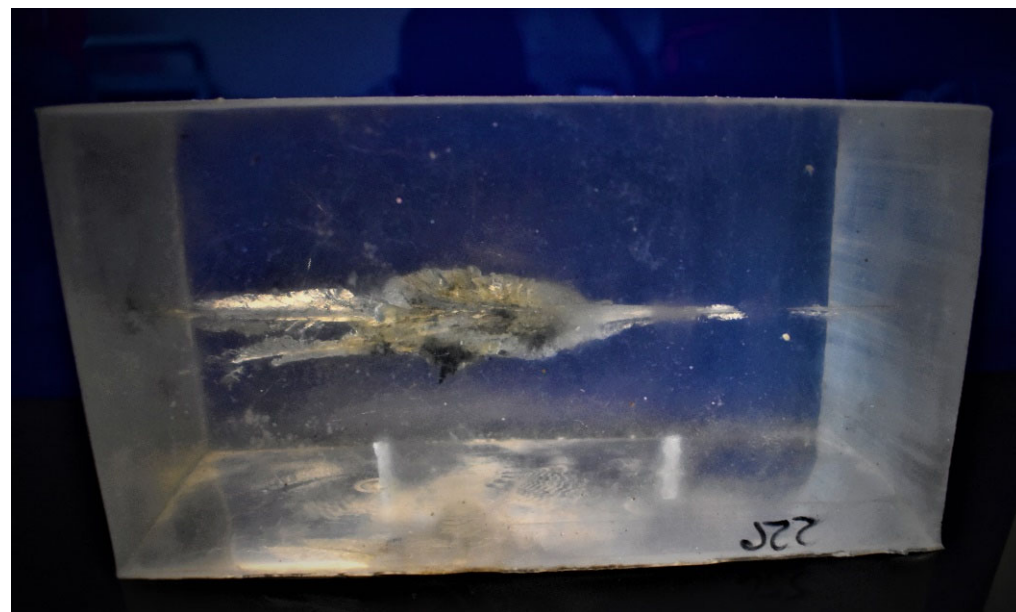
Exit Velocity: 208.8 m/s

Entrance Velocity: 826.0 m/s

5.56 NATO



Lateral view. Bullet travelled right to left.

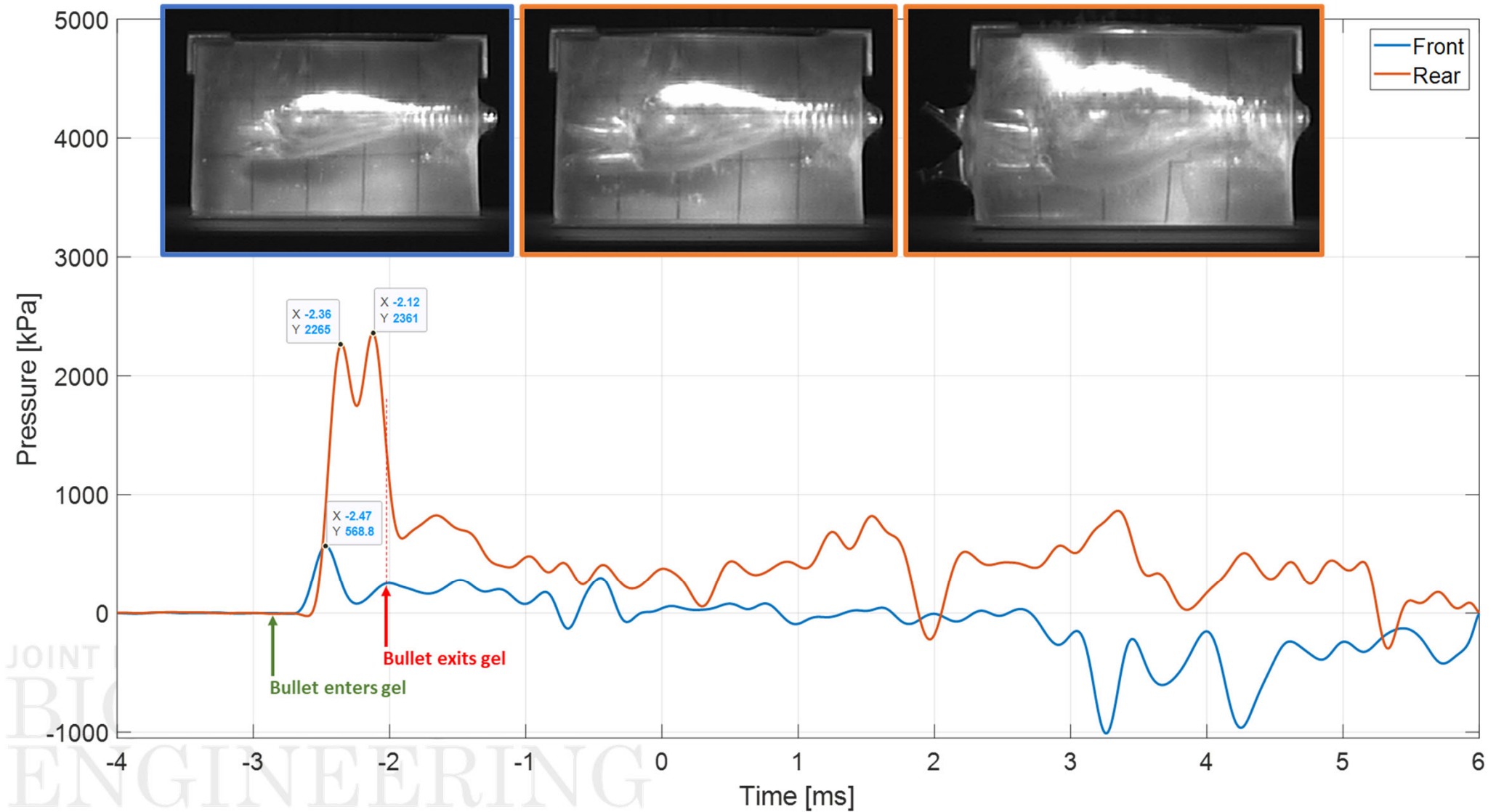


Bottom view. Bullet travelled right to left.



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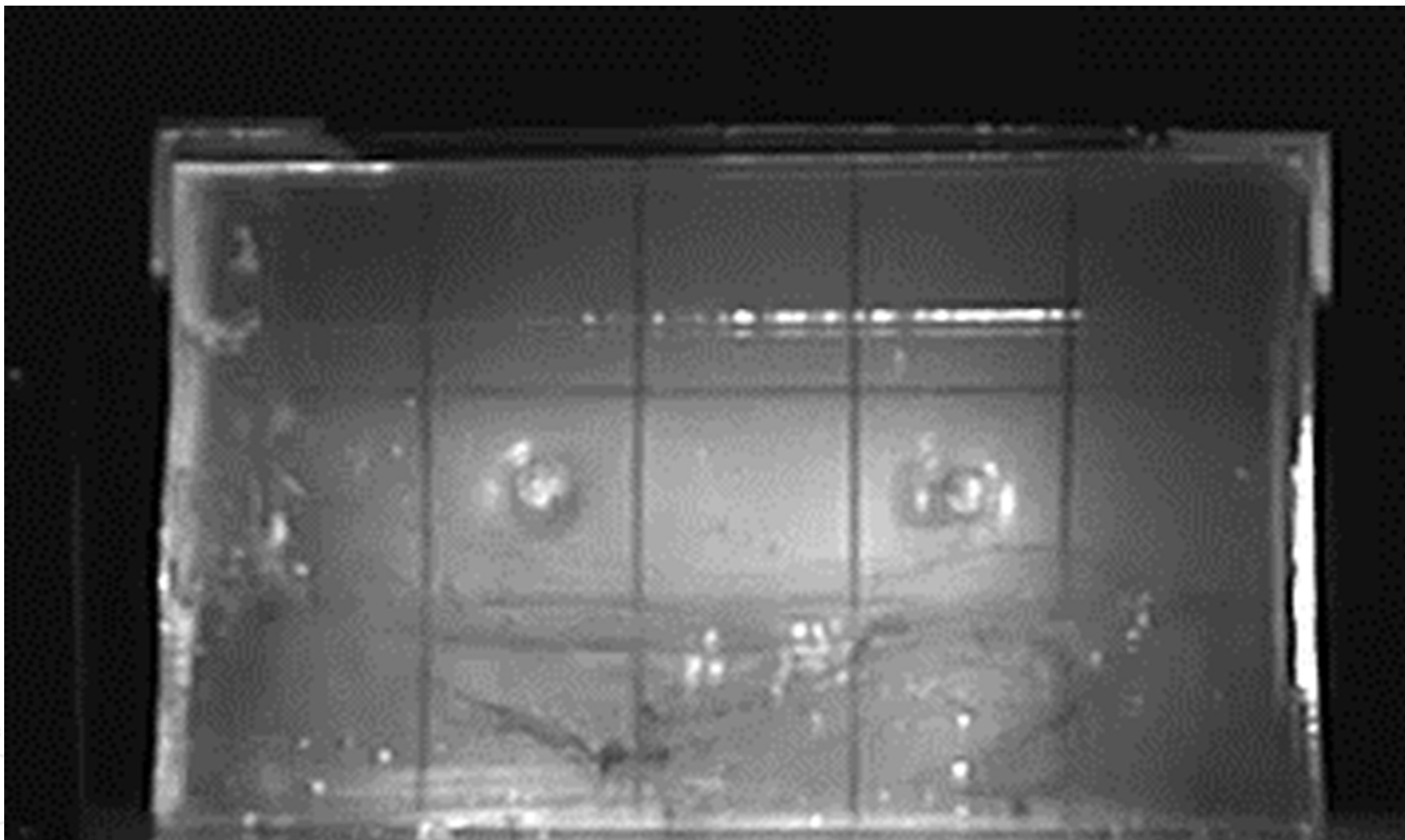
5.56 NATO





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Exit Velocity: 358.8 m/s

Entrance Velocity: 796.0 m/s



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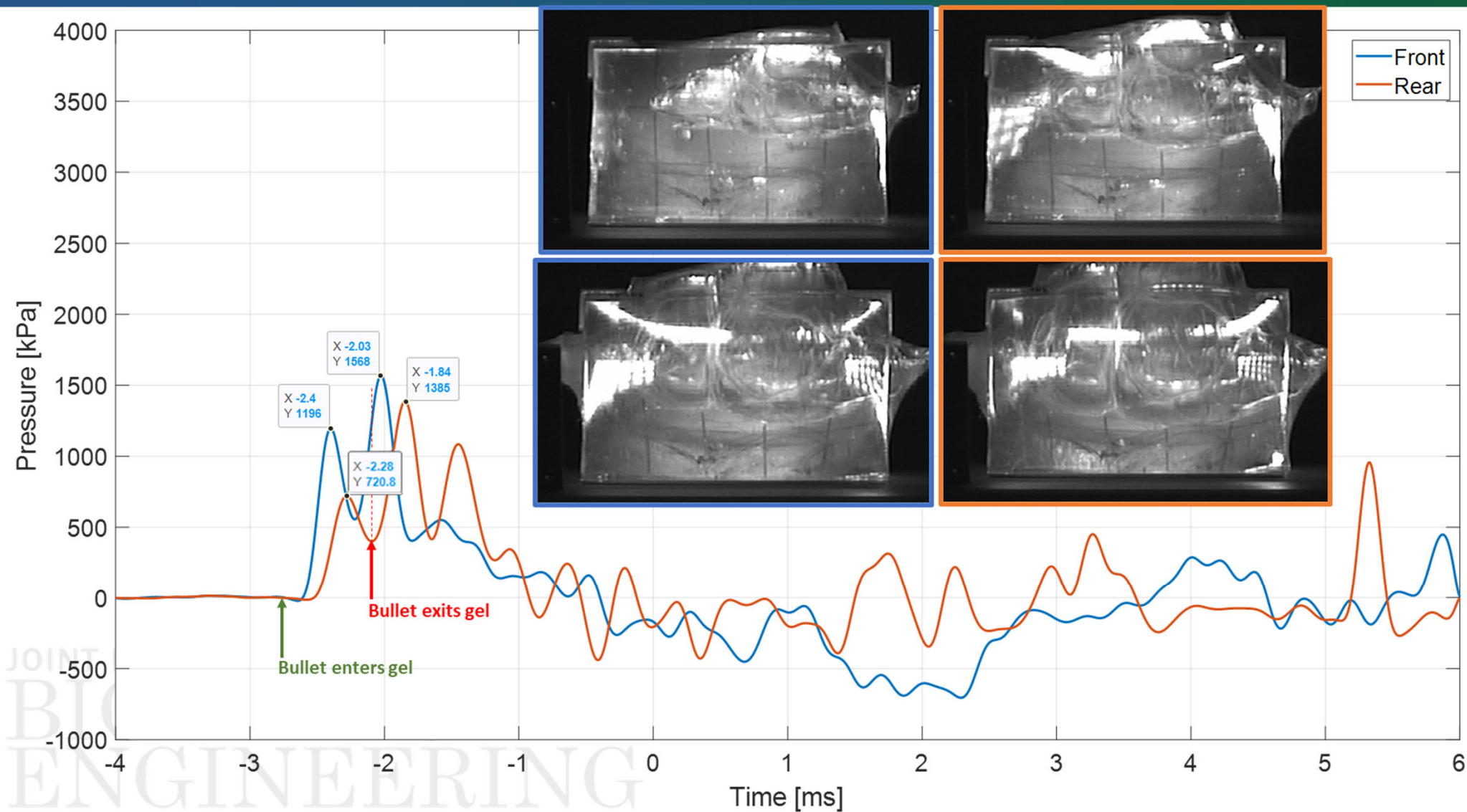
Lateral view. Bullet travelled right to left.



Bottom view. Bullet travelled right to left.

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.30-06





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Summary



Round Type	Pressure [kPa], Initial Peak, Near Sensor (2500Hz Filter)	Pressure [kPa], Initial Peak, Far Sensor (2500Hz Filter)	Peak Diameter of Temporary Cavity [inches]	Bullet Mass [g]	Energy Lost by Bullet while Passing thru Gel [J]	% Energy Transferred
.25 Caliber	18.2	32.8	1.0	3.240	54.13	83.2
.32 Caliber	138.3	251.7	1.5	4.601	108.73	58.8
.40 Caliber	*756.9	361.2	*3.3	11.664	265.99	75.3
5.56 NATO	712.7	774.4	5.4	3.564	1,055.05	67.6
Musket Ball	*267.6	107.7	*3.1	3.531	111.27	77.1
Thompson .45	205.3	206.3	2.1	14.904	301.81	47.3
5.56 NATO	568.8	2360.6	7.2	3.564	1,138.13	*93.6
.30-06	*1568.3	1387.2	**8.0	8.424	2,126.55	79.7

* Denotes peak pressures and temporary cavities that were located closer to the near sensor.

* Peak cavity extended beyond range of camera view. Listed value is from bottom of cavity to top of frame. Estimated cavity is closer to 11.8 in.

* Bullet fragmented. This likely increased the energy transfer.

Exhibit G

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

DECLARATION OF LOUIS KLAREVAS

DECLARATION OF LOUIS KLAREVAS

I, Louis Klarevas, declare:

1. I have been asked by the Defendant to prepare an expert declaration addressing the relationship between assault weapons, large-capacity magazines (LCMs), and mass shootings, including how restrictions on assault weapons and LCMs impact mass shooting violence. This expert declaration is based on my own personal knowledge and experience, and, if I am called as a witness, I could and would testify competently to the truth of the matters discussed in this expert declaration (“Declaration” hereinafter).

PROFESSIONAL QUALIFICATIONS

2. I am a security policy analyst and, currently, Research Professor at Teachers College, Columbia University, in New York. I am also the author of the book *Rampage Nation*, one of the most comprehensive studies on gun massacres in the United States.¹

3. I am a political scientist by training, with a B.A. from the University of Pennsylvania and a Ph.D from American University. My current research examines the nexus between American public safety and gun violence, including serving as an investigator in a study funded by the National Institutes of Health that is focused on reducing intentional shootings at elementary and secondary schools.

4. During the course of my 20-year career as an academic, I have served on the faculties of the George Washington University, the City University of New York, New York University, and the University of Massachusetts. I have also served as a Defense Analysis Research Fellow at the London School of Economics and Political Science and as United States Senior Fulbright Scholar in Security Studies at the University of Macedonia.

5. In addition to having made well over 100 media and public-speaking appearances, I am the author or co-author of more than 20 scholarly articles and over 70 commentary pieces. In 2019, my peer-reviewed article on the effectiveness of restrictions on LCMs—ammunition-

¹ Louis Klarevas, *Rampage Nation: Securing America from Mass Shootings* (2016).

feeding devices holding more than 10 rounds of ammunition—in reducing high-fatality mass shootings resulting in six or more victims killed was published in the *American Journal of Public Health*.² This study found that jurisdictions with LCM bans experienced substantially lower gun massacre incidence and fatality rates when compared to jurisdictions not subject to similar bans. Despite being over 3 years old now, this study continues to be one of the highest impact studies in all of academia. It was recently referred to as “the perfect gun policy study,” in part due to the study’s “robustness and quality.”³

6. In the past four years (since January 1, 2019), I have been deposed or testified in the following cases: *Miller v. Bonta*, Case No. 3:19-cv-1537-BEN-JBS, Southern District of California, and *Nguyen v. Bonta*, Case No. 3:20-cv-02470-WQH-MDD, Southern District of California. *Miller* involves a challenge to California’s restrictions on assault weapons and *Nguyen* involves a challenge to California’s regulation limiting the sale of certain firearms to one purchase per month.

7. In 2021, I was retained by the Government of Canada in the following cases which involved challenges to Canada’s regulation of certain categories of firearms: *Parker and K.K.S. Tactical Supplies Ltd. v. Attorney General of Canada*, Federal Court, Court File No.: T-569-20; *Canadian Coalition for Firearm Rights, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-577-20; *Hipwell v. Attorney General of Canada*, Federal Court, Court File No.: T-581-20; *Doherty, et al. v. Attorney General of Canada*, Federal Court, Court File

² Louis Klarevas, et al., *The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings*, 109 *American Journal of Public Health* 1754 (2019), available at <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2019.305311> (last accessed December 27, 2022).

³ Lori Ann Post and Maryann Mason, *The Perfect Gun Policy Study in a Not So Perfect Storm*, 112 *American Journal of Public Health* 1707 (2022), available at <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2022.307120> (last accessed December 27, 2022). According to Post and Mason, “Klarevas et al. employed a sophisticated modeling and research design that was more rigorous than designs used in observational studies. Also, they illustrated the analytic steps they took to rule out alternative interpretations and triangulate their findings, for example examining both state bans and federal bans. They helped build the foundation for future studies while overcoming the limitations of previous research.” *Ibid*.

No.: T-677-20; *Generoux, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-735-20; and *Eichenberg, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-905-20. I testified under oath in a consolidated court proceeding involving all six cases in the Federal Court of Canada.

8. A true and correct copy of my current curriculum vitae is attached as **Exhibit A** to this Declaration.

9. I have been retained by the Defendant to render expert opinions in this case. I will be compensated at a rate of \$600 per hour for any testimony (in deposition and in court), and am being compensated at a rate of \$480 per hour for all other services.

OPINIONS

10. It is my professional opinion, based upon my extensive review and analysis of the data, that (1) in terms of individual acts of intentional criminal violence, mass shootings presently pose the deadliest threat to the safety of American society in the post-9/11 era, and the problem is growing nationwide; (2) high-fatality mass shootings involving assault weapons and/or LCMs, on average, have resulted in a substantially larger loss of life than similar incidents that did not involve assault weapons and/or LCMs; (3) mass shootings resulting in double-digit fatalities are relatively modern phenomena in American history, largely related to the use of assault weapons and LCMs; (4) assault weapons are used by private citizens with a far greater frequency to perpetrate mass shootings than to stop mass shootings; (5) handguns, as opposed to rifles (let alone rifles that qualify as assault weapons), are the most commonly owned firearms in the United States; and (6) states that restrict both assault weapons and LCMs experience fewer high-fatality mass shooting incidents and fatalities, per capita, than states that do not restrict assault weapons and LCMs. Based on these findings, it is my opinion that restrictions on assault weapons and LCMs have the potential to save lives by reducing the frequency and lethality of high-fatality mass shootings.⁴

⁴ For purposes of this Declaration, “high-fatality mass shootings” (also referred to as “gun massacres”) are defined as shootings resulting in 6 or more fatalities, not including the

I. MASS SHOOTINGS ARE A GROWING THREAT TO PUBLIC SAFETY

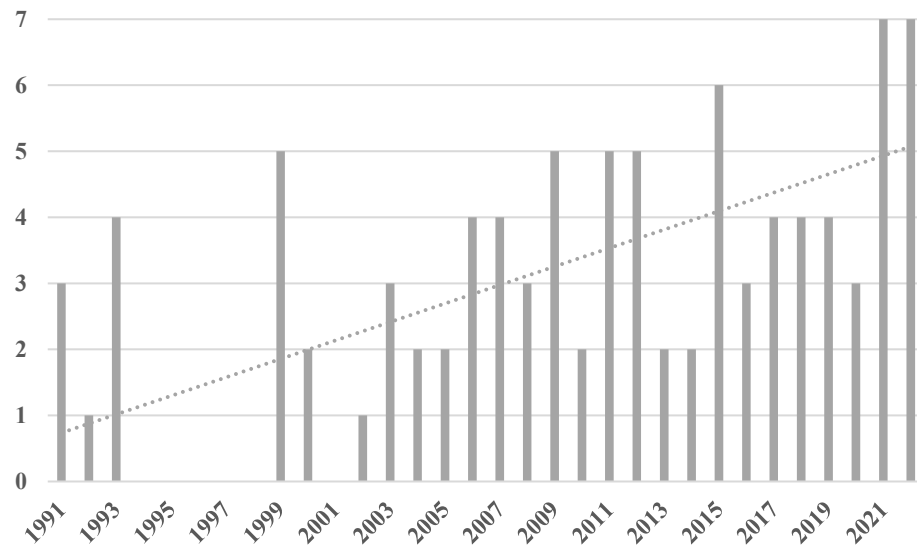
11. Examining mass-casualty acts of violence in the United States since 1991 points to two disturbing patterns.⁵ First, as demonstrated in Table 1, the deadliest individual acts of intentional criminal violence in the United States since the terrorist attack of September 11, 2001, have all been mass shootings. Second, as displayed in Figures 1-2, the problem of high-fatality mass shooting violence is on the rise. To put the increase over the last three decades into perspective, between the 1990s and the 2010s, the average population of the United States increased approximately 20%. However, when the number of people killed in high-fatality mass shootings in the 2010s is compared to the number killed in such incidents in the 1990s, it reflects an increase of 260%. In other words, the rise in mass shooting violence has far outpaced the rise in national population—by a factor of 13. The obvious takeaway from these patterns and trends is that mass shootings pose a significant—and growing—threat to American public safety.

Table 1. The Deadliest Acts of Intentional Criminal Violence in the U.S. since 9/11

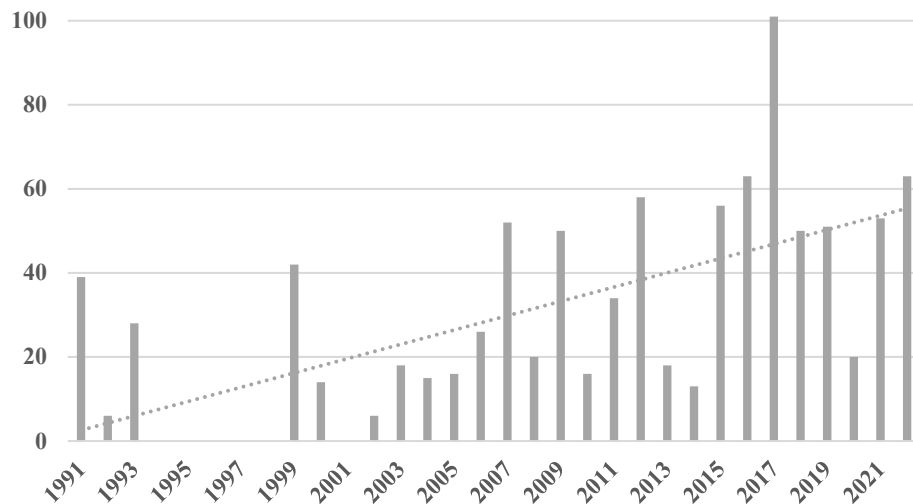
	Deaths	Date	Location	Type of Violence
1	60	October 1, 2017	Las Vegas, NV	Mass Shooting
2	49	June 12, 2016	Orlando, FL	Mass Shooting
3	32	April 16, 2007	Blacksburg, VA	Mass Shooting
4	27	December 14, 2012	Newtown, CT	Mass Shooting
5	25	November 5, 2017	Sutherland Springs, TX	Mass Shooting
6	23	August 3, 2019	El Paso, TX	Mass Shooting
7	21	May 24, 2022	Uvalde, TX	Mass Shooting

perpetrator(s), regardless of location or underlying motive. The data on high-fatality mass shootings is from a data set that I maintain and continuously update. This data set is reproduced in **Exhibit B**. Unless stated otherwise, all of the data used to perform original analyses and to construct tables and figures in this Declaration are drawn from **Exhibit B**.

⁵ Because the analysis in Section VI of this Declaration necessarily uses data from 1991 onwards, for purposes of consistency (and to avoid any confusion), the analyses in Sections I and II also use data from 1991 onwards.

Figure 1. Annual Trends in High-Fatality Mass Shooting Incidents, 1991-2022

Note: The dotted line is a linear trendline. A linear trendline is a straight line that captures the overall pattern of the individual data points. When there is a positive relationship between the x-axis and y-axis variables, the trendline moves upwards from left to right. When there is a negative relationship between the x-axis and y-axis variables, the trendline moves downwards from left to right.

Figure 2. Annual Trends in High-Fatality Mass Shooting Fatalities, 1991-2022

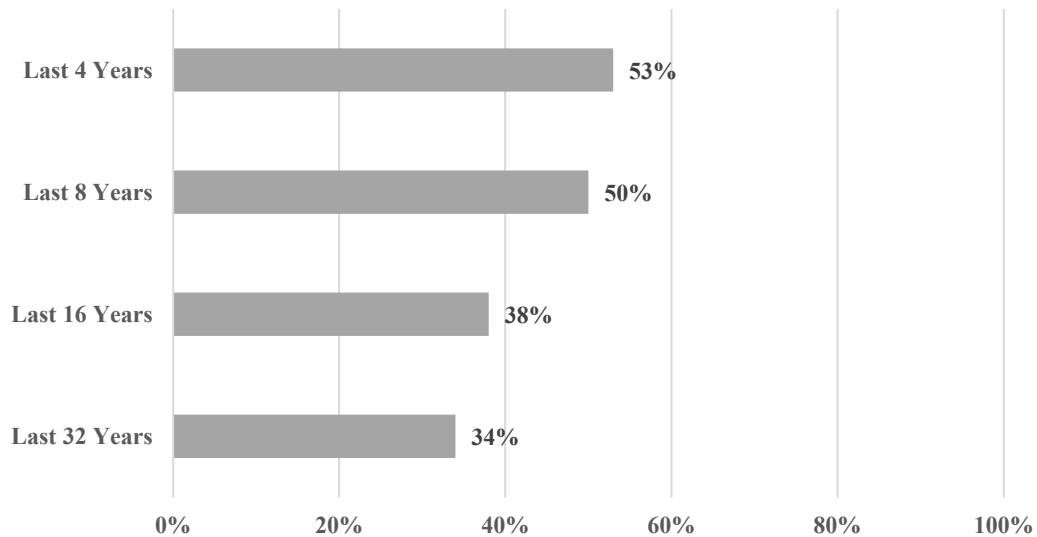
Note: The dotted line is a linear trendline. A linear trendline is a straight line that captures the overall pattern of the individual data points. When there is a positive relationship between the x-axis and y-axis variables, the trendline moves upwards from left to right. When there is a negative relationship between the x-axis and y-axis variables, the trendline moves downwards from left to right.

II. THE USE OF ASSAULT WEAPONS AND LCMs ARE MAJOR FACTORS IN THE RISE OF MASS SHOOTING VIOLENCE

12. In addition to showing that the frequency and lethality of high-fatality mass shootings are on the rise nationally, the data also point to another striking pattern: the use of assault weapons and LCMs in the commission of high-fatality mass shootings has grown in sizable proportions. Both assault weapons and LCMs have been used with increased frequency. As shown in Figures 3 and 4, based on incidents where the details on the use of assault weapons and LCMs are available, the pattern is particularly marked of late, with over half of all high-fatality mass shootings in the last four years involving assault weapons and all high-fatality mass shootings in the last four years involving LCMs. A similar pattern is found when examining fatalities in the last four years, with 62% of all high-fatality mass shooting deaths in the last four years involving assault weapons and 100% of all high-fatality mass shooting deaths in the last four years involving LCMs, as shown in Figures 5 and 6. These trends clearly demonstrate that, among mass shooters, there is a growing preference for using assault weapons and LCMs to perpetrate their attacks.⁶

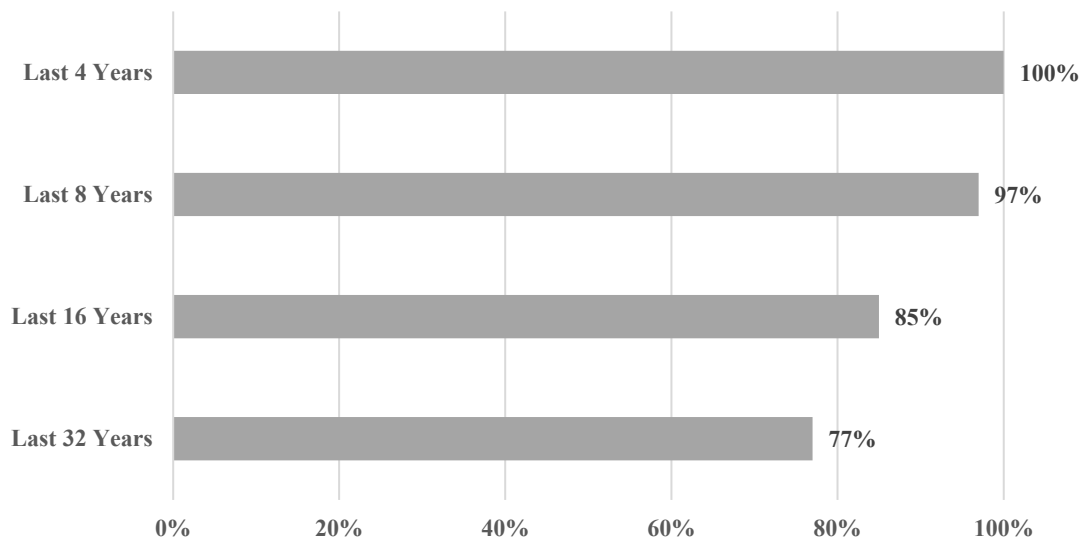
⁶ Out of all 93 high-fatality mass shootings in the United States between 1991 and 2022, it cannot be determined whether LCMs were used in 14 of those incidents. Furthermore, for 2 of these 14 incidents, it is also not possible to determine whether they involved assault weapons. Therefore, the graphical depictions in Figures 3-6 and the percentages discussed in Para. 12 of this Declaration are based on calculations that only use data points from the 79 incidents in which the involvement of assault weapons and LCMs could be determined.

Figure 3. Share of High-Fatality Mass Shooting Incidents Involving Assault Weapons, 1991-2022



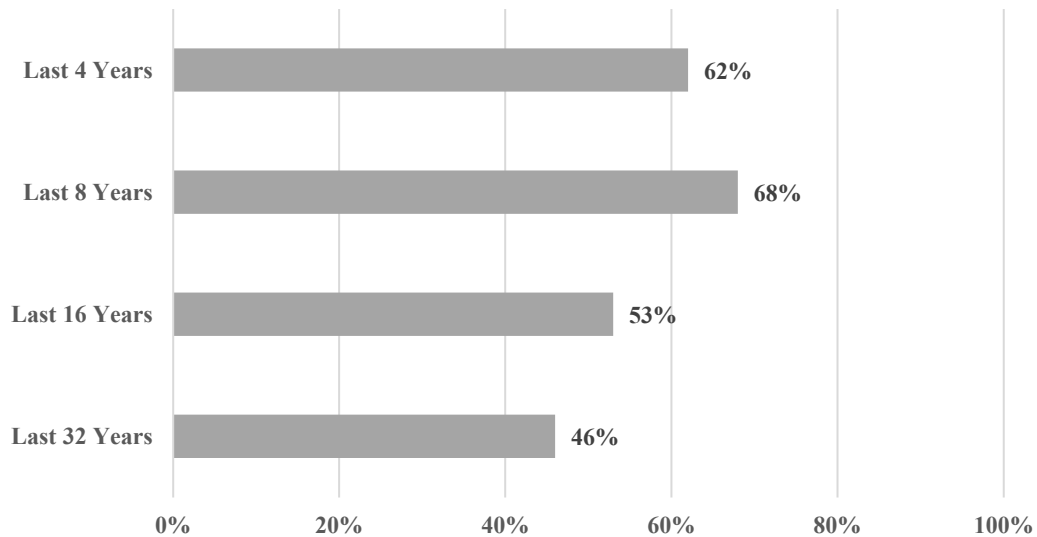
Note: The calculations in Figure 3 exclude incidents in which the firearms used are unknown.

Figure 4. Share of High-Fatality Mass Shooting Incidents Involving LCMs, 1991-2022



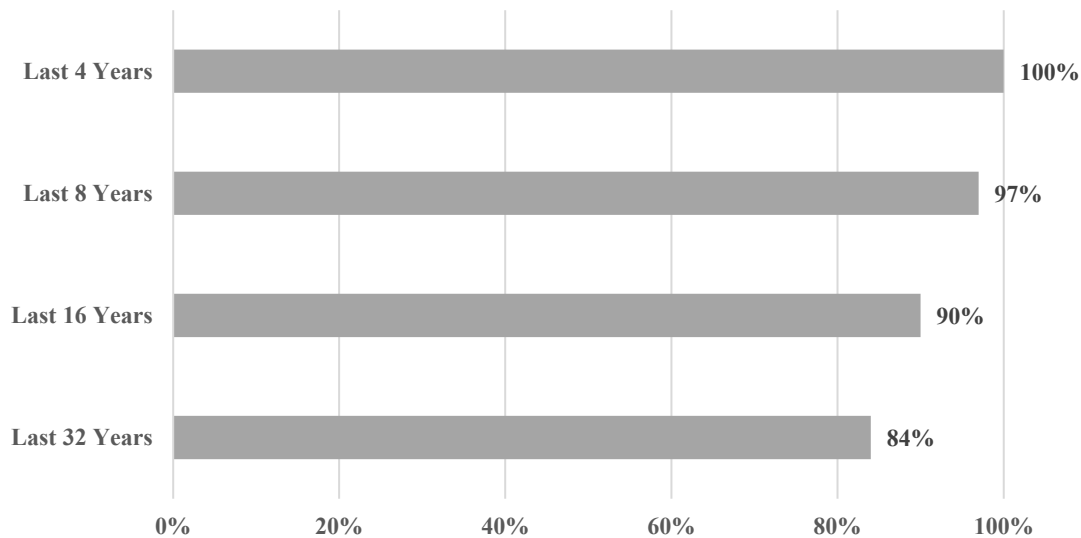
Note: The calculations in Figure 4 exclude incidents in which it is unknown if LCMs were used.

Figure 5. Share of High-Fatality Mass Shooting Deaths Resulting from Incidents Involving Assault Weapons, 1991-2022



Note: The calculations in Figure 5 exclude incidents in which the firearms used are unknown.

Figure 6. Share of High-Fatality Mass Shooting Deaths Resulting from Incidents Involving LCMs, 1991-2022



Note: The calculations in Figure 6 exclude incidents in which it is unknown if LCMs were used.

13. The growing use of assault weapons to carry out high-fatality mass shootings is an obvious theme reflected in the data. The *disproportionate* resort to assault weapons by perpetrators of high-fatality mass shootings is another clear theme. Based on National Sport Shooting Foundation (NSSF) and federal government data, “modern sporting rifles”—which is a firearm industry term for AR-15-platform and AK-47-platform rifles—make up approximately 5.3% of all firearms in circulation in American society, according to the most recent publicly-available data (24.4 million out of an estimated 461.9 million firearms).⁷ And, in all likelihood, this is an over-estimation because the figures appear to include firearms belonging to law enforcement agencies in the United States.⁸ But even using this estimate (which is based in part on NSSF data), if assault weapons were used in proportion to the percentage of modern sporting rifles in circulation, approximately 5% of all high-fatality mass shootings would involve assault weapons. However, as seen in Figure 3 above, civilian ownership rates and mass-shooter use rates are not similar. Indeed, the current difference is approximately ten-fold, with the rate at

⁷ The 5.3% ownership rate for modern sporting rifles was calculated using NSSF and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) data. The NSSF estimates that there are approximately 24.4 million modern sporting rifles in civilian hands in the United States as of the end of 2020 (when the most recent data is available). NSSF, “Commonly Owned: NSSF Announces over 24 Million MSRs in Circulation,” July 20, 2022, *available at* <https://www.nssf.org/articles/commonly-owned-nssf-announces-over-24-million-msrs-in-circulation> (last accessed January 3, 2023). In a 2020 report that captured data through the end of 2018, the NSSF estimated that there were 433.9 million total firearms in civilian circulation in the United States. NSSF, Firearm Production in the United States with Firearm Import and Export Data, Industry Intelligence Report, 2020, at 18, *available at* <https://www.nssf.org/wp-content/uploads/2020/11/IIR-2020-Firearms-Production-v14.pdf> (last accessed January 3, 2023). According to ATF data, in 2019 and 2020, an additional 28.0 million firearms entered the civilian stock nationwide. ATF, National Firearms Commerce and Trafficking Assessment: Firearms in Commerce, 2022, at 181, 188, 193, *available at* <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download> (last accessed January 3, 2023). Assuming these figures reported by the NSSF and ATF are accurate, this brings the estimated number of firearms in civilian circulation through the end of 2020 to approximately 461.9 million. The ownership rate is calculated as follows: 24.4 million modern sporting rifles divided by 461.9 million total firearms equals approximately 5.3%.

⁸ ATF, 2022, *supra* note 5, at 12; NSSF, 2020, *supra* note 5, at 2-3.

which assault weapons are now used to commit gun massacres far outpacing the rate at which modern sporting rifles circulate amongst civilians in the United States.⁹

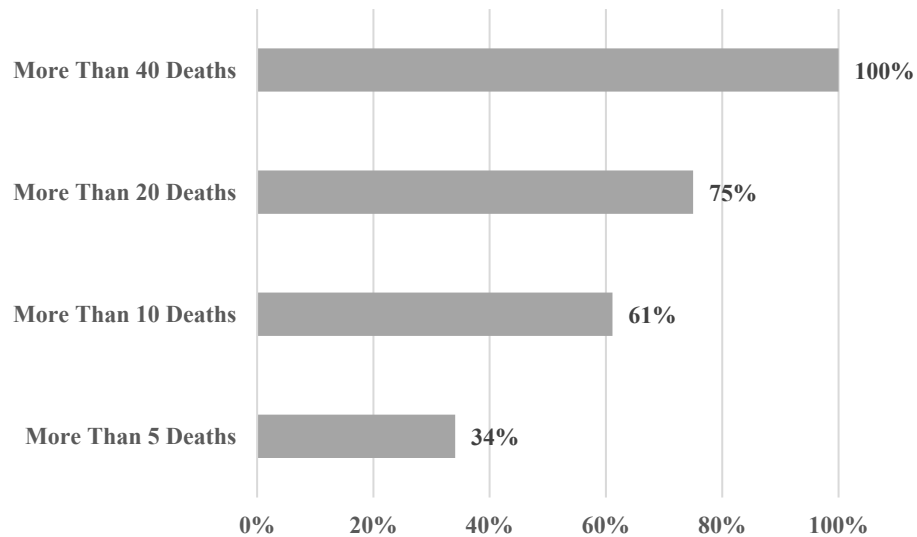
14. Another pattern that stands out when examining the relationship between assault weapons use and mass shooting violence reflects the disproportionately greater lethality associated with the use of assault weapons and LCMs. For instance, returning to the list of the 7 deadliest individual acts of intentional criminal violence in the United States since the coordinated terrorist attack of September 11, 2001, besides all seven of the incidents being mass shootings, two other prominent traits are that 6 of the 7 incidents (86%) involved assault weapons and all 7 incidents (100%) involved LCMs, as shown in Table 2. When examining all high-fatality mass shootings since 1991, the relationship between assault weapons use, LCM use, and higher death tolls is striking. In the past 32 years, assault weapons and LCMs have been used, respectively, in 34% and 77% of all high-fatality mass shootings. However, as the fatality thresholds of such incidents increase, so too do the shares of incidents involving assault weapons and LCMs. For instance, assault weapons and LCMs were used, respectively, in 75% and 100% of all mass shootings resulting in more than 20 deaths (Figures 7-8). As the data show, there is an association between mass shooting lethality and the use of assault weapons and LCMs.

Table 2. The Use of Assault Weapons and LCMs in the Deadliest Acts of Intentional Criminal Violence in the U.S. since 9/11

Deaths	Date	Location	Involved Assault Weapon(s)	Involved LCM(s)
60	October 1, 2017	Las Vegas, NV	✓ (AR-15)	✓
49	June 12, 2016	Orlando, FL	✓ (AR-15)	✓
32	April 16, 2007	Blacksburg, VA		✓
27	December 14, 2012	Newtown, CT	✓ (AR-15)	✓
25	November 5, 2017	Sutherland Springs, TX	✓ (AR-15)	✓
23	August 3, 2019	El Paso, TX	✓ (AK-47)	✓
21	May 24, 2022	Uvalde, TX	✓ (AR-15)	✓

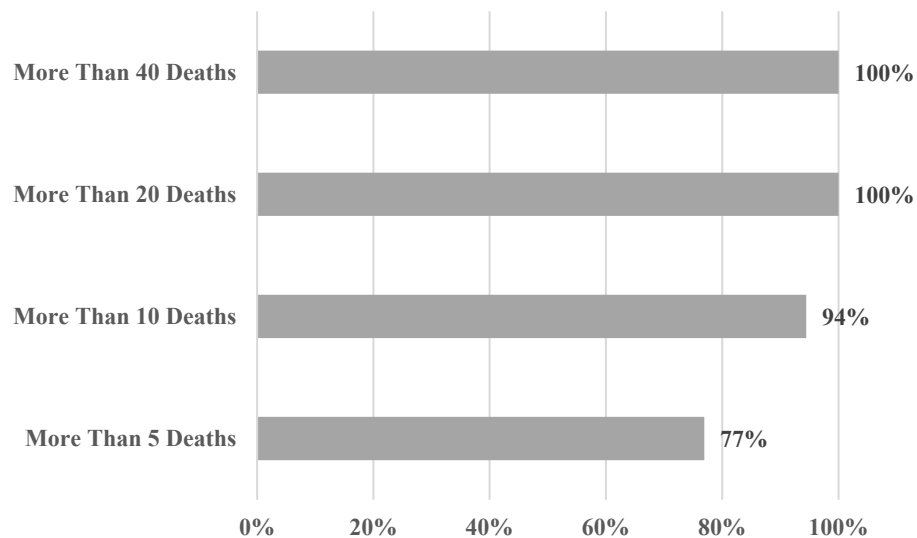
⁹ Due to the lack of accurate data on the number of LCMs in civilian circulation, there is no way to perform a similar comparison using LCMs instead of modern sporting rifles.

Figure 7. Percentage of High-Fatality Mass Shootings Involving Assault Weapons by Fatality Threshold, 1991-2022



Note: The calculations in Figure 7 exclude incidents in which the firearms used are unknown.

Figure 8. Percentage of High-Fatality Mass Shootings Involving LCMs by Fatality Threshold, 1991-2022



Note: The calculations in Figure 8 exclude incidents in which it is unknown if LCMs were used.

15. Of the 91 high-fatality mass shootings since January 1, 1991, in which the type of firearm used is known, 31 involved assault weapons, resulting in 425 deaths. The average death toll for these 31 incidents is 13.7 fatalities per shooting. By contrast, the average death toll for the 60 incidents in which it is known assault weapons were not used (which resulted in 490 fatalities) is 8.2 fatalities per shooting (Table 3). Furthermore, of the 79 high-fatality mass shootings since January 1, 1991, in which LCM use is known, 61 involved LCMs, resulting in 704 deaths. The average death toll for these 61 incidents is 11.5 fatalities per shooting. By contrast, the average death toll for the 18 incidents in which it is known LCMs were not used (which resulted in 132 fatalities) is 7.3 fatalities per shooting (Table 4). In other words, in the last 32 years, the use of assault weapons and LCMs in high-fatality mass shootings has resulted, respectively, in 67% and 58% increases in average fatalities per incident (Tables 3 and 4).

16. Table 5 shows the average death tolls per high-fatality mass shooting incident that are attributable to assault weapons beyond deaths associated with the use of LCMs. When LCMs are not used, the average death toll is 7.3 fatalities. When LCMs are used, but not in conjunction with assault weapons, the average death toll is 9.2 fatalities. When LCMs are used with assault weapons, the average death toll is 14.0 fatalities. The data show that using LCMs without an assault weapon results in a 26% increase in the average death toll. However, using LCMs with an assault weapon results in an 52% increase in the average death toll. In other words, the increase in the death tolls for high-fatality mass shootings involving assault weapons appears to about one-third attributable to LCMs and about two-thirds attributable to assault weapons

17. This review of the data supports an obvious takeaway: assault weapons and LCMs are dangerous force multipliers when used to perpetrate mass shootings.

Table 3. The Average Death Tolls Associated with the Use of Assault Weapons in High-Fatality Mass Shootings in the U.S., 1991-2022

	Average Death Toll for Incidents That Did Not Involve the Use of Assault Weapons	Average Death Toll for Incidents That Did Involve the Use of Assault Weapons	Percent Increase in Average Death Toll Associated with the Use of Assault Weapons
Last 32 Years	8.2 Deaths	13.7 Deaths	67%

Note: The calculations in Table 3 exclude incidents in which the firearms used are unknown.

Table 4. The Average Death Tolls Associated with the Use of LCMs in High-Fatality Mass Shootings in the U.S., 1991-2022

	Average Death Toll for Incidents That Did Not Involve the Use of LCMs	Average Death Toll for Incidents That Did Involve the Use of LCMs	Percent Increase in Average Death Toll Associated with the Use of LCMs
Last 32 Years	7.3 Deaths	11.5 Deaths	58%

Note: The calculations in Table 4 exclude incidents in which it is unknown if LCMs were used.

Table 5. The Average Death Tolls Associated with the Use of LCMs and Assault Weapons in High-Fatality Mass Shootings in the U.S., 1991-2022

Average Death Toll for Incidents Not Involving LCMs or AWs	Average Death Toll for Incidents Involving LCMs but Not AWs	Percent Increase	Average Death Toll for Incidents Involving LCMs but Not AWs	Average Death Toll for Incidents Involving LCMs and AWs	Percent Increase	Average Death Toll for Incidents Not Involving LCMs or AWs	Average Death Toll for Incidents Involving LCMs and AWs	Percent Increase
7.3	9.2	26%	9.2	14.0	52%	7.3	14.0	92%

Note: The calculations in Table 5 exclude incidents in which it is unknown if assault weapons or LCMs were used.

III. DOUBLE-DIGIT-FATALITY MASS SHOOTINGS ARE A POST-WORLD WAR II PHENOMENON IN AMERICAN HISTORY AND THEY INCREASINGLY INVOLVE ASSAULT WEAPONS

18. I have also examined the historical occurrence and distribution of mass shootings resulting in 10 or more victims killed since 1776 (Table 6 and Figure 9). A lengthy search uncovered several informative findings.¹⁰ In terms of the origins of this form of extreme gun violence, there is no known occurrence of a mass shooting resulting in double-digit fatalities at any point in time during the 173-year period between the nation's founding in 1776 and 1948. The first known mass shooting resulting in 10 or more deaths occurred in 1949. In other words, for 70% of its 247-year existence as a nation, the United States did not experience a mass shooting resulting in double-digit fatalities, making them a relatively modern phenomena in American history.¹¹

19. After the first such incident in 1949, 17 years passed until a similar mass shooting occurred in 1966. The third such mass shooting then occurred 9 years later, in 1975. And the fourth such incident occurred 7 years after, in 1982. Basically, the first few mass shootings resulting in 10 or more deaths did not occur until the post-World War II era. Furthermore, these first few double-digit-fatality incidents occurred with relative infrequency, although the temporal gap between these first four incidents shrank with each event (Table 6 and Figure 10).¹²

¹⁰ I searched for firearm-related "murders," using variations of the term, setting a minimum fatality threshold of 10 in the Newspaper Archive online newspaper repository, available at www.newspaperarchive.com (last accessed October 2, 2022). The Newspaper Archive contains local and major metropolitan newspapers dating back to 1607. Incidents of large-scale, inter-group violence such as mob violence, rioting, combat or battle skirmishes, and attacks initiated by authorities acting in their official capacity were excluded.

¹¹ Using the Constitution's effective date of 1789 as the starting point would lead to the conclusion that, for 68% of its 234-year existence as a nation, the United States did not experience a mass shooting resulting in double-digit fatalities.

¹² Figures 9-10 are reproduced in larger form as **Exhibit C** of this Report.

Table 6. Mass Shootings Resulting in Double-Digit Fatalities in American History, 1776-2022

	Date	Location	Deaths	Involved Assault Weapon(s)	Involved LCM(s)
1	9/6/1949	Camden, NE	13	N	N
2	8/1/1966	Austin, TX	14	N	Y
3	3/30/1975	Hamilton, OH	11	N	N
4	9/25/1982	Wilkes-Barre, PA	13	Y	Y
5	2/18/1983	Seattle, WA	13	N	N
6	4/15/1984	Brooklyn, NY	10	N	N
7	7/18/1984	San Ysidro, CA	21	Y	Y
8	8/20/1986	Edmond, OK	14	N	N
9	10/16/1991	Killeen, TX	23	N	Y
10	4/20/1999	Littleton, CO	13	Y	Y
11	4/16/2007	Blacksburg, VA	32	N	Y
12	3/10/2009	Geneva County, AL	10	Y	Y
13	4/3/2009	Binghamton, NY	13	N	Y
14	11/5/2009	Fort Hood, TX	13	N	Y
15	7/20/2012	Aurora, CO	12	Y	Y
16	12/14/2012	Newtown, CT	27	Y	Y
17	9/16/2013	Washington, DC	12	N	N
18	12/2/2015	San Bernardino, CA	14	Y	Y
19	6/12/2016	Orlando, FL	49	Y	Y
20	10/1/2017	Las Vegas, NV	60	Y	Y
21	11/5/2017	Sutherland Springs, TX	25	Y	Y
22	2/14/2018	Parkland, FL	17	Y	Y
23	5/18/2018	Santa Fe	10	N	N
24	10/27/2018	Pittsburgh, PA	11	Y	Y
25	11/7/2018	Thousand Oaks, CA	12	N	Y
26	5/31/2019	Virginia Beach, VA	12	N	Y
27	8/3/2019	El Paso, TX	23	Y	Y
28	3/22/2021	Boulder, CO	10	Y	Y
29	5/14/2022	Buffalo, NY	10	Y	Y
30	5/24/2022	Uvalde, TX	21	Y	Y

Note: Death tolls do not include perpetrators. An incident was coded as involving an assault weapon if at least one of the firearms discharged was defined as an assault weapon in (1) the 1994 Federal Assault Weapons Ban; (2) the statutes of the state where the gun massacre occurred; or (3) a legal or judicial declaration issued by a state official. An incident was coded as involving an LCM if at least one of the firearms discharged was armed with a detachable ammunition-feeding device holding more than 10 bullets.

20. The distribution of double-digit-fatality mass shootings changes in the early 1980s, when five such events took place in a span of just five years. (Table 6 and Figure 10). This timeframe also reflects the first time that assault weapons were used to perpetrate mass shootings resulting in 10 or more deaths: the 1982 Wilkes-Barre, PA, massacre (involving an AR-15 rifle and resulting in 13 deaths) and the 1984 San Ysidro, CA, massacre (involving an Uzi pistol and resulting in 21 deaths). But this cluster of incidents was followed by a 20-year period in which only 2 double-digit-fatality mass shootings occurred (Figure 10). This period of time from 1987-2007 correlates with two important pieces of federal firearms legislation: the 1986 Firearm Owners Protection Act and the 1994 Federal Assault Weapons Ban.

21. It is well-documented in the academic literature that, after the Federal Assault Weapons Ban expired in 2004, mass shooting violence increased substantially.¹³ Mass shootings that resulted in 10 or more deaths were no exception, following the same pattern. In the 56 years from 1949 through 2004, there were a total of 10 mass shootings resulting in double-digit fatalities. In the 18 years since 2004, there have been 20 double-digit-fatality mass shootings. In other words, the average rate of occurrence has increased over six-fold since the Federal Assault Weapons Ban expired (Table 6 and Figure 10). (The 1994 Federal Assault Weapons Ban and its impact on mass shooting violence is discussed in further detail in Section VI of this Declaration.)

22. As with the analyses of mass shootings discussed above in Section II, death tolls in double-digit-fatality mass shootings are largely related to the use of assault weapons and LCMs—firearms technologies that, in terms of mass shootings, serve as force multipliers.

¹³ See, for example, Louis Klarevas, Rampage Nation, *supra* note 2 (Relevant Excerpt Attached as **Exhibit D**); Louis Klarevas, et al., *The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings*, *supra* note 3 (Attached as **Exhibit E**); Charles DiMaggio, et al., *Changes in US Mass Shooting Deaths Associated with the 1994-2004 Federal Assault Weapons Ban: Analysis of Open-Source Data*, 86 Journal of Trauma and Acute Care Surgery 11 (2019) (Attached as **Exhibit F**); Lori Post, et al., *Impact of Firearm Surveillance on Gun Control Policy: Regression Discontinuity Analysis*, 7 JMIR Public Health and Surveillance (2021) (Attached as **Exhibit G**); and Philip J. Cook and John J. Donohue, *Regulating Assault Weapons and Large-Capacity Magazines for Ammunition*, 328 JAMA, September 27, 2022 (Attached as **Exhibit H**).

IV. ASSAULT WEAPONS ARE ALMOST NEVER USED BY PRIVATE CITIZENS IN SELF-DEFENSE DURING ACTIVE SHOOTINGS

23. An important question that, until now, has gone unanswered is: Are assault weapons used as frequently to stop mass shootings as they are to perpetrate them? As shown above in Section II, assault weapons have been used to perpetrate approximately one-third of high-fatality mass shootings in the past 32 years (Figure 3). And in the past 8 years, the share of high-fatality mass shootings that has been perpetrated with assault weapons has risen to approximately half (Figure 3).

24. The Federal Bureau of Investigation (FBI) has been documenting active shooter incidents since 2000.¹⁴ According to the FBI, active shootings are violent attacks that involve “one or more individuals actively engaged in killing or attempting to kill people in a populated area.”¹⁵ A simple way to conceptualize active shooter incidents is to think of them as attempted mass shootings. As part of its analysis of attempted mass shootings, the FBI identifies incidents that involved armed civilians using their personal firearms to intervene, regardless of whether the interventions were successful in stopping the attacks and/or neutralizing the perpetrator(s).

25. In the 22 years between January 1, 2000, and December 31, 2021, the FBI has identified 406 active shootings occurring in the United States. Out of these 406 active shooter incidents, 15 incidents (3.7%) involved defensive gun uses (DGUs) by civilians, excluding law enforcement or armed security.¹⁶ Of these 15 DGUs that involved an armed private citizen

¹⁴ All of the information in this section, including definitions and data, are publicly available from the FBI. See FBI, “Active Shooter Safety Resources,” *available at* <https://www.fbi.gov/how-we-can-help-you/safety-resources/active-shooter-safety-resources> (last accessed January 2, 2023). At the time that this Declaration was being prepared, active shooter incident data was not yet available for the year 2022. This data will likely be released by the FBI at some point in 2023. As such, the time parameter for the analysis in this section is 2000-2021.

¹⁵ The FBI adds, “Implicit in this definition is the shooter’s use of one or more firearms. The ‘active’ aspect of the definition inherently implies the ongoing nature of the incidents, and thus the potential for the response to affect the outcome.” *Ibid.*

¹⁶ In 14 of these 15 DGU-involved active shooter incidents, there was an exchange of gunfire. For the one incident that did not involve an exchange of gunfire, the gun (a handgun) was used to detain the active shooter after the shooting had ceased. *Ibid.*

intervening, 12 incidents involved handguns. The remaining 3 incidents involved long guns: 1 shotgun, 1 bolt-action rifle, and 1 assault rifle. In other words, out of the 15 incidents where an armed civilian intervened, only 1 incident (6.7%) involved an assault weapon.¹⁷ Within the broader context of all active shooter incidents, only 1 incident out of 406 in the past 22 years (0.2%) involved an armed civilian intervening with an assault weapon.¹⁸

26. The bottom line: assault weapons are used by civilians with a far greater frequency to perpetrate mass shootings than to stop mass shootings.¹⁹

¹⁷ The FBI also identifies an incident in which an armed individual (a local firefighter) subdued and detained a school shooter, but there is no evidence that the armed citizen drew his handgun during the incident. Moreover, local authorities have refused to comment on whether the firefighter ever drew his handgun. *See* Carla Field, “Firefighter Was Armed During Takedown of Shooting Suspect, Sheriff Says,” WYFF, October 3, 2016, *available at* <https://www.wyff4.com/article/firefighter-was-armed-during-takedown-of-shooting-suspect-sheriff-says/7147424> (last accessed January 3, 2023). Adding this incident to the 15 DGU-involved incidents would mean that 6.3% (as opposed to 6.7%) of the active shooter incidents, where an armed civilian intervened, involved an assault weapon.

¹⁸ FBI, *supra* note 12. The one DGU that involved an assault weapon was the 2017 church massacre in Sutherland Springs, Texas. In that incident, an armed private citizen used an AR-15-style assault rifle to wound the perpetrator as he was attempting to flee the scene. While the perpetrator was still able to flee the scene despite being shot, minutes later, he crashed his vehicle trying to escape and then took his life with his own firearm before law enforcement could apprehend him. *See* Adam Roberts, “Man Who Shot Texas Gunman Shares His Story,” KHBS/KHOG, November 7, 2017, *available at* <https://www.4029tv.com/article/man-who-shot-texas-church-gunman-shares-his-story/13437943> (last accessed January 3, 2023).

¹⁹ Given the limitations of the active shooter incident data reported by the FBI, it is not possible to discern whether any of the civilian DGUs involved an armed civilian using a firearm with an LCM at the time of the intervention. As such, it is not possible to perform a similar comparison between mass shootings perpetrated with LCM-equipped firearms and mass shootings thwarted with LCM-equipped firearms.

V. OWNERSHIP RATES OF “MODERN SPORTING RIFLES” IN THE U.S.

27. As noted above in Para. 13, based on NSSF and federal government data, modern sporting rifles—such as AR- and AK-platform rifles—make up approximately 5.3% of all firearms in circulation in American society, according to the most recent publicly-available data (24.4 million out of an estimated 461.9 million firearms). Furthermore, in its most recent survey data, the NSSF found that civilian owners of modern sporting rifles own, on average, 3.8 such rifles, with 24% of these owners possessing only one such rifle.²⁰ Based on this data, only 6.4 million gun owners—out of an estimated 81 million Americans who own at least one personal firearm—own modern sporting rifles.²¹ In other words, less than 8% of all civilian gun owners in the United States own modern sporting rifles.²² In terms of the total population of the United States, estimated by the Census Bureau to be approximately 333 million people in 2022, less than 2% of all Americans own a modern sporting rifle.²³

²⁰ NSSF, Modern Sporting Rifle: Ownership, Usage and Attitudes Toward AR- and AK-Platform Modern Sporting Rifles, Comprehensive Consumer Report, 2022, at 12, *available at* <https://www3.nssf.org/share/PDF/pubs/NSSF-MSR-Comprehensive-Consumer-Report.pdf> (last accessed January 16, 2023).

²¹ The estimate that approximately 6.4 million gun owners possess what the NSSF considers to be modern sporting rifles is calculated by dividing the 3.8 average number of such rifles that each modern sporting rifle owner possesses into the 24.4 million such rifles estimated to be in civilian circulation. This calculation (24.4 million divided by 3.8) equals 6.4 million. Based on survey data, 81 million American adults are estimated to own guns. Andy Nguyen, “Proposed Assault Weapons Ban Won’t Turn Gun Owners into Felons Overnight,” PolitiFact, The Poynter Institute, August 3, 2022, *available at* <https://www.politifact.com/factchecks/2022/aug/03/instagram-posts/proposed-assault-weapons-ban-wont-turn-gun-owners-> (last accessed January 16, 2023).

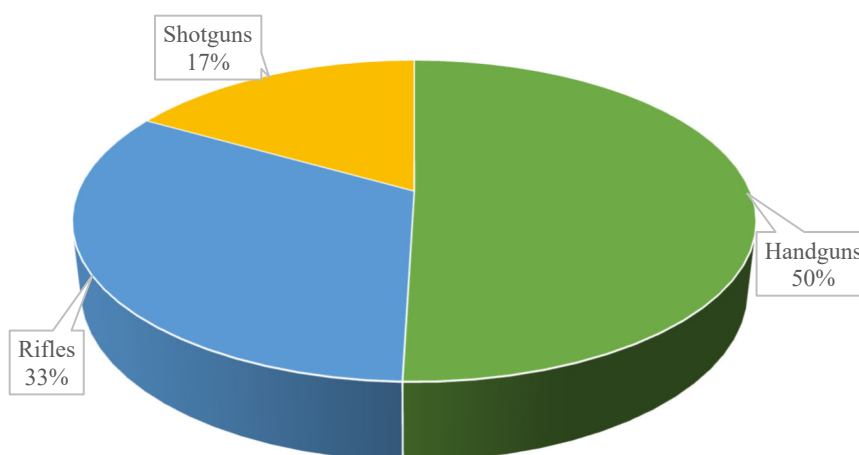
²² The finding that less than 8% of all gun owners possess modern sporting rifles is calculated by dividing the 6.4 million modern sporting rifle owners by the 81 million American adults estimated to be gun owners. This calculation (6.4 million divided by 81 million) equals 7.9%.

²³ The Census Bureau’s total population estimate for 2022 is 333,287,557 persons. U.S. Census Bureau, “Growth in U.S. Population Shows Early Indication of Recovery Amid COVID-19 Pandemic,” December 22, 2022, *available at* <https://www.census.gov/newsroom/press-releases/2022/2022-population-estimates.html#:~:text=DEC.,components%20of%20change%20released%20today> (last accessed January 16, 2023). The finding that less than 2% of all Americans possess modern

28. In deriving its estimates, the NSSF often relies on United States government data, particularly ATF data.²⁴ According to the ATF, since 1986 through 2020 (which reflects the most currently-available data), the civilian stock of firearms in the United States has been made up predominantly of handguns.²⁵ As Fig. 11 shows, handguns account for 50% of the civilian stock of firearms, rifles account for 33%, and shotguns account for 17%.

29. According to ATF data, handguns are the most commonly owned firearms; not rifles, and most certainly not modern sporting rifles that qualify as assault weapons.²⁶

Figure 11. Share of Firearms in Civilian Circulation in the United States, 1986-2020



sporting rifles is calculated by dividing the 6.4 million modern sporting rifle owners by the 333 million persons in United States. This calculation (6.4 million divided by 333 million) equals 1.9%.

²⁴ NSSF, 2020, *supra* note 6.

²⁵ For data on the number of firearms manufactured, imported, and exported, by category of firearm, from 2000-2020, see ATF, *supra* note 6. For similar data covering 1986-1999, see ATF, Firearms Commerce in the United States: Annual Statistical Update, 2021, *available at* <https://www.atf.gov/firearms/docs/report/2021-firearms-commerce-report/download> (last accessed January 16, 2023).

²⁶ Due to the lack of accurate data on the number of LCMs in civilian circulation, there is no way to perform a similar analysis of ownership rates using LCMs instead of modern sporting rifles.

VI. RESTRICTIONS ON ASSAULT WEAPONS AND LCMs REDUCE THE INCIDENCE OF GUN MASSACRES, RESULTING IN LIVES SAVED

30. In light of the growing threat posed by mass shootings, legislatures have enacted restrictions on assault weapons and LCMs in an effort to reduce the occurrence and lethality of such deadly acts of firearm violence. Prominent among these measures was the 1994 Federal Assault Weapons Ban. In September 1994, moved to action by the high-profile shooting rampages at a San Francisco law firm and on a Long Island Rail Road commuter train, the U.S. Congress enacted a ban on assault weapons and LCMs that applied to all 50 states plus the District of Columbia, bringing the entire country under the ban.²⁷

31. Like the state bans on assault weapons and LCMs that were implemented before it, the federal ban was aimed primarily at reducing mass shooting violence—an objective the ban sought to achieve by prohibiting the manufacture, importation, possession, and transfer of assault weapons and LCMs not legally owned by civilians prior to the date of the law’s effect (September 13, 1994).²⁸ Congress, however, inserted a sunset provision in the law which allowed the federal ban to expire in exactly 10 years, if it was not renewed beforehand. As Congress ultimately chose not to renew the law, the federal ban expired on September 13, 2004. In the aftermath of the federal ban’s expiration, mass shooting violence in the United States increased substantially.²⁹

32. In 2013, following the horrific shooting at Sandy Hook Elementary School in Newtown, Connecticut, that claimed the lives of 20 first-graders and 6 educators, the City of Highland Park, Illinois, enacted an ordinance that restricted assault weapons and LCMs. Explicitly citing the Sandy Hook massacre as well as the high-fatality mass shootings at a

²⁷ Pub. L. No. 103-322, tit. XI, subtit. A, 108 Stat. 1796, 1996-2010 (codified as former 18 U.S.C. § 922(v), (w)(1) (1994)).

²⁸ Christopher Ingraham, “The Real Reason Congress Banned Assault Weapons in 1994—and Why It Worked,” *Washington Post*, February 22, 2018, available at <https://www.washingtonpost.com/news/wonk/wp/2018/02/22/the-real-reason-congress-banned-assault-weapons-in-1994-and-why-it-worked> (last accessed January 2, 2023).

²⁹ See sources cited *supra* note 11.

Congressional meet-and-greet event in Tucson, Arizona, and a movie theater in Aurora, Colorado, the City Council declared that assault weapons “pose an undue threat to public safety to the residents, property owners, and visitors within the City of Highland Park.”³⁰ In light of this determination, the City Council enacted an ordinance that restricts the manufacture, sale, transfer, ownership, acquisition, and possession of both assault weapons and LCMs.³¹

33. The legislative intent of Highland Park’s City Council, as documented in the prefatory findings in the ordinance it enacted, is similar to that of other legislative bodies that have restricted assault weapons and LCMs. The primary objective of bans on assault weapons and LCMs is to reduce the frequency and lethality of mass shootings. Because, on average, the use of assault weapons and LCMs results in higher death tolls in mass shootings, the rationale for imposing restrictions on assault weapons and LCMs is to reduce the loss of life associated with the increased kill potential of such firearm technologies.

34. Currently, 30% of the U.S. population is subject to a ban on both assault weapons and LCMs. The following is a list of the ten state-level jurisdictions that presently ban both assault weapons and LCMs: New Jersey (September 1, 1990); Hawaii (July 1, 1992, assault pistols only); Maryland (June 1, 1994, initially assault pistols but expanded to long guns October 1, 2013); Massachusetts (July 23, 1998); California (January 1, 2000); New York (November 1, 2000); the District of Columbia (March 31, 2009); Connecticut (April 4, 2013); Delaware (August 29, 2022); and Illinois (January 10, 2023).³² As a reminder, from September 13, 1994, through September 12, 2004, the entire country was also subject to federal ban on both assault weapons and LCMs.

³⁰ City Council of Highland Park, IL, Ordinance No. 68-13, Approved June 24, 2013 (Attached as **Exhibit I**).

³¹ *Ibid.*

³² The dates in parentheses mark the effective dates on which the listed states became subject to bans on both assault weapons and LCMs.

35. In the field of epidemiology, a common method for assessing the impact of laws and policies is to measure the rate of onset of new cases of an event, comparing the rate when and where the laws and policies were in effect against the rate when and where the laws and policies were not in effect. This measure, known as the incidence rate, allows public health experts to identify discernable differences, while accounting for variations in the population, over a set period of time. Relevant to the present case, calculating incidence rates across states, in a manner that captures whether or not bans on both assault weapons and LCMs were in effect during the period of observation, allows for the assessment of the effectiveness of such bans. In addition, fatality rates—the number of deaths, per population, that result from particular events across different jurisdictions—also provide insights into the impact bans on assault weapons and LCMs have on mass shooting violence.³³

36. Since September 1, 1990, when New Jersey became the first state to ban both assault weapons and LCMs, through December 31, 2022, there have been 93 high-fatality mass shootings in the United States (**Exhibit B**).³⁴ Calculating incidence and fatality rates for this time-period, across jurisdictions with and without bans on both assault weapons and LCMs, reveals that states subject to such bans experienced a 56% decrease in high-fatality mass shooting incidence rates. They also experienced a 66% decrease in high-fatality mass shooting fatality rates, regardless of the weaponry used by the mass murderers (Table 7).³⁵

³³ For purposes of this Report, incidence and fatality rates are calculated using methods and principles endorsed by the Centers for Disease Control. See Centers for Disease Control and Prevention, *Principles of Epidemiology in Public Health Practice: An Introduction to Applied Epidemiology and Biostatistics* (2012), available at <https://stacks.cdc.gov/view/cdc/13178> (last accessed January 3, 2023).

³⁴ There were no state bans on both assault weapons and LCMs in effect prior to September 1, 1990. Therefore, January 1, 1991, is a logical starting point for an analysis of the impact of bans on assault weapons and LCMs. As there were no high-fatality mass shootings in the last four months of 1990, extending the analysis back to September 1, 1990, would make no difference.

³⁵ Between September 13, 1994, and September 12, 2004, the Federal Assault Weapons Ban was in effect. During that 10-year period, all 50 states and the District of Columbia were under legal conditions that restricted assault weapons and LCMs. As such, the entire country is

37. When calculations go a step further and are limited to mass shootings involving assault weapons or LCMs, the difference between the two jurisdictional categories is even more pronounced. In the time-period from January 1, 1991, through December 31, 2022, accounting for population, states with bans on both assault weapons and LCMs experienced a 62% decrease in the rate of high-fatality mass shootings involving the use of assault weapons or LCMs. Similarly, jurisdictions with such bans in effect experienced a 72% decrease in the rate of deaths resulting from high-fatality mass shootings perpetrated with assault weapons or LCMs (Table 7).

38. All of the above epidemiological calculations lead to the same conclusion: when bans on assault weapons and LCMs are in effect, per capita, fewer high-fatality mass shootings occur and fewer people die in such shootings—especially incidents involving assault weapons or LCMs, where the impact is most striking.

39. The main purpose of bans on assault weapons and LCMs is to restrict the availability of assault weapons and LCMs. The rationale is that, if there are fewer assault weapons and LCMs in circulation, then potential mass shooters will either be dissuaded from attacking or they will be forced to use less-lethal firearm technologies, resulting in fewer lives lost. The epidemiological data buttress this line of reasoning, supporting Highland Park's determination that restricting civilian access to assault weapons and LCMs will enhance public safety.

40. While imposing constraints on assault weapons and LCMs will not prevent every mass shooting, the data suggest that legislative efforts to deny gunmen access to assault weapons and LCMs should result in lives being saved.

coded as being under a ban on both assault weapons and LCMs during the timeframe that the Federal Assault Weapons Ban was in effect.

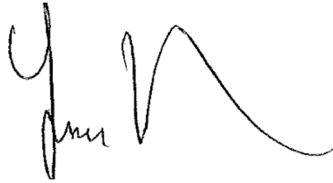
Table 7. Incidence and Fatality Rates for High-Fatality Mass Shootings, by Whether or Not Bans on Assault Weapons and LCMs Were in Effect, 1991-2022

	Annual Average Population (Millions)	Total Incidents	Annual Incidents per 100 Million Population	Total Deaths	Annual Deaths per 100 Million Population
All High-Fatality Mass Shootings					
Non-Ban States	162.0	68	1.31	720	13.89
Ban States	135.8	25	0.58	208	4.79
Percentage Decrease in Rate for Ban States			56%		66%
High-Fatality Mass Shootings Involving Assault Weapons or LCMs					
Non-Ban States	162.0	47	0.91	575	11.09
Ban States	135.8	15	0.35	135	3.11
Percentage Decrease in Rate for Ban States			62%		72%

Note: Population data are from U.S. Census Bureau, “Population and Housing Unit Estimates Datasets,” available at <https://www.census.gov/programs-surveys/popest/data/data-sets.html> (last accessed January 3, 2023).

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

Executed on January 18, 2023 at Nassau County, NY.

A handwritten signature in black ink, appearing to read 'Louis Klarevas', is positioned above a horizontal line.

Louis Klarevas

EXHIBIT A

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Email: lj2149@tc.columbia.edu

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Author

Rampage Nation: Securing America from Mass Shootings

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Academic Experience (Presented in Academic Years)

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Writer, Prometheus Books, Amherst, NY, 2012-2015

Consultant, United States Institute of Peace, Washington, DC, 2005, 2008-2009

Research Associate, United States Institute of Peace, Washington, DC, 1992-1998

Faculty Advisor, National Youth Leadership Forum, Washington, DC, 1992

Courses Taught

Graduate

Counter-Terrorism and Homeland Security
International Political Economy
International Politics in a Post-Cold War Era
International Security
Machinery and Politics of American Foreign Policy
Role of the United States in World Affairs
Security Policy
Theories of International Politics
Transnational Security
Transnational Terrorism
United States Foreign Policy

Undergraduate

American Government and Politics
European-Atlantic Relations
International Political Economy
International Relations
Transnational Terrorism
United States Foreign Policy

Scholarship

“State Firearm Laws, Gun Ownership, and K-12 School Shootings: Implications for School Safety,” *Journal of School Violence*, 2022 (co-authored with Paul M. Reeping, Sonali Rajan, et al.)

“The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings, 1990-2017,” *American Journal of Public Health*, November 2019 (co-authored with Andrew Conner and David Hemenway)

“Changes in U.S. Mass Shooting Deaths Associated with the 1994-2004 Federal Assault Weapons Ban,” *Journal of Trauma and Acute Care Surgery*, May 2019 (correspondence)

Firearms on College Campuses: Research Evidence and Policy Implications, report prepared by the Johns Hopkins University Center for Gun Policy and Research for the Association of American Universities, October 2016 (co-authored with Daniel W. Webster, John J. Donohue, et al.)

Rampage Nation: Securing America from Mass Shootings, Prometheus Books, 2016

“No Relief in Sight: Barring *Bivens* Suits in Torture Cases,” *Presidential Studies Quarterly*, June 2013

Review of James Edward Miller’s *The United States and the Making of Modern Greece: History and Power, 1950-1974*, *Presidential Studies Quarterly*, June 2012 (book review)

“Trends in Terrorism Since 9/11,” *Georgetown Journal of International Affairs*, Winter/Spring 2011

“The Death Penalty Should Be Decided Only Under a Specific Guideline,” in Christine Watkins, ed., *The Ethics of Capital Punishment* (Cengage/Gale Publishers, 2011)

Saving Lives in the 'Convoy of Joy': Lessons for Peace-Keeping from UNPROFOR, United States Institute of Peace Case Study, 2009

"Casualties, Polls and the Iraq War," *International Security*, Fall 2006 (correspondence)

"The CIA Leak Case Indicting Vice President Cheney's Chief of Staff," *Presidential Studies Quarterly*, June 2006

"Were the Eagle and the Phoenix Birds of a Feather? The United States and the 1967 Greek Coup," *Diplomatic History*, June 2006

"Greeks Bearing Consensus: An Outline for Increasing Greece's Soft Power in the West," *Mediterranean Quarterly*, Summer 2005

"W Version 2.0: Foreign Policy in the Second Bush Term," *The Fletcher Forum of World Affairs*, Summer 2005

"Can You Sue the White House? Opening the Door for Separation of Powers Immunity in *Cheney v. District Court*," *Presidential Studies Quarterly*, December 2004

"Political Realism: A Culprit for the 9/11 Attacks," *Harvard International Review*, Fall 2004

Greeks Bearing Consensus: An Outline for Increasing Greece's Soft Power in the West, Hellenic Observatory Discussion Paper 18, London School of Economics, November 2004

Were the Eagle and the Phoenix Birds of a Feather? The United States and the 1967 Greek Coup, Hellenic Observatory Discussion Paper 15, London School of Economics, February 2004

"Not a Divorce," *Survival*, Winter 2003-2004 (correspondence)

"Media Impact," in Mark Rozell, ed., *The Media and American Politics: An Introduction* (Lanham, MD: Rowman & Littlefield, 2003)

"The Surrender of Alleged War Criminals to International Tribunals: Examining the Constitutionality of Extradition via Congressional-Executive Agreement," *UCLA Journal of International Law and Foreign Affairs*, Fall/Winter 2003

"The Constitutionality of Congressional-Executive Agreements: Insights from Two Recent Cases," *Presidential Studies Quarterly*, June 2003

"The 'Essential Domino' of Military Operations: American Public Opinion and the Use of Force," *International Studies Perspectives*, November 2002

"The Polls-Trends: The United States Peace Operation in Somalia," *Public Opinion Quarterly*, Winter 2001

American Public Opinion on Peace Operations: The Cases of Somalia, Rwanda, and Haiti, University of Michigan Dissertation Services, 1999

“Turkey’s Right v. Might Dilemma in Cyprus: Reviewing the Implications of *Loizidou v. Turkey*,” *Mediterranean Quarterly*, Spring 1999

“An Outline of a Plan Toward a Comprehensive Settlement of the Greek-Turkish Dispute,” in Vangelis Calotychos, ed., *Cyprus and Its People: Nation, Identity, and Experience in an Unimaginable Community, 1955-1997*, Boulder, CO: Westview Press, 1998 (co-authored with Theodore A. Couloumbis)

“Prospects for Greek-Turkish Reconciliation in a Changing International Setting,” in Tozun Bahcheli, Theodore A. Couloumbis, and Patricia Carley, eds., *Greek-Turkish Relations and U.S. Foreign Policy: Cyprus, the Aegean, and Regional Stability*, Washington, D.C.: U.S. Institute of Peace, 1997 (co-authored with Theodore A. Couloumbis) [Reproduced as “Prospects for Greek-Turkish Reconciliation in a Changing International Setting,” in Robert L. Pfaltzgraff and Dimitris Keridis, eds., *Security in Southeastern Europe and the U.S.-Greek Relationship*, London: Brassey’s, 1997 (co-authored with Theodore A. Couloumbis)]

“Structuration Theory in International Relations,” *Swords & Ploughshares*, Spring 1992

Commentaries and Correspondence

“Why Our Response to School Shootings Is All Wrong,” *Los Angeles Times*, May 25, 2022 (co-authored with Sonali Rajan and Charles Branas)

“COVID-19 Is a Threat to National Security. Let’s Start Treating It as Such,” *Just Security*, August 6, 2020 (co-authored with Colin P. Clarke)

“If the Assault Weapons Ban ‘Didn’t Work,’ Then Why Does the Evidence Suggest It Saved Lives?” *Los Angeles Times*, March 11, 2018 (correspondence)

“London and the Mainstreaming of Vehicular Terrorism,” *The Atlantic*, June 4, 2017 (co-authored with Colin P. Clarke)

“Firearms Have Killed 82 of the 86 Victims of Post-9/11 Domestic Terrorism,” *The Trace*, June 30, 2015 [Reproduced as “Almost Every Fatal Terrorist Attack in America since 9/1 Has Involved Guns.” *Vice*, December 4, 2015]

“International Law and the 2012 Presidential Elections,” Vitoria Institute, March 24, 2012

“Al Qaeda Without Bin Laden,” CBS News *Opinion*, May 2, 2011

“Fuel, But Not the Spark,” *Zocalo Public Square*, February 16, 2011

“After Tucson, Emotions Run High,” *New York Times*, January 12, 2011 (correspondence)

“WikiLeaks, the Web, and the Need to Rethink the Espionage Act,” *The Atlantic*, November 9, 2010

“Deprogramming Jihadis,” *New York Times Magazine*, November 23, 2008 (correspondence)

“Food: An Issue of National Security,” *Forbes* (Forbes.com), October 25, 2008

“An Invaluable Opportunity for Greece To Increase Its Standing and Influence on the World Stage,” *Kathimerini* (Greece), January 13, 2005

“How Many War Deaths Can We Take?” *Newsday*, November 7, 2003

“Down But Not Out,” London School of Economics Iraq War Website, April 2003

“Four Half-Truths and a War,” *American Reporter*, April 6, 2003

“The Greek Bridge between Old and New Europe,” *National Herald*, February 15-16, 2003

“Debunking a Widely-Believed Greek Conspiracy Theory,” *National Herald*, September 21-22, 2002

“Debunking of Elaborate Media Conspiracies an Important Trend,” *Kathimerini* (Greece), September 21, 2002 [Not Related to September 21-22, 2002, *National Herald* Piece with Similar Title]

“Cold Turkey,” *Washington Times*, March 16, 1998

“If This Alliance Is to Survive . . .,” *Washington Post*, January 2, 1998 [Reproduced as “Make Greece and Turkey Behave,” *International Herald Tribune*, January 3, 1998]

“Defuse Standoff on Cyprus,” *Defense News*, January 27-February 2, 1997

“Ukraine Holds Nuclear Edge,” *Defense News*, August 2-8, 1993

Commentaries Written for *New York Daily News* –
<https://www.nydailynews.com/authors/?author=Louis+Klarevas>

“Careful How You Talk about Suicide, Mr. President,” March 25, 2020 (co-authored with Sonali Rajan, Charles Branas, and Katherine Keyes)

“Only as Strong as Our Weakest Gun Laws: The Latest Mass Shooting Makes a Powerful Case for Federal Action,” November 8, 2018

“What to Worry, and not Worry, About: The Thwarted Pipe-Bomb Attacks Point to Homeland Security Successes and Vulnerabilities,” October 25, 2018

“After the Santa Fe Massacre, Bury the ‘Good Guy with a Gun’ Myth: Armed Staffers Won’t Deter Shooters or Keep Kids Safe,” May 22, 2018

“It’s the Guns (and Ammo), Stupid: Dissuading Killers and Hardening Targets Matter Too, But Access to Weapons Matters Most,” February 18, 2018

“The Texas Shooting Again Reveals Inadequate Mental-Health Help in the U.S. Military,” November 7, 2017

“Why Mass Shootings Are Getting Worse: After Vegas, We Urgently Must Fix Our Laws,” October 2, 2017

“N.Y. Can Lead the Nation in Fighting Child Sex Trafficking,” April 21, 2009 (co-authored with Ana Burdsall-Morse)

“Crack Down on Handguns – They’re a Tool of Terror, Too,” October 25, 2007

Commentaries Written for *The Huffington Post* – www.huffingtonpost.com/louis-klarevas

“Improving the Justice System Following the Deaths of Michael Brown and Eric Garner,” December 4, 2014

“American Greengemony: How the U.S. Can Help Ukraine and the E.U. Break Free from Russia’s Energy Stranglehold,” March 6, 2014

“Guns Don’t Kill People, Dogs Kill People,” October 17, 2013

“Romney the Liberal Internationalist?” October 23, 2012

“Romney’s Unrealistic Foreign Policy Vision: National Security Funded by Money Growing Trees,” October 10, 2012

“Do the Wrong Thing: Why Penn State Failed as an Institution,” November 14, 2011

“Holding Egypt’s Military to Its Pledge of Democratic Reform,” February 11, 2011

“The Coming Twivolutions? Social Media in the Recent Uprisings in Tunisia and Egypt,” January 31, 2011

“Scholarship Slavery: Does St. John’s ‘Dean of Mean’ Represent a New Face of Human Trafficking?” October 6, 2010

“Misunderstanding Terrorism, Misrepresenting Islam,” September 21, 2010

“Bombing on the Analysis of the Times Square Bomb Plot,” May 5, 2010

“Do the Hutaree Militia Members Pose a Terrorist Threat?” May 4, 2010

“Addressing Mexico’s Gun Violence One Extradition at a Time,” March 29, 2010

“Terrorism in Texas: Why the Austin Plane Crash Is an Act of Terror,” February 19, 2010

“Securing American Primacy by Tackling Climate Change: Toward a National Strategy of Greengemony,” December 15, 2009

“Traffickers Without Borders: A ‘Journey’ into the Life of a Child Victimized by Sex Trafficking,” November 17, 2009

“Beyond a Lingering Doubt: It’s Time for a New Standard on Capital Punishment,” November 9, 2009

“It’s the Guns Stupid: Why Handguns Remain One of the Biggest Threats to Homeland Security,” November 7, 2009

“Obama Wins the 2009 Nobel Promise Prize,” October 9, 2009

Commentaries for *Foreign Policy* – www.foreignpolicy.com

“The White House’s Benghazi Problem,” September 20, 2012

“Greeks Don’t Want a Grexit,” June 14, 2012

“The Earthquake in Greece,” May 7, 2012

“The Idiot Jihadist Next Door,” December 1, 2011

“Locked Up Abroad,” October 4, 2011

Commentaries for *The New Republic* – www.tnr.com/users/louis-klarevas

“What the U.N. Can Do To Stop Getting Attacked by Terrorists,” September 2, 2011

“Is It Completely Nuts That the British Police Don’t Carry Guns? Maybe Not,” August 13, 2011

“How Obama Could Have Stayed the Execution of Humberto Leal Garcia,” July 13, 2011

“After Osama bin Laden: Will His Death Hasten Al Qaeda’s Demise?” May 2, 2011

“Libya’s Stranger Soldiers: How To Go After Qaddafi’s Mercenaries,” February 28, 2011

“Closing the Gap: How To Reform U.S. Gun Laws To Prevent Another Tucson,” January 13, 2011

“Easy Target,” June 13, 2010

“Death Be Not Proud,” October 27, 2003 (correspondence)

Legal Analyses Written for *Writ* – writ.news.findlaw.com/contributors.html#klarevas

“Human Trafficking and the Child Protection Compact Act of 2009,” *Writ* (FindLaw.com), July 15, 2009 (co-authored with Christine Buckley)

“Can the Justice Department Prosecute Reporters Who Publish Leaked Classified Information? Interpreting the Espionage Act,” *Writ* (FindLaw.com), June 9, 2006

“Will the Precedent Set by the Indictment in a Pentagon Leak Case Spell Trouble for Those Who Leaked Valerie Plame's Identity to the Press?” *Writ* (FindLaw.com), August 15, 2005

“Jailing Judith Miller: Why the Media Shouldn’t Be So Quick to Defend Her, and Why a Number of These Defenses Are Troubling,” *Writ* (FindLaw.com), July 8, 2005

“The Supreme Court Dismisses the Controversial Consular Rights Case: A Blessing in Disguise for International Law Advocates?” *Writ* (FindLaw.com), June 6, 2005 (co-authored with Howard S. Schiffman)

“The Decision Dismissing the Lawsuit against Vice President Dick Cheney,” *Writ* (FindLaw.com), May 17, 2005

“The Supreme Court Considers the Rights of Foreign Citizens Arrested in the United States,” *Writ* (FindLaw.com), March 21, 2005 (co-authored with Howard S. Schiffman)

Presentations and Addresses

In addition to the presentations listed below, I have made close to one hundred media appearances, book events, and educational presentations (beyond lectures for my own classes)

“Mass Shootings: What We Know, What We Don’t Know, and Why It All Matters,” keynote presentation to be delivered at the Columbia University Center for Injury Science and Prevention Annual Symposium, virtual meeting, May 2020

“K-12 School Environmental Responses to Gun Violence: Gaps in the Evidence,” paper presented at Society for Advancement of Violence and Injury Research Annual Meeting, virtual meeting, April 2020 (co-authored with Sonali Rajan, Joseph Erardi, Justin Heinze, and Charles Branas)

“Active School Shootings,” Post-Performance Talkback following Presentation of *17 Minutes*, Barrow Theater, New York, January 29, 2020 (co-delivered with Sonali Rajan)

“Addressing Mass Shootings in Public Health: Lessons from Security Studies,” Teachers College, Columbia University, November 25, 2019

“Rampage Nation: Securing America from Mass Shootings,” Swarthmore College, October 24, 2019

“Rampage Nation: Securing America from Mass Shootings,” University of Pennsylvania, February 9, 2018

“Treating Mass Shootings for What They Really Are: Threats to American Security,” Framingham State University, October 26, 2017

“Book Talk: Rampage Nation,” Teachers College, Columbia University, October 17, 2017

Participant, Roundtable on Assault Weapons and Large-Capacity Magazines, Annual Conference on Second Amendment Litigation and Jurisprudence, Law Center to Prevent Gun Violence, October 16, 2017

“Protecting the Homeland: Tracking Patterns and Trends in Domestic Terrorism,” address delivered to the annual meeting of the National Joint Terrorism Task Force, June 2015

“Sovereign Accountability: Creating a Better World by Going after Bad Political Leaders,” address delivered to the Daniel H. Inouye Asia-Pacific Center for Security Studies, November 2013

“Game Theory and Political Theater,” address delivered at the School of Drama, State Theater of Northern Greece, May 2012

“Holding Heads of State Accountable for Gross Human Rights Abuses and Acts of Aggression,” presentation delivered at the Michael and Kitty Dukakis Center for Public and Humanitarian Service, American College of Thessaloniki, May 2012

Chairperson, Cultural Enrichment Seminar, Fulbright Foundation – Southern Europe, April 2012

Participant, Roundtable on “Did the Intertubes Topple Hosni?” Zócalo Public Square, February 2011

Chairperson, Panel on Democracy and Terrorism, annual meeting of the International Security Studies Section of the International Studies Association, October 2010

“Trends in Terrorism Within the American Homeland Since 9/11,” paper to be presented at the annual meeting of the International Security Studies Section of the International Studies Association, October 2010

Panelist, “In and Of the World,” Panel on Global Affairs in the 21st Century, Center for Global Affairs, New York University, March 2010

Moderator, “Primacy, Perils, and Players: What Does the Future Hold for American Security?” Panel of Faculty Symposium on Global Challenges Facing the Obama Administration, Center for Global Affairs, New York University, March 2009

“Europe’s Broken Border: The Problem of Illegal Immigration, Smuggling and Trafficking via Greece and the Implications for Western Security,” presentation delivered at the Center for Global Affairs, New York University, February 2009

“The Dangers of Democratization: Implications for Southeast Europe,” address delivered at the University of Athens, Athens, Greece, May 2008

Participant, “U.S. National Intelligence: The Iran National Intelligence Estimate,” Council on Foreign Relations, New York, April 2008

Moderator, First Friday Lunch Series, “Intelligence in the Post-9/11 World: An Off-the-Record Conversation with Dr. Joseph Helman (U.S. Senior National Intelligence Service),” Center for Global Affairs, New York University, March 2008

Participant, “U.S. National Intelligence: Progress and Challenges,” Council on Foreign Relations, New York, March 2008

Moderator, First Friday Lunch Series, “Public Diplomacy: The Steel Backbone of America’s Soft Power: An Off-the-Record Conversation with Dr. Judith Baroody (U.S. Department of State),” Center for Global Affairs, New York University, October 2007

“The Problems and Challenges of Democratization: Implications for Latin America,” presentation delivered at the Argentinean Center for the Study of Strategic and International Relations Third Conference on the International Relations of South America (IBERAM III), Buenos Aires, Argentina, September 2007

“The Importance of Higher Education to the Hellenic-American Community,” keynote address to the annual Pan-Icarian Youth Convention, New York, May 2007

Moderator, First Friday Lunch Series, Panel Spotlighting Graduate Theses and Capstone Projects, Center for Global Affairs, New York University, April 2007

Convener, U.S. Department of State Foreign Officials Delegation Working Group on the Kurds and Turkey, March 2007

“Soft Power and International Law in a Globalizing Latin America,” round-table presentation delivered at the Argentinean Center for the Study of Strategic and International Relations Twelfth Conference of Students and Graduates of International Relations in the Southern Cone (CONOSUR XII), Buenos Aires, Argentina, November 2006

Moderator, First Friday Lunch Series, “From Berkeley to Baghdad to the Beltway: An Off-the-Record Conversation with Dr. Catherine Dale (U.S. Department of Defense),” Center for Global Affairs, New York University, November 2006

Chairperson, Roundtable on Presidential Privilege and Power Reconsidered in a Post-9/11 Era, American Political Science Association Annual Meeting, September 2006

“Constitutional Controversies,” round-table presentation delivered at City University of New York-College of Staten Island, September 2005

“The Future of the Cyprus Conflict,” address to be delivered at City University of New York College of Staten Island, April 2005

“The 2004 Election and the Future of American Foreign Policy,” address delivered at City University of New York College of Staten Island, December 2004

“One Culprit for the 9/11 Attacks: Political Realism,” address delivered at City University of New York-College of Staten Island, September 2004

“Were the Eagle and the Phoenix Birds of a Feather? The United States and the 1967 Greek Coup,” address delivered at London School of Economics, November 2003

“Beware of Europeans Bearing Gifts? Cypriot Accession to the EU and the Prospects for Peace,” address delivered at Conference on Mediterranean Stability, Security, and Cooperation, Austrian Defense Ministry, Vienna, Austria, October 2003

Co-Chair, Panel on Ideational and Strategic Aspects of Greek International Relations, London School of Economics Symposium on Modern Greece, London, June 2003

“Greece between Old and New Europe,” address delivered at London School of Economics, June 2003

Co-Chair, Panel on International Regimes and Genocide, International Association of Genocide Scholars Annual Meeting, Galway, Ireland, June 2003

“American Cooperation with International Tribunals,” paper presented at the International Association of Genocide Scholars Annual Meeting, Galway, Ireland, June 2003

“Is the Unipolar Moment Fading?” address delivered at London School of Economics, May 2003

“Cyprus, Turkey, and the European Union,” address delivered at London School of Economics, February 2003

“Bridging the Greek-Turkish Divide,” address delivered at Northwestern University, May 1998

“The CNN Effect: Fact or Fiction?” address delivered at Catholic University, April 1998

“The Current Political Situation in Cyprus,” address delivered at AMIDEAST, July 1997

“Making the Peace Happen in Cyprus,” presentation delivered at the U.S. Institute of Peace in July 1997

“The CNN Effect: The Impact of the Media during Diplomatic Crises and Complex Emergencies,” a series of presentations delivered in Cyprus (including at Ledra Palace), May 1997

“Are Policy-Makers Misreading the Public? American Public Opinion on the United Nations,” paper presented at the International Studies Association Annual Meeting, Toronto, Canada, March 1997 (with Shoon Murray)

“The Political and Diplomatic Consequences of Greece’s Recent National Elections,” presentation delivered at the National Foreign Affairs Training Center, Arlington, VA, September 1996

“Prospects for Greek-Turkish Reconciliation,” presentation delivered at the U.S. Institute of Peace Conference on Greek-Turkish Relations, Washington, D.C., June, 1996 (with Theodore A. Couloubis)

“Greek-Turkish Reconciliation,” paper presented at the Karamanlis Foundation and Fletcher School of Diplomacy Joint Conference on The Greek-U.S. Relationship and the Future of Southeastern Europe, Washington, D.C., May, 1996 (with Theodore A. Couloubis)

“The Path toward Peace in the Eastern Mediterranean and the Balkans in the Post-Cold War Era,” paper presented at the International Studies Association Annual Meeting, San Diego, CA, March, 1996 (with Theodore A. Couloubis)

“Peace Operations: The View from the Public,” paper presented at the International Studies Association Annual Meeting, San Diego, CA, March, 1996

Chairperson, Roundtable on Peace Operations, International Security Section of the International Studies Association Annual Meeting, Rosslyn, VA, October, 1995

“Chaos and Complexity in International Politics: Epistemological Implications,” paper presented at the International Studies Association Annual Meeting, Washington, D.C., March, 1994

“At What Cost? American Mass Public Opinion and the Use of Force Abroad,” paper presented at the International Studies Association Annual Meeting, Washington, D.C., March, 1994 (with Daniel B. O'Connor)

“American Mass Public Opinion and the Use of Force Abroad,” presentation delivered at the United States Institute of Peace, Washington, D.C., February, 1994 (with Daniel B. O'Connor)

“For a Good Cause: American Mass Public Opinion and the Use of Force Abroad,” paper presented at the Annual Meeting of the Foreign Policy Analysis/Midwest Section of the International Studies Association, Chicago, IL, October, 1993 (with Daniel B. O’Connor)

“American International Narcotics Control Policy: A Critical Evaluation,” presentation delivered at the American University Drug Policy Forum, Washington, D.C., November, 1991

“American National Security in the Post-Cold War Era: Social Defense, the War on Drugs, and the Department of Justice,” paper presented at the Association of Professional Schools of International Affairs Conference, Denver, CO, February, 1991

Referee for Grant Organizations, Peer-Reviewed Journals, and Book Publishers

National Science Foundation, Division of Social and Economic Sciences

American Journal of Preventive Medicine

American Journal of Public Health

American Political Science Review

British Medical Journal (BMJ)

Comparative Political Studies

Injury Epidemiology

Journal of Public and International Affairs

Millennium

Political Behavior

Presidential Studies Quarterly

Victims & Offenders

Violence and Victims

Brill Publishers

Johns Hopkins University Press

Routledge

Service to University, Profession, and Community

Participant, Minnesota Chiefs of Police Association, Survey of Measures to Reduce Gun Violence, 2023

Member, Regional Gun Violence Research Consortium, Nelson A. Rockefeller Institute of Government, State University of New York, 2022-

Founding Member, Scientific Union for the Reduction of Gun Violence (SURGE), Columbia University, 2019-

Contributing Lecturer, Johns Hopkins University, Massive Open Online Course on Evidence-Based Gun Violence Research, Funded by David and Lucile Packard Foundation, 2019

Member, Group of Gun Violence Experts, *New York Times* Upshot Survey, 2017

Member, Guns on Campus Assessment Group, Johns Hopkins University and Association of American Universities, 2016

Member, Fulbright Selection Committee, Fulbright Foundation, Athens, Greece, 2012

Faculty Advisor, Global Affairs Graduate Society, New York University, 2009-2011

Founder and Coordinator, Graduate Transnational Security Studies, Center for Global Affairs, New York University, 2009-2011

Organizer, Annual Faculty Symposium, Center for Global Affairs, New York University, 2009

Member, Faculty Search Committees, Center for Global Affairs, New York University, 2007-2009

Member, Graduate Program Director Search Committee, Center for Global Affairs, New York University, 2008-2009

Developer, Transnational Security Studies, Center for Global Affairs, New York University, 2007-2009

Participant, Council on Foreign Relations Special Series on National Intelligence, New York, 2008

Member, Graduate Certificate Curriculum Committee, Center for Global Affairs, New York University, 2008

Member, Faculty Affairs Committee, New York University, 2006-2008

Member, Curriculum Review Committee, Center for Global Affairs, New York University, 2006-2008

Member, Overseas Study Committee, Center for Global Affairs, New York University, 2006-2007

Participant, New York Academic Delegation to Israel, Sponsored by American-Israel Friendship League, 2006

Member, Science, Letters, and Society Curriculum Committee, City University of New York-College of Staten Island, 2006

Member, Graduate Studies Committee, City University of New York-College of Staten Island, 2005-2006

Member, Summer Research Grant Selection Committee, City University of New York-College of Staten Island, 2005

Director, College of Staten Island Association, 2004-2005

Member of Investment Committee, College of Staten Island Association, 2004-2005

Member of Insurance Committee, College of Staten Island Association, 2004-2005

Member, International Studies Advisory Committee, City University of New York-College of Staten Island, 2004-2006

Faculty Advisor, Pi Sigma Alpha National Political Science Honor Society, City University of New York-College of Staten Island, 2004-2006

Participant, World on Wednesday Seminar Series, City University of New York-College of Staten Island, 2004-2005

Participant, American Democracy Project, City University of New York-College of Staten Island, 2004

Participant, Philosophy Forum, City University of New York-College of Staten Island, 2004

Commencement Liaison, City University of New York-College of Staten Island, 2004

Member of Scholarship Committee, Foundation of Pan-Icarian Brotherhood, 2003-2005, 2009

Scholarship Chairman, Foundation of Pan-Icarian Brotherhood, 2001-2003

Faculty Advisor to the Kosmos Hellenic Society, George Washington University, 2001-2002

Member of University of Pennsylvania's Alumni Application Screening Committee, 2000-2002

Participant in U.S. Department of State's International Speakers Program, 1997

Participant in Yale University's United Nations Project, 1996-1997

Member of Editorial Advisory Board, *Journal of Public and International Affairs*, Woodrow Wilson School of Public and International Affairs, Princeton University, 1991-1993

Voting Graduate Student Member, School of International Service Rank and Tenure Committee, American University, 1990-1992

Member of School of International Service Graduate Student Council, American University, 1990-1992

Teaching Assistant for the Several Courses (World Politics, Beyond Sovereignty, Between Peace and War, Soviet-American Security Relations, and Organizational Theory) at School of International Service Graduate Student Council, American University, 1989-1992

Representative for American University at the Annual Meeting of the Association of Professional Schools of International Affairs, Denver, Colorado, 1991

Expert Witness Service

Expert for State of Oregon, *Oregon Firearms Federation, et al. v. Brown, et al.*, United States District Court for the District of Oregon, Case Number 22-cv-01815-IM, Portland, OR, 2023-

Expert for State of Hawaii, *National Association for Gun Rights, et al. v. Shikada*, United States District Court for the District of Hawaii, Case Number 22-00404-DKW-RT, Honolulu, HI, 2023-

Expert for State of Massachusetts, *National Association for Gun Rights and Capen v. Baker and Healey*, United States District Court for the District of Massachusetts, Case Number 22-cv-11431-FDS, Boston, MA, 2023-

Expert for City of Highland Park, Illinois, *National Association for Gun Rights and Goldman v. Highland Park*, United States District Court for Northern District of Illinois, Case Number 22-cv-04774, Chicago, IL, 2022-

Expert for State of Colorado, *Gates, et al. v. Polis*, United States District Court for District of Colorado, 22-cv-01866-NYW-SKC, Denver, CO, 2022-

Expert for State of Washington, *Brumback and Gimme Guns v. Ferguson, et al.*, United States District Court for Eastern District of Washington, Case Number 22-cv-03093-MKD, Yakima, WA, 2022-

Expert for State of Washington, *Sullivan, et al. v. Ferguson, et al.*, United States District Court for Western District of Washington, Case Number, 22-cv-05403-DGE, Seattle, WA, 2022-

Expert for State of California, *Rupp v. Bonta*, United States District Court for Eastern District of California, Case Number 17-cv-00903-WBS-KJN, Sacramento, CA, 2022-

Expert for County of Cook, Illinois, *Viramontes v. County of Cook, IL*, United States District Court for Northern District of Illinois, Case Number 21-cv-04595, Chicago, IL, 2022-

Expert for Government of Canada, *Parker and K.K.S. Tactical Supplies Ltd. v. Attorney General of Canada*, Federal Court, Court File No.: T-569-20, 2021-

Expert for Government of Canada, *Canadian Coalition for Firearm Rights, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-577-20, 2021-

Expert for Government of Canada, *Hipwell v. Attorney General of Canada*, Federal Court, Court File No.: T-581-20, 2021-

Expert for Government of Canada, *Doherty, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-677-20, 2021-

Expert for Government of Canada, *Generoux, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-735-20, 2021-

Expert for Government of Canada, *Eichenberg, et al. v. Attorney General of Canada*, Federal Court, Court File No.: T-905-20, 2021-

Expert for State of California, *Nguyen v. Bonta*, United States District Court for Southern District of California, Case Number 20-cv-02470-WQH-MDD, San Diego, CA, 2021-

Expert for State of California, *Jones v. Bonta*, United States District Court for Southern District of California, Case Number 19-cv-01226-L-AHG, San Diego, CA, 2021-

Expert for State of California, *Miller v. Becerra*, United States District Court for Southern District of California, Case Number 19-cv-1537-BEN-JLB, San Diego, CA, 2019-

Expert for Plaintiffs, *Ward et al. v. Academy Sports + Outdoor*, District Court Bexar County, Texas, 224th Judicial District, Cause Number 2017CI23341, Bexar County, TX, 2019-2019

Expert for State of California, *Duncan v. Becerra*, United States District Court for Southern District of California, Case Number 17-cv-1017-BEN-JLB, San Diego, CA, 2017-

Expert for State of California, *Wiese v. Becerra*, United States District Court for Eastern District of California, Case Number 17-cv-00903-WBS-KJN, Sacramento, CA, 2017-

Expert for State of Colorado, *Rocky Mountain Gun Owners v. Hickenlooper*, District Court for County and City of Denver, Colorado, Case Number 2013CV33879, Denver, CO, 2016-2017

Affiliations, Associations, and Organizations (Past and Present)

Academy of Political Science (APS)

American Political Science Association (APSA)

Anderson Society of American University

Carnegie Council Global Ethics Network

Columbia University Scientific Union for the Reduction of Gun Violence (SURGE)

Firearm Safety among Children and Teens (FACTS)

International Political Science Association (IPSA)

International Studies Association (ISA)

New York Screenwriters Collective

Pan-Icarian Brotherhood

Pi Sigma Alpha

Regional Gun Violence Research Consortium

Society for Advancement of Violence and Injury Research (SAVIR)

United States Department of State Alumni Network

United States Institute of Peace Alumni Association

University of Pennsylvania Alumni Association

Grants, Honors, and Awards

Co-Investigator, A Nationwide Case-Control Study of Firearm Violence Prevention Tactics and Policies in K-12 School, National Institutes of Health, 2021-2024 (Charles Branas and Sonali Rajan MPIs)

Senior Fulbright Fellowship, 2012

Professional Staff Congress Research Grantee, City University of New York, 2004-2005

Research Assistance Award (Two Times), City University of New York-College of Staten Island, 2004

Summer Research Fellowship, City University of New York-College of Staten Island, 2004

European Institute Associate Fellowship, London School of Economics, 2003-2004

Hellenic Observatory Defense Analysis Research Fellowship, London School of Economics, 2002-2003

United States Institute of Peace Certificate of Meritorious Service, 1996

National Science Foundation Dissertation Research Grant, 1995 (declined)

Alexander George Award for Best Graduate Student Paper, Runner-Up, Foreign Policy Analysis Section, International Studies Association, 1994

Dean's Scholar Fellowship, School of International Service, American University, 1989-1992

Graduate Research and Teaching Assistantship, School of International Service, American University, 1989-1992

American Hellenic Educational Progressive Association (AHEPA) College Scholarship, 1986

Political Science Student of the Year, Wilkes-Barre Area School District, 1986

EXHIBIT B

Exhibit B
High-Fatality Mass Shootings in the United States, 1991-2022

	Date	City	State	Deaths	Involved Assault Weapon(s)	Involved Large-Capacity Magazine(s)
1	1/26/1991	Chimayo	NM	7	N	N
2	8/9/1991	Waddell	AZ	9	N	N
3	10/16/1991	Killeen	TX	23	N	Y
4	11/7/1992	Morro Bay and Paso Robles	CA	6	N	N
5	1/8/1993	Palatine	IL	7	N	N
6	5/16/1993	Fresno	CA	7	Y	Y
7	7/1/1993	San Francisco	CA	8	Y	Y
8	12/7/1993	Garden City	NY	6	N	Y
9	4/20/1999	Littleton	CO	13	Y	Y
10	7/12/1999	Atlanta	GA	6	N	U
11	7/29/1999	Atlanta	GA	9	N	Y
12	9/15/1999	Fort Worth	TX	7	N	Y
13	11/2/1999	Honolulu	HI	7	N	Y
14	12/26/2000	Wakefield	MA	7	Y	Y
15	12/28/2000	Philadelphia	PA	7	N	Y
16	8/26/2002	Rutledge	AL	6	N	N
17	1/15/2003	Edinburg	TX	6	Y	U
18	7/8/2003	Meridian	MS	6	N	N
19	8/27/2003	Chicago	IL	6	N	N
20	3/12/2004	Fresno	CA	9	N	N
21	11/21/2004	Birchwood	WI	6	Y	Y
22	3/12/2005	Brookfield	WI	7	N	Y
23	3/21/2005	Red Lake	MN	9	N	Y
24	1/30/2006	Goleta	CA	7	N	Y
25	3/25/2006	Seattle	WA	6	N	N
26	6/1/2006	Indianapolis	IN	7	Y	Y
27	12/16/2006	Kansas City	KS	6	N	N
28	4/16/2007	Blacksburg	VA	32	N	Y
29	10/7/2007	Crandon	WI	6	Y	Y
30	12/5/2007	Omaha	NE	8	Y	Y
31	12/24/2007	Carnation	WA	6	N	U
32	2/7/2008	Kirkwood	MO	6	N	Y
33	9/2/2008	Alger	WA	6	N	U
34	12/24/2008	Covina	CA	8	N	Y
35	1/27/2009	Los Angeles	CA	6	N	N
36	3/10/2009	Kinston, Samson, and Geneva	AL	10	Y	Y

	Date	City	State	Deaths	Involved Assault Weapon(s)	Involved Large-Capacity Magazine(s)
37	3/29/2009	Carthage	NC	8	N	N
38	4/3/2009	Binghamton	NY	13	N	Y
39	11/5/2009	Fort Hood	TX	13	N	Y
40	1/19/2010	Appomattox	VA	8	Y	Y
41	8/3/2010	Manchester	CT	8	N	Y
42	1/8/2011	Tucson	AZ	6	N	Y
43	7/7/2011	Grand Rapids	MI	7	N	Y
44	8/7/2011	Copley Township	OH	7	N	N
45	10/12/2011	Seal Beach	CA	8	N	N
46	12/25/2011	Grapevine	TX	6	N	N
47	4/2/2012	Oakland	CA	7	N	N
48	7/20/2012	Aurora	CO	12	Y	Y
49	8/5/2012	Oak Creek	WI	6	N	Y
50	9/27/2012	Minneapolis	MN	6	N	Y
51	12/14/2012	Newtown	CT	27	Y	Y
52	7/26/2013	Hialeah	FL	6	N	Y
53	9/16/2013	Washington	DC	12	N	N
54	7/9/2014	Spring	TX	6	N	Y
55	9/18/2014	Bell	FL	7	N	U
56	2/26/2015	Tyrone	MO	7	N	U
57	5/17/2015	Waco	TX	9	N	Y
58	6/17/2015	Charleston	SC	9	N	Y
59	8/8/2015	Houston	TX	8	N	U
60	10/1/2015	Roseburg	OR	9	N	Y
61	12/2/2015	San Bernardino	CA	14	Y	Y
62	2/21/2016	Kalamazoo	MI	6	N	Y
63	4/22/2016	Piketon	OH	8	N	U
64	6/12/2016	Orlando	FL	49	Y	Y
65	5/27/2017	Brookhaven	MS	8	Y	Y
66	9/10/2017	Plano	TX	8	Y	Y
67	10/1/2017	Las Vegas	NV	60	Y	Y
68	11/5/2017	Sutherland Springs	TX	25	Y	Y
69	2/14/2018	Parkland	FL	17	Y	Y
70	5/18/2018	Santa Fe	TX	10	N	N
71	10/27/2018	Pittsburgh	PA	11	Y	Y
72	11/7/2018	Thousand Oaks	CA	12	N	Y
73	5/31/2019	Virginia Beach	VA	12	N	Y
74	8/3/2019	El Paso	TX	23	Y	Y
75	8/4/2019	Dayton	OH	9	Y	Y

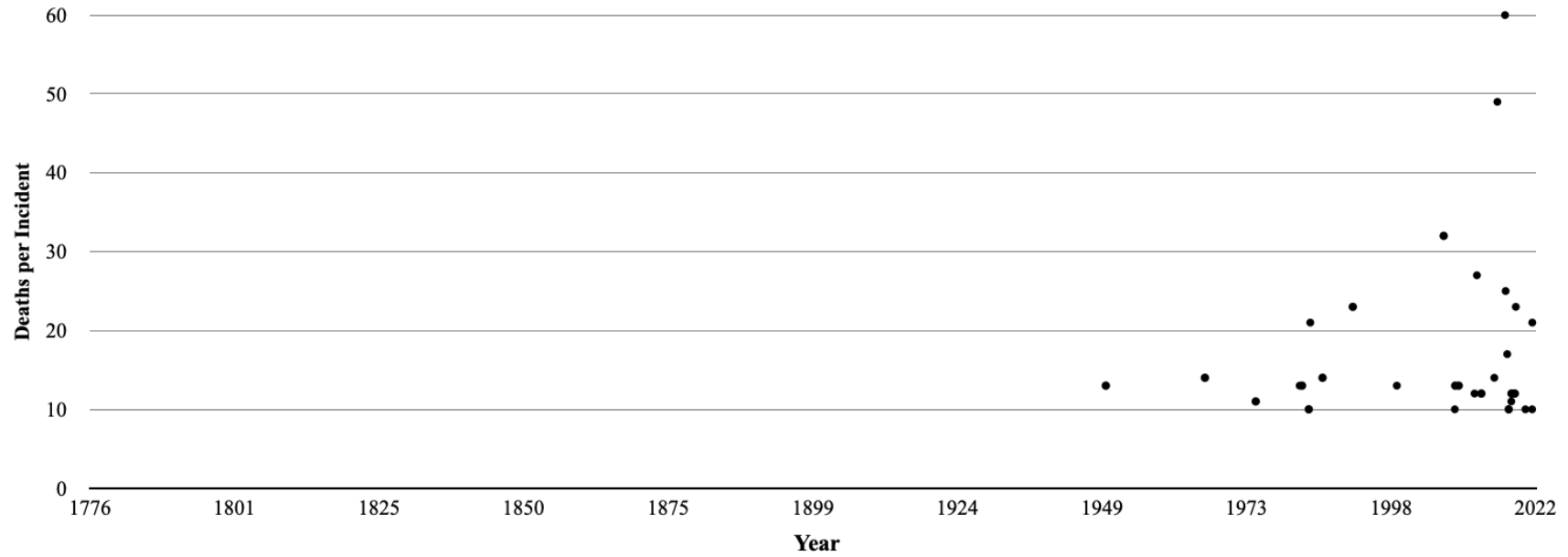
	Date	City	State	Deaths	Involved Assault Weapon(s)	Involved Large-Capacity Magazine(s)
76	8/31/2019	Midland and Odessa	TX	7	Y	Y
77	3/15/2020	Moncure	NC	6	U	U
78	6/4/2020	Valhermoso Springs	AL	7	Y	Y
79	9/7/2020	Aguanga	CA	7	U	U
80	2/2/2021	Muskogee	OK	6	N	U
81	3/16/2021	Acworth and Atlanta	GA	8	N	Y
82	3/22/2021	Boulder	CO	10	Y	Y
83	4/7/2021	Rock Hill	SC	6	Y	Y
84	4/15/2021	Indianapolis	IN	8	Y	Y
85	5/9/2021	Colorado Springs	CO	6	N	Y
86	5/26/2021	San Jose	CA	9	N	Y
87	1/23/2022	Milwaukee	WI	6	N	U
88	4/3/2022	Sacramento	CA	6	N	Y
89	5/14/2022	Buffalo	NY	10	Y	Y
90	5/24/2022	Uvalde	TX	21	Y	Y
91	7/4/2022	Highland Park	IL	7	Y	Y
92	10/27/2022	Broken Arrow	OK	7	N	U
93	11/22/2022	Chesapeake	VA	6	N	U

Note: High-fatality mass shootings are mass shootings resulting in 6 or more fatalities, not including the perpetrator(s), regardless of location or motive. For purposes of this Exhibit, a high-fatality mass shooting was coded as involving an assault weapon if at least one of the firearms discharged was defined as an assault weapon in (1) the 1994 federal Assault Weapons Ban; (2) the statutes of the state where the shooting occurred; or (3) a legal or judicial declaration issued by a state official. For purposes of this Exhibit, a high-fatality mass shooting was coded as involving a large-capacity magazine if at least one of the firearms discharged was armed with a detachable ammunition-feeding device holding more than 10 bullets. Incidents in gray shade are those incidents that occurred at a time when and in a state where legal prohibitions on both assault weapons and large-capacity magazines were in effect statewide or nationwide.

Sources: Louis Klarevas, *Rampage Nation: Securing America from Mass Shootings* (2016); Louis Klarevas, et al., *The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings*, 109 American Journal of Public Health 1754 (2019), available at <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2019.305311> (last accessed December 27, 2022); and “Gun Violence Archive,” available at <https://www.gunviolencearchive.org> (last accessed January 3, 2023). The Gun Violence Archive was only consulted for identifying high-fatality mass shootings that occurred since January 1, 2018.

EXHIBIT C

Mass Shootings Resulting in Double-Digit Fatalities in American History (1776-2022)



Mass Shootings Resulting in Double-Digit Fatalities in American History (1949-2022)

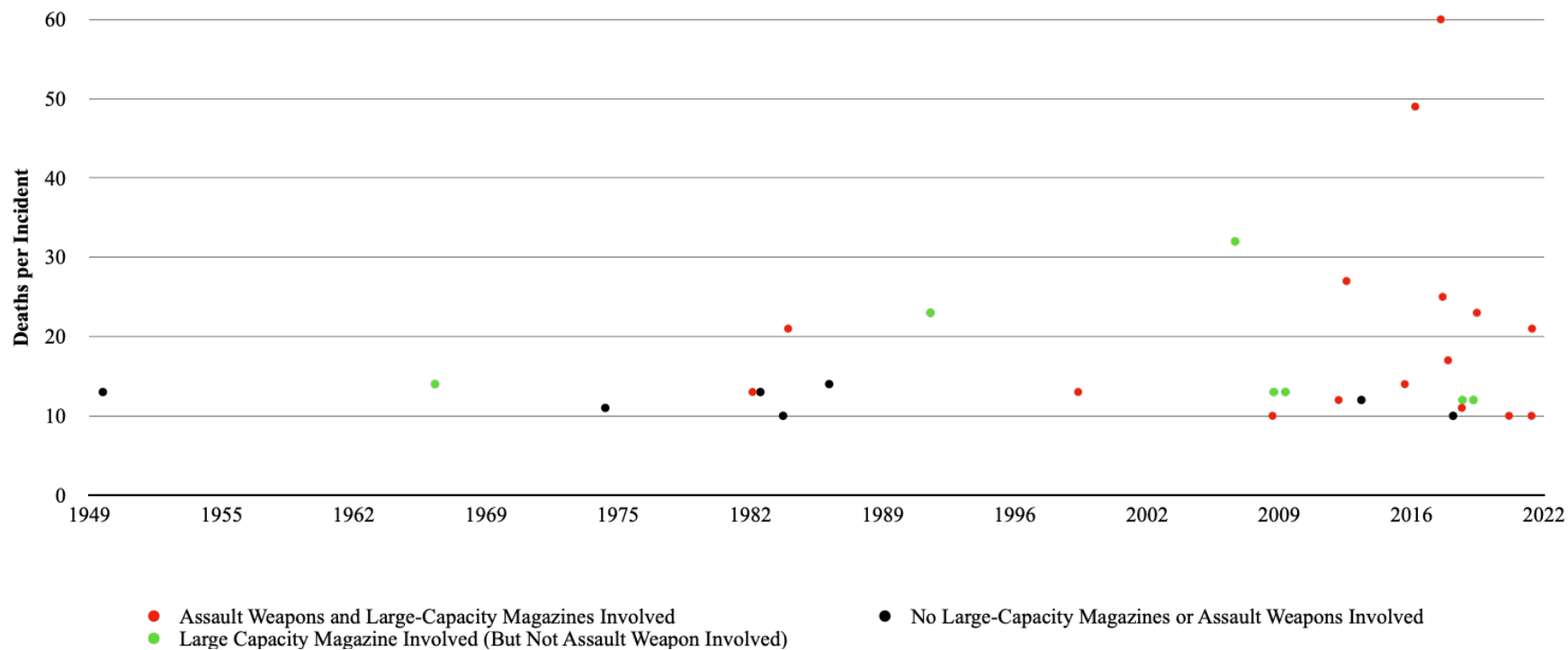



EXHIBIT D

LOUIS KLAREVAS
RAMPAGE NATION
SECURING AMERICA FROM MASS SHOOTINGS

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BREAKING THE TRINITY 239

in a class all by itself. No other advanced, Western democracy experiences the magnitude of gun violence that presently afflicts American society.²⁸ This is particularly true when it comes to mass shootings.²⁹

★ ★ ★

The United States does little to regulate firearms, especially at the federal level.³⁰ While it goes to great lengths to restrict access to WMDs and IEDs, the same can't be said for its efforts to keep firearms out of the hands of high-risk individuals. Indeed, the American experience with gun control nationwide is so limited that it can actually be chronicled in a few bullet points:

- The National Firearms Act of 1934: Heavily regulated machine guns, short-barrel rifles and shotguns, and silencers.
- The Federal Firearms Act of 1938: Established a federal licensing system to regulate manufacturers, importers, and dealers of firearms.
- The Omnibus Crime Control and Safe Streets Act of 1968: Prohibited anyone under twenty-one years of age from purchasing a handgun.
- The Gun Control Act of 1968: Required that all interstate firearms transfers or sales be made through a federally licensed firearms dealer and prohibited certain categories of people—felons (indicted or convicted), fugitives, drug abusers, mentally ill persons (as determined by adjudication), illegal aliens, dishonorably discharged servicemen, US-citizenship renouncers, and domestic abusers—from possessing firearms.³¹
- The Firearm Owners Protection Act of 1986: Barred the purchase or transfer of automatic weapons without government approval.
- The Undetectable Firearms Act of 1988: Required that all firearms have at least 3.7 oz. of metal that can be detected by a metal detector.
- The Gun-Free School Zones Act of 1990: Criminalized possession or discharge of a firearm in a school zone.
- The Brady Handgun Violence Prevention Act of 1993: Required

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that anyone attempting to purchase a firearm from a federally licensed dealer pass a background check.³²

- The Federal Assault Weapons Ban of 1994: Banned the sale and possession of semiautomatic assault weapons and extended-capacity magazines not grandfathered prior to the enactment of the law.³³

Of all of these measures, the National Firearms Act of 1934 and the Assault Weapons Ban of 1994 (AWB) were the only ones instituted primarily in an effort to reduce the carnage of mass shootings. The former was passed in response to a series of bloody gangland executions, including the infamous 1929 St. Valentine's Day massacre in Chicago.³⁴ While there are still machine guns in circulation, the National Firearm Act, in conjunction with the Firearm Owners Protection Act of 1986, sharply cut the availability of machine guns, which likely explains the complete elimination of massacres perpetrated with such automatic-fire weapons.

Like the National Firearms Act, the AWB was introduced following several high-profile mass shootings in the early 1990s: the Luby's restaurant, 101 California Street office complex, and Long Island Railroad train car massacres.³⁵ Signed into law by President Bill Clinton, the AWB went into effect on September 13, 1994. At the insistence of the gun-rights lobby, however, the bill contained a ten-year sunset provision. As Congress never renewed the ban, it automatically expired on September 13, 2004.

The decade the law was in effect nonetheless resulted in a unique experiment, allowing us to discern what impact, if any, the ban had on gun violence in general and mass shootings in particular. As to the former, the academic consensus seems to be that the AWB had a minimal impact on reducing violent crime.³⁶ This hardly comes as a surprise. After all, most crimes don't involve assault weapons. The real test should be: Did it succeed in its intended purpose of reducing rampage violence? The answer is a resounding yes.

Let's take a closer look.

The best way to assess the impact of something is to conduct what, in social science, we commonly refer to as a time-series analysis. Basically, that's a fancy name for a before-and-after test. Figures 7.1

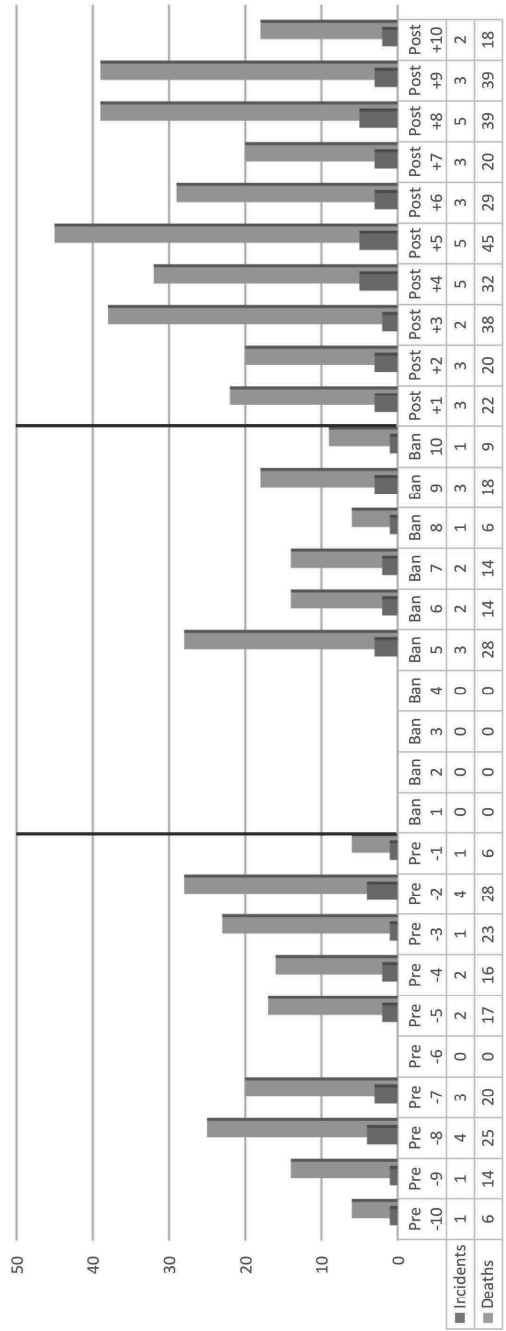


Fig. 7.1. Gun Massacres Before, During, and After the Assault Weapons Ban of 1994.
Note: The lines in the graph demarcate the start and end points of the Assault Weapons Ban, which was in effect from September 13, 1994, through September 12, 2004. The data are drawn from Table 3.2.

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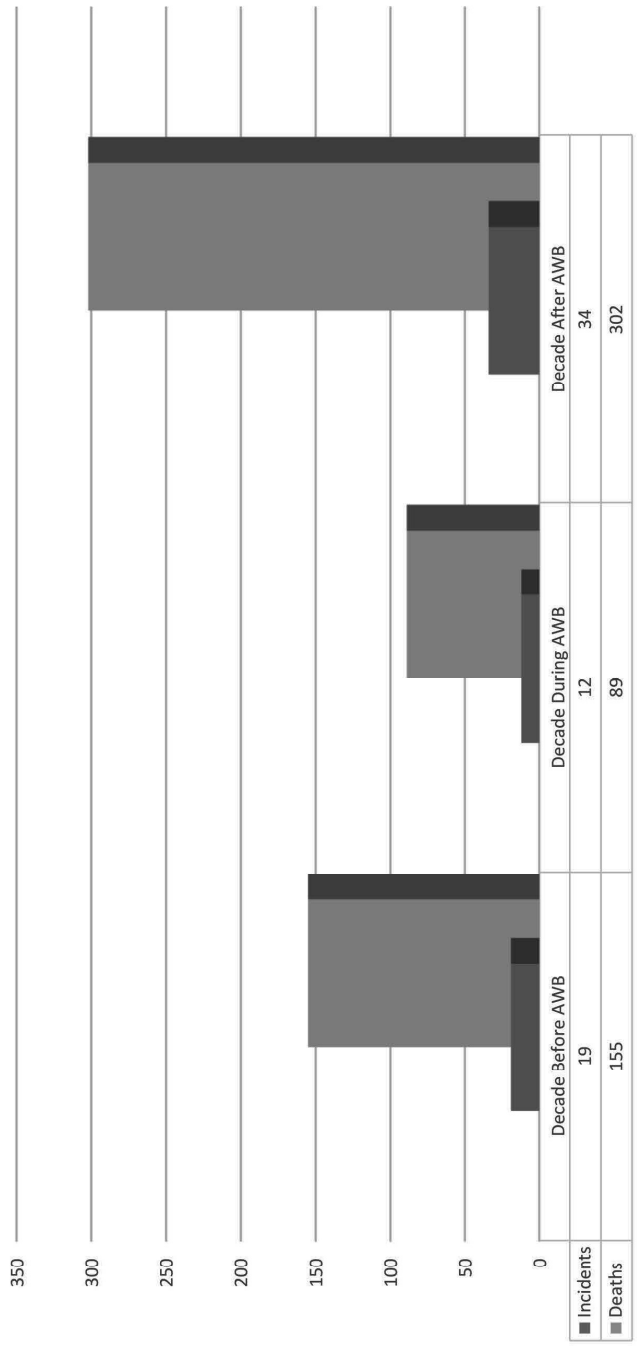


Fig. 7.2. Gun Massacres by Decade Before, During, and After the Assault Weapons Ban of 1994.
Note: The Assault Weapons Ban was in effect from September 13, 1994, through September 12, 2004.
The data are drawn from Table 3.2.

and 7.2 provide a look at the before-and-after pictures. In the decade prior to the enactment of the AWB, the United States experienced nineteen gun massacres that resulted in 155 cumulative deaths, for an average death toll of 8.2 fatalities per incident. During the ten-year period that the AWB was in effect, the numbers declined substantially, with only twelve gun massacres, resulting in eighty-nine deaths, for an average of 7.4 fatalities per incident.³⁷ What's particularly astounding about this time period is that during the first four and a half years of the ban, there wasn't a single gun massacre in the United States. Not one. This is unprecedented in modern American history.³⁸ Since 1966, the longest streaks without a gun massacre prior to era of the AWB were two instances of consecutive years (1969–1970 and 1979–1980).³⁹ Then, all of a sudden, from September 1994 to April 1999, the country experienced a long calm. As further evidence of the AWB's effectiveness, once it expired, rampages returned with a vengeance. In the ten years after the ban, the number of gun massacres nearly tripled to thirty-four incidents, sending the total number of deaths skyrocketing to 302, for an average of 8.9 fatalities per incident.⁴⁰ These numbers paint a clear picture: America's experiment, while short-lived, was also extremely successful.⁴¹

ZEROING OUT GUN MASSACRES

The biggest takeaway from America's experience with a ban on assault weapons and extended-capacity magazines is that gun-control legislation can save lives. But is there a way to get to zero? Is there a way to eliminate gun massacres once and for all? For that, we have to look overseas for insights.

One of the biggest obstacles to successful gun control is the ability to transport firearms across open, contiguous borders. In the United States, it's a problem that allows guns to flow freely from states with lax laws into states with strict laws. A common complaint frequently leveled by elected officials in places like California, Illinois, Maryland, New York, and Massachusetts is that people just need to drive across a state line and they can readily obtain firearms that they can then easily—if perhaps illegally—bring back into their jurisdictions.⁴² That

EXHIBIT E

The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings, 1990–2017

Louis Klarevas, PhD, Andrew Conner, BS, David Hemenway, PhD

Objectives. To evaluate the effect of large-capacity magazine (LCM) bans on the frequency and lethality of high-fatality mass shootings in the United States.

Methods. We analyzed state panel data of high-fatality mass shootings from 1990 to 2017. We first assessed the relationship between LCM bans overall, and then federal and state bans separately, on (1) the occurrence of high-fatality mass shootings (logit regression) and (2) the deaths resulting from such incidents (negative binomial analysis). We controlled for 10 independent variables, used state fixed effects with a continuous variable for year, and accounted for clustering.

Results. Between 1990 and 2017, there were 69 high-fatality mass shootings. Attacks involving LCMs resulted in a 62% higher mean average death toll. The incidence of high-fatality mass shootings in non-LCM ban states was more than double the rate in LCM ban states; the annual number of deaths was more than 3 times higher. In multivariate analyses, states without an LCM ban experienced significantly more high-fatality mass shootings and a higher death rate from such incidents.

Conclusions. LCM bans appear to reduce both the incidence of, and number of people killed in, high-fatality mass shootings. (*Am J Public Health.* 2019;109:1754–1761. doi: 10.2105/AJPH.2019.305311)

The recent spate of gun massacres in the United States has re-energized the debate over how to prevent such tragedies.¹ A common response to high-profile acts of gun violence is the promotion of tighter gun legislation, and there is some evidence that laws imposing tighter restrictions on access to firearms have been associated with lower levels of mass shootings.² One proposal that has received renewed interest involves restricting the possession of large-capacity magazines (LCMs).^{3–5} This raises an important question: what has been the impact of LCM bans on high-fatality mass shootings?

In an attempt to arrest an uptick in mass shooting violence in the early 1990s, Congress in 1994 enacted the federal assault weapons ban, which, among other things, restricted ownership of certain ammunition-feeding devices.^{6,7} The law, which contained a sunset provision, was allowed to expire a decade later. Pursuant to that ban (18 USC §921(a) [1994]; repealed), it was illegal to possess LCMs—defined as any

ammunition-feeding device holding more than 10 bullets—unless the magazines were manufactured before the enactment of the ban. LCM restrictions are arguably the most important component of assault weapons bans because they also apply to semiautomatic firearms without military-style features.^{8,9}

Beginning with New Jersey in 1990, some states implemented their own regulations on LCMs. Today, 9 states and the District of Columbia restrict the possession of LCMs. The bans vary along many dimensions, including maximum bullet capacity of permissible magazines, grandfathering of existing LCMs, and applicable firearms. Moreover, overlaps sometimes exist between assault weapons bans and LCM bans, but not in all states. For example, California instituted a ban

on assault weapons in 1989, but LCMs remained unregulated in the state until 1994, when the federal ban went into effect. In 2000, California's own statewide ban on LCMs took effect as a safeguard in the event the federal ban expired, which happened in 2004.^{10,11}

LCMs provide a distinct advantage to active shooters intent on murdering numerous people: they increase the number of rounds that can be fired at potential victims before having to pause to reload or switch weapons. Evidence shows that victims struck by multiple rounds are more likely to die, with 2 studies finding that, when compared with the fatality rates of gunshot wound victims who were hit by only a single bullet, the fatality rates of those victims hit by more than 1 bullet were more than 60% higher.^{12,13} Being able to strike human targets with more than 1 bullet increases shooters' chances of killing their victims. Analyses of gunshot wound victims at level I trauma centers have suggested that this multiple-impact capability is often attributable to the use of LCMs.^{14,15}

In addition, LCMs provide active shooters with extended cover.¹⁶ During an attack, perpetrators are either firing their guns or not firing their guns. While gunmen are firing, it is extremely difficult for those in the line of fire to take successful defensive maneuvers. But if gunmen run out of bullets, there are lulls in the shootings, as the perpetrators are forced to pause their attacks to reload or change weapons. These pauses provide opportunities for people to intervene and disrupt a shooting. Alternatively, they provide individuals in

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doi: 10.2105/AJPH.2019.305311

harm's way with a chance to flee or hide. Legislative endeavors that restrict access to LCMs are implemented with the express objective of reducing an active shooter's multiple-impact capability and extended cover.¹⁰

Although mass shootings have received extensive study, there has been little scholarly analysis of LCM bans.^{17–24} The studies undertaken that have broached the subject of ammunition capacity have primarily concentrated on the effect of LCM bans on violent crimes other than mass shootings or on the impact of the assault weapons bans on mass shootings.^{25–27}

Evidence suggests that firearms equipped with LCMs are involved in a disproportionate share of mass shootings.^{10,20,28} Proponents of LCM bans believe that without LCMs, fewer people will be killed in a mass shooting, other things equal. In turn, fewer shootings will cross the threshold required to be classified as what we call a “high-fatality mass shooting” (≥ 6 victims shot to death). If LCM bans are effective, we should expect to find that high-fatality mass shootings occur at a lower incidence rate when LCM bans are in place, and fewer people are killed in such attacks. But have LCM bans actually saved lives in practice? To our knowledge, the impact of LCM bans has never been systematically assessed. This study fills that void.

METHODS

Mass shootings have been defined in a variety of ways, with some analyses setting the casualty threshold as low as 2 people wounded or killed and others requiring a minimum of 7 gunshot victims.^{18,22,29} We focused on high-fatality mass shootings—the deadliest and most disturbing of such incidents—which are defined as intentional crimes of gun violence with 6 or more victims shot to death, not including the perpetrators.^{20,30,31} After an exhaustive search, we identified 69 such incidents in the United States between 1990 and 2017. We then discerned whether each high-fatality mass shooting involved a LCM—unless otherwise stated, defined consistent with the 1994 federal ban as a detachable ammunition-feeding device capable of holding more than 10 bullets. (See Table 1 for a list of incidents and for additional details on

the search and identification strategy we employed.)

The first state to enact an LCM ban was New Jersey in 1990. Since then, another 8 states and the District of Columbia have enacted LCM bans (Table A, available as a supplement to the online version of this article at <http://www.ajph.org>).¹⁰ With no LCM bans in effect before 1990, a priori we chose that year to begin our analysis to avoid inflating the impact of the bans. Our data set extends 28 years, from 1990 through 2017. As a secondary analysis, we used a 13-year data set, beginning in 2005, the first full year after the federal assault weapons ban expired.

Our primary outcome measures were the incidence of high-fatality mass shootings and the number of victims killed. We distinguished between high-fatality mass shootings occurring with and without a ban in effect. Because the federal ban was in effect nationwide from September 13, 1994, through September 12, 2004, we coded every state as being under an LCM ban during that 10-year timeframe.

Our interest was in the effect of LCM bans. We ran regression analyses to determine if any relationship between LCM bans and high-fatality mass shootings can be explained by other factors. In our state-year panel multivariate analyses, the outcome variables were (1) whether an LCM-involved high-fatality mass shooting occurred, (2) whether any high-fatality mass shooting occurred, (3) the number of fatalities in an LCM-involved high-fatality mass shooting, and (4) the number of fatalities in any high-fatality mass shooting. Our analyses first combined and then separated federal and state LCM bans.

Consistent with the suggestions and practices of the literature on firearm homicides and mass shootings, our explanatory variables are population density; proportion of population aged 19 to 24 years, aged 25 to 34 years, that is Black, and with a college degree; real per-capita median income; unemployment rate; and per-capita prison population.^{2,26,27,32} We also added a variable for percentage of households with a firearm. All regression models controlled for total state population. When the dependent variable reflected occurrences of incidents (ordered choice data), we used logit regression; we ran probit regression as a sensitivity analysis. We had multiple observations for individual

states. To control for this, we utilized cluster-robust standard errors to account for the clustering of observations. When the dependent variable reflected deaths (count data), we used negative binomial regression; Gius used a Poisson regression, and we used that approach as a sensitivity analysis.²⁶ We included state fixed effects. We used a continuous variable for year because the rate of high-fatality mass shootings has increased over time. For purposes of sensitivity analysis, we also replaced the linear yearly trend with a quadratic function. We performed multivariate statistical analyses by using Stata/IC version 15.1 (StataCorp LP, College Station, TX).

Population data came from the US Census Bureau, unemployment data came from the Bureau of Labor Statistics, and imprisonment data came from the Bureau of Justice Statistics. The percentage of households with a firearm was a validated proxy (the percentage of suicides that are firearm suicides) derived from Centers for Disease Control and Prevention National Vital Statistics Data.³³

RESULTS

Between 1990 and 2017, there were 69 high-fatality mass shootings (≥ 6 victims shot to death) in the United States. Of these, 44 (64%) involved LCMs, 16 did not (23%), and for 9 (13%) we could not determine whether LCMs were used (Table 1). The mean number of victims killed in the 44 LCM-involved high-fatality mass shootings was 11.8; including the unknowns resulted in that average falling to 11.0 (not shown). The mean number of victims killed in high-fatality mass shootings in which the perpetrator did not use an LCM was 7.3 (Table B, available as a supplement to the online version of this article at <http://www.ajph.org>); including the unknowns resulted in that average falling to 7.1 (not shown). When we excluded unknown cases, the data indicated that utilizing LCMs in high-fatality mass shootings resulted in a 62% increase in the mean death toll.

Data sets of mass shooting fatalities by their nature involve truncated data, with the mode generally being the baseline number of fatalities required to be included in the data set (6 fatalities in the current study). Our data

TABLE 1—High-Fatality Mass Shootings in the United States, 1990–2017

Incident	Date	City	State	LCM	Deaths, No.	State LCM Ban	Federal Assault Weapons Ban
1	Jun 18, 1990	Jacksonville	FL	Y	9	N	N
2	Jan 26, 1991	Chimayo	NM	N	7	N	N
3	Aug 9, 1991	Waddell	AZ	N	9	N	N
4	Oct 16, 1991	Killeen	TX	Y	23	N	N
5	Nov 7, 1992	Morro Bay and Paso Robles	CA	N	6	N	N
6	Jan 8, 1993	Palatine	IL	N	7	N	N
7	May 16, 1993	Fresno	CA	Y	7	N	N
8	Jul 1, 1993	San Francisco	CA	Y	8	N	N
9	Dec 7, 1993	Garden City	NY	Y	6	N	N
10	Apr 20, 1999	Littleton	CO	Y	13	Y	Y
11	Jul 12, 1999	Atlanta	GA	U	6	Y	Y
12	Jul 29, 1999	Atlanta	GA	Y	9	Y	Y
13	Sep 15, 1999	Fort Worth	TX	Y	7	Y	Y
14	Nov 2, 1999	Honolulu	HI	Y	7	Y	Y
15	Dec 26, 2000	Wakefield	MA	Y	7	Y	Y
16	Dec 28, 2000	Philadelphia	PA	Y	7	Y	Y
17	Aug 26, 2002	Rutledge	AL	N	6	Y	Y
18	Jan 15, 2003	Edinburg	TX	U	6	Y	Y
19	Jul 8, 2003	Meridian	MS	N	6	Y	Y
20	Aug 27, 2003	Chicago	IL	N	6	Y	Y
21	Mar 12, 2004	Fresno	CA	N	9	Y	Y
22	Nov 21, 2004	Birchwood	WI	Y	6	N	N
23	Mar 12, 2005	Brookfield	WI	Y	7	N	N
24	Mar 21, 2005	Red Lake	MN	Y	9	N	N
25	Jan 30, 2006	Goleta	CA	Y	7	Y	N
26	Mar 25, 2006	Seattle	WA	Y	6	N	N
27	Jun 1, 2006	Indianapolis	IN	Y	7	N	N
28	Dec 16, 2006	Kansas City	KS	N	6	N	N
29	Apr 16, 2007	Blacksburg	VA	Y	32	N	N
30	Oct 7, 2007	Crandon	WI	Y	6	N	N
31	Dec 5, 2007	Omaha	NE	Y	8	N	N
32	Dec 24, 2007	Carnation	WA	U	6	N	N
33	Feb 7, 2008	Kirkwood	MO	Y	6	N	N
34	Sep 2, 2008	Alger	WA	U	6	N	N
35	Dec 24, 2008	Covina	CA	Y	8	Y	N
36	Jan 27, 2009	Los Angeles	CA	N	6	Y	N
37	Mar 10, 2009	Kinston, Samson, and Geneva	AL	Y	10	N	N
38	Mar 29, 2009	Carthage	NC	N	8	N	N
39	Apr 3, 2009	Binghamton	NY	Y	13	Y	N
40	Nov 5, 2009	Fort Hood	TX	Y	13	N	N
41	Jan 19, 2010	Appomattox	VA	Y	8	N	N

Continued

TABLE 1—Continued

Incident	Date	City	State	LCM	Deaths, No.	State LCM Ban	Federal Assault Weapons Ban
42	Aug 3, 2010	Manchester	CT	Y	8	N	N
43	Jan 8, 2011	Tucson	AZ	Y	6	N	N
44	Jul 7, 2011	Grand Rapids	MI	Y	7	N	N
45	Aug 7, 2011	Copley Township	OH	N	7	N	N
46	Oct 12, 2011	Seal Beach	CA	N	8	Y	N
47	Dec 25, 2011	Grapevine	TX	N	6	N	N
48	Apr 2, 2012	Oakland	CA	N	7	Y	N
49	Jul 20, 2012	Aurora	CO	Y	12	N	N
50	Aug 5, 2012	Oak Creek	WI	Y	6	N	N
51	Sep 27, 2012	Minneapolis	MN	Y	6	N	N
52	Dec 14, 2012	Newtown	CT	Y	27	N	N
53	Jul 26, 2013	Hialeah	FL	Y	6	N	N
54	Sep 16, 2013	Washington	DC	N	12	Y	N
55	Jul 9, 2014	Spring	TX	Y	6	N	N
56	Sep 18, 2014	Bell	FL	U	7	N	N
57	Feb 26, 2015	Tyrone	MO	U	7	N	N
58	May 17, 2015	Waco	TX	Y	9	N	N
59	Jun 17, 2015	Charleston	SC	Y	9	N	N
60	Aug 8, 2015	Houston	TX	U	8	N	N
61	Oct 1, 2015	Roseburg	OR	Y	9	N	N
62	Dec 2, 2015	San Bernardino	CA	Y	14	Y	N
63	Feb 21, 2016	Kalamazoo	MI	Y	6	N	N
64	Apr 22, 2016	Pikeston	OH	U	8	N	N
65	Jun 12, 2016	Orlando	FL	Y	49	N	N
66	May 27, 2017	Brookhaven	MS	U	8	N	N
67	Sep 10, 2017	Plano	TX	Y	8	N	N
68	Oct 1, 2017	Las Vegas	NV	Y	58	N	N
69	Nov 5, 2017	Sutherland Springs	TX	Y	25	N	N

Note. LCM = large-capacity magazine; N = no; U = unknown; Y = yes. From September 13, 1994, until and including September 12, 2004, each and every state, including the District of Columbia, was subject to a ban on LCMs pursuant to the federal assault weapons ban. To collect the data in Table 1, we searched the following news media resources for every shooting that resulted in 6 or more fatalities: America's Historical Newspapers, EBSCO, Factiva, Gannett Newsstand, Google News Archive, Lexis-Nexis, Newspaper Archive, Newspaper Source Plus, Newspapers.com, Newswires, ProQuest Historical Newspapers, and ProQuest Newsstand. We also reviewed mass shooting data sets maintained by *Mother Jones*, the *New York Times*, and *USA Today*. In addition to news media sources, we reviewed reports on mass shootings produced by think tank, policy advocacy, and governmental organizations, including the US Federal Bureau of Investigation Supplementary Homicide Reports, the crowdsourced Mass Shooting Tracker, and the open-source databases maintained by the Gun Violence Archive and the Stanford University Geospatial Center. Finally, when it was relevant, we also reviewed court records as well as police, forensic, and autopsy reports. As a general rule, when government sources were available, they were preferred over other sources. Furthermore, when media sources conflicted on the number of casualties or the weaponry involved, the later sources were privileged (as later reporting is often more accurate).

set of high-fatality mass shootings was no exception. As such, the median average number of fatalities for each subset of incidents—those involving and those not involving LCMs—was necessarily lower than the mean average. Nevertheless, like the mean average, the median average was higher when LCMs were employed—a median

average of 8 fatalities per incident compared with 7 fatalities per incident for attacks not involving LCMs.

For the 60 incidents in which it was known if an LCM was used, in 44 the perpetrator used an LCM. Of the 44 incidents in which the perpetrators used LCMs, 77% (34/44) were in nonban states. In the 16 incidents in

which the perpetrators did not use LCMs, 50% (8/16) were in nonban states (Table B, available as a supplement to the online version of this article at <http://www.ajph.org>). Stated differently, in nonban states, 81% (34/42) of high-fatality mass shooting perpetrators used LCMs; in LCM-ban states, only 55% (10/18) used LCMs.

The rate of high-fatality mass shootings increased considerably after September 2004 (when the federal assault weapons ban expired). In the 10 years the federal ban was in effect, there were 12 high-fatality mass shootings and 89 deaths (an average of 1.2 incidents and 8.9 deaths per year). Since then, through 2017, there have been 48 high-fatality mass shootings and 527 deaths (an average of 3.6 incidents and 39.6 deaths per year in these 13.3 years).

Of the 69 high-fatality mass shootings from 1990 to 2017, 49 occurred in states without an LCM ban in effect at the time and 20 in states with a ban in effect at the time. The annual incidence rate for high-fatality mass shootings in states without an LCM ban was 11.7 per billion population; the annual incidence rate for high-fatality mass shootings in states with an LCM ban was 5.1 per billion population. In that 28-year period, the rate of high-fatality mass shootings per capita was 2.3 times higher in states without an LCM ban (Table 2).

Non-LCM ban states had not only more incidents but also more deaths per incident (10.9 vs 8.2). The average annual number of high-fatality mass shooting deaths per billion population in the non-LCM ban states was

127.4. In the LCM ban states, it was 41.6 (Table 2).

For the time period beginning with the first full calendar year following the expiration of the federal assault weapons ban (January 1, 2005–December 31, 2017), there were 47 high-fatality mass shootings in the United States. Of these, 39 occurred in states where an LCM ban was not in effect, and 8 occurred in LCM ban locations. The annual incidence rate for high-fatality mass shootings in states without an LCM ban was 13.2 per billion population; for states with an LCM ban, it was 7.4 per billion population (Table 2). During this period, non-LCM ban states had not only more incidents but also more deaths per incident (11.4 vs 9.4). In terms of high-fatality mass shooting deaths per billion population, the annual number of deaths in the non-LCM ban states was 150.6; in the LCM ban states it was 69.2 (Table 2).

When we limited the analysis solely to high-fatality mass shootings that definitely involved LCMs, the differences between ban and nonban states became larger. For example, for the entire period of 1990 to 2017, of the 44 high-fatality mass shootings that involved LCMs, the annual incidence rate for LCM-involved high-fatality mass shootings

in nonban states was 8.1 per billion population; in LCM-ban states it was 2.5 per billion population. The annual rate of high-fatality mass shooting deaths in the non-LCM ban states was 102.1 per billion population; in the LCM ban states it was 23.3. In terms of LCM-involved high-fatality mass shootings, we also found comparable wide differences in incidence and fatality rates between ban and nonban states for the post-federal assault weapons ban period (2005–2017; Table 2).

We found largely similar results in the multivariate analyses (1990–2017). States that did not ban LCMs were significantly more likely to experience LCM-involved high-fatality mass shootings as well as more likely to experience any high-fatality mass shootings (regardless of whether an LCM was involved). States that did not ban LCMs also experienced significantly more deaths from high-fatality mass shootings, operationalized as the absolute number of fatalities (Table 3).

When the LCM bans were separated into federal and state bans, both remained significantly related to the incidence of LCM-involved high-fatality mass shooting events and to the number of LCM-involved high-fatality mass shooting deaths. The associations between federal and state bans and

TABLE 2—High-Fatality Mass Shootings (≥ 6 Victims Shot to Death) by Whether LCM Bans Were in Effect: United States, 1990–2017

	Average Annual Population, No. (Millions)	Total Incidents, No.	Annual Incidents per Billion Population, No.	Total Deaths, No.	Annual Deaths per Billion Population, No.	Deaths per Incident, No.
All high-fatality mass shootings, 1990–2017 (28 y)						
Non-LCM ban states	149.7	49	11.7	534	127.4	10.9
LCM ban states	140.7	20	5.1	164	41.6	8.2
All high-fatality mass shootings, 2005–2017 (13 y)						
Non-LCM ban states	227.8	39	13.2	446	150.6	11.4
LCM ban states	83.4	8	7.4	75	69.2	9.4
LCM-involved high-fatality mass shootings, 1990–2017 (28 y)						
Non-LCM ban states	149.7	34	8.1	428	102.1	12.6
LCM ban states	140.7	10	2.5	92	23.3	9.2
LCM-involved high-fatality mass shootings, 2005–2017 (13 y)						
Non-LCM ban states	227.8	28	9.5	369	124.6	13.2
LCM ban states	83.4	4	3.7	42	38.7	10.5
Non-LCM high-fatality mass shootings, 1990–2017 (28 y)						
Non-LCM ban states	149.7	8	1.9	56	13.4	7.0
LCM ban states	140.7	8	2.0	60	15.2	7.5

Note. LCM = large-capacity magazine.

TABLE 3—Multivariate Results of the Relationship Between LCM Bans and High-Fatality Mass Shootings (≥ 6 Victims Shot to Death), 1990–2017 Combined Federal and State Large Capacity Magazine Bans: United States

	LCM-Involved High-Fatality Mass Shootings, b (95% CI)		All High-Fatality Mass Shootings, b (95% CI)	
	Incidents ^a	No. Deaths ^b	Incidents ^a	No. Deaths ^b
All LCM bans (federal and state)	-2.217 (-3.493, -0.940)	-5.912 (-9.261, -2.563)	-1.283 (-2.147, -0.420)	-3.660 (-5.695, -1.624)
Population density	-0.011 (-0.052, 0.031)	0.013 (-0.068, 0.095)	0.001 (-0.003, 0.006)	0.011 (-0.005, 0.026)
% aged 19–24 y	-0.480 (-1.689, 0.730)	-2.496 (-5.893, 0.901)	0.283 (-0.599, 1.164)	-0.585 (-2.666, 1.495)
% aged 25–34 y	-0.801 (-1.512, -0.089)	-2.390 (-4.391, -0.388)	-0.337 (-0.871, 0.197)	-1.114 (-2.463, 0.235)
% Black	-0.227 (-1.062, 0.607)	-0.654 (-2.831, 1.522)	-0.163 (-0.703, 0.377)	-0.261 (-1.391, 0.870)
% with a bachelor's degree or higher	-0.009 (-0.492, 0.474)	-0.469 (-1.590, 0.652)	0.143 (-0.214, 0.501)	0.183 (-0.715, 1.081)
Percentage of households with a firearm (proxy)	-0.047 (-0.195, 0.101)	-0.147 (-0.546, 0.251)	-0.020 (-0.131, 0.091)	-0.084 (-0.368, 0.200)
Median household income	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)
Unemployment rate	-0.072 (-0.293, 0.149)	-0.476 (-1.081, 0.129)	0.041 (-0.135, 0.216)	-0.182 (-0.628, 0.263)
Imprisonment rate (per 100 000 population)	-0.006 (-0.012, 0.001)	-0.007 (-0.017, 0.004)	-0.001 (-0.006, 0.003)	-0.003 (-0.012, 0.007)
Total population	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)
Pseudo R^2	0.31	0.16	0.26	0.11

Note. CI = confidence interval; LCM = large-capacity magazine. There were a total of 1428 observations in state-years (51 jurisdictions—all 50 states plus Washington, DC—over a 28-year period). Mean variance inflation factor = 3.49.

^aLogit regression.

^bNegative binomial regression.

the overall incidence of all high-fatality mass shootings as well as the total number of victims in these events remained strongly negative but was only sometimes statistically significant (Table 4).

In terms of sensitivity analyses, using probit instead of logit gave us similar results (not shown). When the outcome variable was the number of high-fatality mass shooting deaths, we obtained largely similar results concerning the association between LCM bans and the outcome variables, regardless of whether we used Poisson or negative binominal regression (not shown). Moreover, replacing the linear yearly trend with a quadratic function did not change the major results of the analyses (not shown). Variance inflation factors for all the independent variables never exceeded 10.0, with the variance inflation factor for LCM ban variables always being less than 2.0, indicating that there were no significant multicollinearity issues (Tables 3 and 4).

DISCUSSION

In the United States, LCMs are disproportionately used in high-fatality mass shootings (incidents in which ≥ 6 victims are shot to death). In at least 64% of the incidents

since 1990, perpetrators used LCMs. (For 23%, we determined that they did not involve LCMs, and a determination could not be made for the remaining 13%.) Previous research has shown that LCM firearms are used in a high share of mass murders (typically defined as ≥ 4 homicides) and murders of police.⁹

We could not find reliable estimates of LCM firearms in the US gun stock. However, it is likely much lower than 64%, given that commonly owned firearms such as revolvers, bolt-action rifles, and shotguns are not typically designed to be LCM-capable. During the decade the federal assault weapons ban was in effect, no firearms were legally manufactured with LCMs for sale in the United States. In the postban era, semiautomatic firearms, especially pistols, are often sold with factory-issue LCMs, but firearms that are not semiautomatic are not sold with such magazines.

Why do we find LCMs so prominent among high-fatality mass shootings? We suspect there are 2 main reasons. The first is that perpetrators probably deliberately select LCMs because they facilitate the ability to fire many rounds without having to stop to reload. The second reason is that the ability of shooters to kill many victims—especially the 6 victims required to be included in our data set—may be reduced if LCMs are not

available. In other words, the first explanation is that shooters perceive LCMs to be more effective at killing many people; the second explanation is that LCMs are indeed more effective at killing many people.

High-fatality mass shootings are not common, even in the United States. Between 1990 and 2017, there has been an average of 2.5 incidents per year, with an average of 25 people killed annually in such attacks. However, the number of incidents and the number of people killed per incident have been increasing since the end of the federal assault weapons ban.

In our study, we found that bans on LCMs were associated with both lower incidence of high-fatality mass shootings and lower fatality tolls per incident. The difference in incidence and overall number of fatalities between states, with and without bans, was even greater for LCM-involved high-fatality mass shootings.

The multivariate results are largely consistent with these bivariate associations. When we controlled for 10 independent variables often associated with overall crime rates, as well as state and year effects, states with LCM bans had lower rates of high-fatality mass shootings and fewer high-fatality mass shooting deaths. When we investigated federal and state bans separately in the multiple

TABLE 4—Multivariate Results of the Relationship Between Large Caliber Magazine Bans and High-Fatality Mass Shootings (≥ 6 Victims Shot to Death), 1990–2017 Separate Federal and State Large Caliber Magazine Bans: United States

	LCM-Involved High-Fatality Mass Shootings, b (95% CI)		All High-Fatality Mass Shootings, b (95% CI)	
	Incidents ^a	No. Deaths ^b	Incidents ^a	No. Deaths ^b
Federal LCM ban	-1.434 (-2.622, -0.245)	-3.571 (-7.103, -0.038)	-0.895 (-1.806, 0.016)	-2.570 (-4.902, -0.238)
State LCM bans	-2.603 (-4.895, -0.311)	-8.048 (-15.172, -0.925)	-1.277 (-2.977, 0.422)	-3.082 (-7.227, 1.064)
Population density	-0.012 (-0.055, 0.030)	-0.001 (-0.085, 0.083)	0.001 (-0.003, 0.006)	0.009 (-0.007, 0.024)
% aged 19–24 y	-0.311 (-1.499, 0.878)	-2.589 (-6.057, 0.879)	0.342 (-0.551, 1.236)	-0.531 (-2.759, 1.698)
% aged 25–34 y	-0.812 (-1.532, -0.093)	-2.660 (-4.848, -0.471)	-0.323 (-0.864, 0.217)	-0.848 (-2.236, 0.539)
% Black	-0.229 (-1.101, 0.643)	-0.770 (-3.232, 1.693)	-0.150 (-0.698, 0.398)	-0.154 (-1.321, 1.013)
% with a bachelor's degree or higher	-0.031 (-0.447, 0.509)	-0.479 (-1.577, 0.618)	0.156 (-0.199, 0.511)	0.269 (-0.567, 1.106)
Percentage of households with a firearm (proxy)	-0.055 (-0.210, 0.101)	-0.227 (-0.651, 0.196)	-0.019 (-0.133, 0.094)	-0.107 (-0.399, 0.186)
Median household income	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)
Unemployment rate	-0.061 (-0.284, 0.162)	-0.420 (-1.041, 0.201)	0.046 (-0.132, 0.224)	-0.157 (-0.619, 0.305)
Imprisonment rate (per 100 000 population)	-0.006 (-0.013, 0.000)	-0.012 (-0.026, 0.002)	-0.002 (-0.007, 0.003)	-0.003 (-0.014, 0.007)
Total population	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)	0.000 (0.000, 0.000)
Pseudo R^2	0.30	0.15	0.26	0.11

Note. CI = confidence interval; LCM = large-capacity magazine. There were a total of 1428 observations in state-years (51 jurisdictions—all 50 states plus Washington, DC—over a 28-year period). Mean variance inflation factor = 3.45.

^aLogit regression.

^bNegative binomial regression.

regressions, both were significantly associated with the incidence of LCM-involved high-fatality mass shootings as well as the number of victims in LCM-involved attacks. The relationship between these bans, considered separately, and all high-fatality mass shooting incidence and deaths is often not statistically significant, although this may be attributable to lack of statistical power (number of observations) to find a statistically significant effect.

Our analysis provides answers to 4 important questions:

1. How often are LCMs used in high-fatality mass shootings? At minimum, 64% of high-fatality mass shootings perpetrated between 1990 and 2017 involved LCMs.
2. Are more people killed when LCMs are used? Yes, and the difference in our data set is substantial and statistically significant (11.8 vs 7.3). We should add that our results likely underestimate the difference because we have a truncated sample (we only examined incidents with at least 6 victim fatalities), compounded by the fact that the number of homicide incidents fell as the number of victims increased.
3. Do states with LCM bans experience high-fatality mass shootings involving LCMs at a lower rate and a lower fatality

count than those states with no such bans in effect? Yes. In fact, the effect is more pronounced for high-fatality mass shootings involving LCMs than for those not involving LCMs.

4. Do states with LCM bans experience high-fatality mass shootings (regardless of whether they involve LCMs) at a lower rate and a lower fatality count than states with no such bans in effect? Yes.

Limitations

Our study had various limitations. First, although we carefully searched for every high-fatality mass shooting, it is possible that we might have missed some. Nevertheless, we suspect that this is unlikely, because it would mean that others who compiled lists have also missed the same ones, for we checked our list against multiple sources.

Second, our definition of a high-fatality mass shooting is a shooting that results in 6 or more fatal victims. A different threshold criterion (e.g., 6 or more people shot; 5 or more victims killed), might lead to somewhat different results. We expect that as the number of victims in a shooting increases, the likelihood that the perpetrator used an LCM

also increases. Indeed, of the 13 high-fatality mass shootings with 10 or more fatalities in our data set, 12 (92%) involved an LCM.

Third, although many high-fatality mass shootings tend to be highly publicized, in 13% of the incidents we reviewed, we could not determine whether an LCM was used. As a sensitivity analysis, we assessed the assumptions that all of the unknown cases first did, and then did not, involve LCMs. Neither assumption appreciably changed our main results (not shown).

Fourth, as a general rule, clustering standard errors is most appropriate when there is a large number of treated units. Although during the decade of the federal assault weapons bans all 50 states plus the District of Columbia regulated LCMs, during the remaining time periods under examination, only 8 jurisdictions regulated LCMs. As a result, there is the possibility that the standard errors were underestimated in our analyses.³⁴

Fifth, there were only 69 events that met our criterion for a “high-fatality mass shooting.” Although 69 is a horrific number of incidents, for statistical purposes, it is a relatively small number and limits the power to detect significant associations. For example, we did not have the statistical power (and thus did not even try) to determine whether

different aspects of the various LCM laws might have differential effects on the incidence of high-fatality mass shootings. Moreover, because of suboptimal statistical power, there is also the possibility that the magnitude of the effects detected was overestimated.³⁵

Public Health Implications

LCMs increase the ability to fire large numbers of bullets without having to pause to reload. Any measure that can force a pause in an active shooting—creating opportunities for those in the line of fire to flee, take cover, or physically confront a gunman—offers a possibility of reducing the number of victims in such an attack. To put it in different terms, if the only firearms available were 18th-century muskets, it is doubtful that mass shootings would be the social problem they are today.

The impact of individual state firearm laws is reduced by the fact that guns often move across state lines—occasionally purchased in locales with more permissive laws and taken to states with more restrictive laws. This is partly why efforts aimed at reducing the frequency and lethality of mass shootings must necessarily be multifaceted and multidisciplinary. Legal restrictions on firearms are merely a part of this broader, public health approach. That being said, the theory behind reducing the availability of LCMs to reduce the number of victims in mass shootings makes sense, and our empirical results, consistent with much of the limited literature on mass shootings, suggest that LCM bans have been effective in saving lives. **AJPH**

CONTRIBUTORS

L. Klarevas and D. Hemenway designed the study, collected the data, and contributed equally to all parts of the study. A. Conner ran the statistical analyses and helped construct the tables that report the results of the multivariate analyses. All authors approved the final article as submitted.

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CONFLICTS OF INTEREST

L. Klarevas has, in the past 2 years, served as an expert to the states of Colorado and California in civil litigation that involved the constitutionality of state restrictions on large-capacity magazines. The authors have no additional conflicts of interest to report.

HUMAN PARTICIPANT PROTECTION

No protocol approval was needed because no human participants were involved in this study.

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EXHIBIT F

Changes in US mass shooting deaths associated with the 1994–2004 federal assault weapons ban: Analysis of open-source data

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BACKGROUND:	A federal assault weapons ban has been proposed as a way to reduce mass shootings in the United States. The Federal Assault Weapons Ban of 1994 made the manufacture and civilian use of a defined set of automatic and semiautomatic weapons and large capacity magazines illegal. The ban expired in 2004. The period from 1994 to 2004 serves as a single-arm pre-post observational study to assess the effectiveness of this policy intervention.
METHODS:	Mass shooting data for 1981 to 2017 were obtained from three well-documented, referenced, and open-source sets of data, based on media reports. We calculated the yearly rates of mass shooting fatalities as a proportion of total firearm homicide deaths and per US population. We compared the 1994 to 2004 federal ban period to non-ban periods, using simple linear regression models for rates and a Poisson model for counts with a year variable to control for trend. The relative effects of the ban period were estimated with odds ratios.
RESULTS:	Assault rifles accounted for 430 or 85.8% of the total 501 mass-shooting fatalities reported (95% confidence interval, 82.8–88.9) in 44 mass-shooting incidents. Mass shootings in the United States accounted for an increasing proportion of all firearm-related homicides (coefficient for year, 0.7; $p = 0.0003$), with increment in year alone capturing over a third of the overall variance in the data (adjusted $R^2 = 0.3$). In a linear regression model controlling for yearly trend, the federal ban period was associated with a statistically significant 9 fewer mass shooting related deaths per 10,000 firearm homicides ($p = 0.03$). Mass-shooting fatalities were 70% less likely to occur during the federal ban period (relative rate, 0.30; 95% confidence interval, 0.22–0.39).
CONCLUSION:	Mass-shooting related homicides in the United States were reduced during the years of the federal assault weapons ban of 1994 to 2004. (<i>J Trauma Acute Care Surg.</i> 2019;86: 11–19. Copyright © 2018 American Association for the Surgery of Trauma.)
LEVEL OF EVIDENCE:	Observational, level II/IV.
KEY WORDS:	Firearms; mass-shootings; assault weapons; epidemiology.

Increases in firearm-related injuries, particularly mass-shooting related fatalities, in the United States have contributed to a polarizing and sometimes contentious debate over gun ownership and limiting weapons characterized as assault weapons.^{1,2} Despite the increasing sense that there is an epidemic of indiscriminate firearm violence in our schools and public spaces, there is a paucity of public health evidence on the topic. Among a number of recommendations, a federal Assault Weapons Ban (AWB) has been proposed as a way to prevent and control mass shootings in the United States. In this article, we assess evidence for the effectiveness of such a ban in preventing or controlling mass-shooting homicides in the United States.

While mass shootings occur in other industrialized nations, the United States is particularly prone to these crimes. In a recent 30-year period, the United States had double the number of mass-shooting incidents than the next 24 industrialized nations combined.³ Any public perception of recent increases in the number of these events is borne out by analysis of available data.⁴ By one measure, there have been more deaths due to mass shootings in the United States in the past 18 years than in the entire 20th century.⁵ While there is some debate about the role of mental illness in mass shootings,^{6–8} many high-profile recent mass shootings (Aurora, CO; Roseburg, OR; San Bernadino, CA; Newtown, CT; Orlando; Las Vegas; Sutherland Springs, TX) have been characterized by the use of semiautomatic assault rifles,⁹ leading some to advocate for restrictions on the manufacture and sale of these weapons.

While survey results indicate that researchers in criminology, law and public health rank an assault weapons ban as one of the most effective measures to prevent mass shootings, and that 67% of the US general population support such a ban,¹⁰ the existing evidence on banning assault weapons is scant and sometimes contradictory. Most evidence is related to the Federal AWB of 1994, which made illegal the manufacture and use by civilians of a defined set of automatic and semiautomatic weapons and large capacity magazines. Formally known as “The Public Safety and Recreational Firearms Use Protection Act”, the AWB was part of the broader “Violent Crime Control and Law Enforcement Act of 1994. The ban lasted 10 years, expiring in 2004 when the US Congress declined to renew it.

In a study soon following the implementation of the 1994 ban, researchers reported a 55% decrease in the recovery of assault weapons by the Baltimore City Police in the first 6 months of 1995, indicating a statistically significant 29 fewer such firearms in the population.¹¹ In a 2009 study based on ICD9 external cause of injury codes for patients younger than 18 years in the United States, 11 states with assault and large-capacity magazine bans, as well as other firearm laws, were compared with 33 states without such restrictions. The incidence of firearm injuries per 1,000 total traumatic injuries was significantly lower in states with restrictive laws, 2.2 compared with 5.9.¹² In contrast, a comprehensive 2001 evaluation of the AWB itself concluded that there was “no evidence of reductions in multiple-victim gun homicides or multiple-gunshot wound victimizations”. The authors cautioned their results should be “interpreted cautiously” because of the short period since the ban’s inception, and that future assessments were warranted.¹³ More recent studies, while not primarily addressing the US Federal AWB have found results generally consistent with its effectiveness in preventing mass-shooting fatalities.^{14,15}

We believe sufficient time has passed and enough data have accumulated to treat the period from 1994 to 2004 as a naturalistic pre-post observational comparison period for the association of the AWB with changes in mass-shootings in the United States. Because there is no authoritative source or registry, or even a widely agreed upon definition for these incidents, we obtained data from three open source references and restricted our analyses to only those incidents confirmed by all three sources. We assess evidence for the potential effectiveness of such a ban in preventing and controlling mass-shooting homicides in the United States. We hypothesized that the implementation of the Federal AWB contributed to a reduction in mass shooting deaths as measured by the number and rate of mass shooting fatalities before, during, and after the federal AWB.

METHODS

Mass incident shooting data were obtained from three independent, well-documented and referenced online sources: Mother Jones Magazine, the Los Angeles Times and Stanford

University.^{16–18} These sources have each been the basis for a number of previous studies.^{19–26} Data from the three online open-source references were combined. Analyses were restricted to incidents reported by all three sources. Entries were further restricted to those for which four or more fatalities (not including the shooter) were reported, which meets the strictest definition of mass shootings as defined by the Federal Bureau of Investigation.^{27,28} Yearly homicide data were obtained from the US Centers for Disease Control and Prevention Web-based Injury Statistics Query and Reporting System (WISQARS) an online database of fatal and nonfatal injury.²⁹ Because 2017 data were not yet available in the WISQARS system, data for firearm-related homicide data for that year were obtained from a separate online source.³⁰

A variable was created to indicate the 1994 to 2004 period as the federal ban period. We attempted to identify incidents involving assault weapons. An assault weapon has been defined as semiautomatic rifle that incorporates military-style features such as pistol grips, folding stocks, and high-capacity detachable magazines.³¹ In this study, assault weapons were identified using the text search terms “AK,” “AR,” “MCX,” “assault,” “assault,” or “semiautomatic” in a text field for weapon details. These terms were based on descriptions of the federal assault ban legislative language.³² The total number of mass shooting fatalities and injuries were aggregated by year and merged with the yearly firearm homicide data.

The rate of mass shooting fatalities per 10,000 firearm homicide deaths was calculated. For the years covered by the data sources, we calculated (1) the total and yearly number of mass-shooting incidents that met the strictest criteria and were confirmed by all three sources, (2) the number of all weapon (assault and nonassault weapons) mass-shooting fatalities, and (3) the case-fatality ratio of all-weapon mass-shooting fatalities per 100 total mass-shooting fatalities and injuries. The yearly case-fatality ratio was plotted with overlying Loess line for trend and standard error limits. We also plotted the yearly rate of mass shooting fatalities per 10,000 firearm-related homicides with an overlying simple linear model with year as the predictor for (1) the total period, and (2) for preban, ban, and postban periods.

We evaluated assumptions of normality and linearity of the data using graphical methods such as density plots and Q-Q normal plots as well as summary statistics. We tested the hypothesis that the federal ban period was associated with a decrease in the number and rate of mass-shooting fatalities in the United States with a multiple linear regression model, with total homicide-based mass-shooting fatality rate as the outcome variable, a dichotomous indicator variable for the federal ban period as the predictor variable, and year as a control variable for trend over time. We calculated the relative risk of mass shooting fatalities during the federal ban period compared to nonban periods by using the “epitab” function of the R “epitools” package. This estimate is based on the ratio of the fatality rate during the ban period divided by the fatality rate during the nonban period. All results are presented with two-sided *p* values with a significance level of 0.05 and/or 95% confidence intervals (CI). We conducted subgroup analysis with data restricted to incidents in which an assault-type weapon was explicitly noted.

We conducted analyses to test the sensitivity of our results to the choice of denominator with linear regression models controlling

for trend with yearly rates based on (1) CDC WISQARS homicide data ending in 2016, (2) extrapolated CDC WISQARS homicide data for 2017, and (3) population denominator-based rates. We tested the robustness of our underlying modeling assumptions with an alternate mixed-effects generalized linear model of yearly mass shooting fatality counts with an observation-level random effect to account for overdispersion.

The study was determined to be exempt as nonidentifiable data. The study data and analytic code are available for download at <http://www.injuryepi.org/styled-2/>.

RESULTS

The three data sources listed incidents ranging in number from 51 (LA Times) to 335 (Stanford) and in dates from 1966 (Stanford) to 2018 (LA Times). There were a total of 51 reported cases of mass shootings between 1981 and 2017 confirmed by all three sources. Forty-four of these incidents met the strictest criteria for mass shootings (4 or more killed), totaling 501 all-weapon fatalities. In total 1,460 persons were injured or killed over the 37-year period, for a total case-fatality ratio of 34.3% (95% CI, 31.9–36.8). The overall rate of mass shooting fatalities per 10,000 firearm-related homicides was 10.2 (95% CI, 9.4–11.2). There was an increase in the all-weapon yearly number of mass-shooting fatalities in the United States during the study period, (Fig. 1) and evidence of a decrease in case fatality in the post-2010 period (Fig. 2). Incidents in which weapons were characterized as assault rifles accounted for 430 or 85.8% of mass-shooting fatalities (95% CI, 82.8–88.9). Weapons characterized as assault rifles accounted for *all* mass-shooting fatalities in 15 (62.5%) of the 24 (95% CI, 42.6–78.9) years for which a mass-shooting incident was reported, accounting for a total of 230 fatalities in those years.

Between 1981 and 2017, mass shootings in the United States accounted for an increasing proportion of all firearm-related homicides, with increment in year accounting for nearly 32% of the overall variance in the data. During the years in which the AWB was in effect, this slope decreased, with an increase in the slope of yearly mass-shooting homicides in the postban period

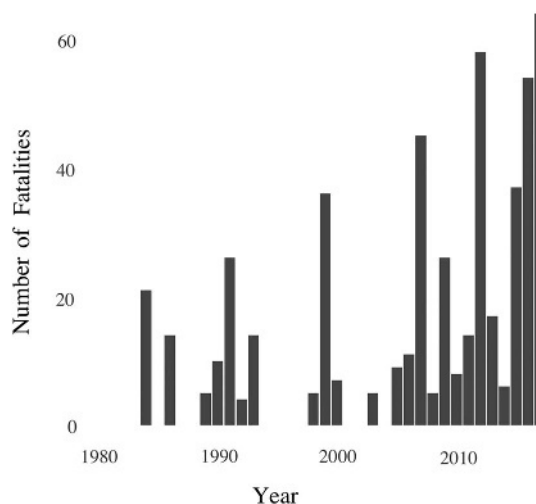


Figure 1. Mass shooting deaths. United States 1981–2017.

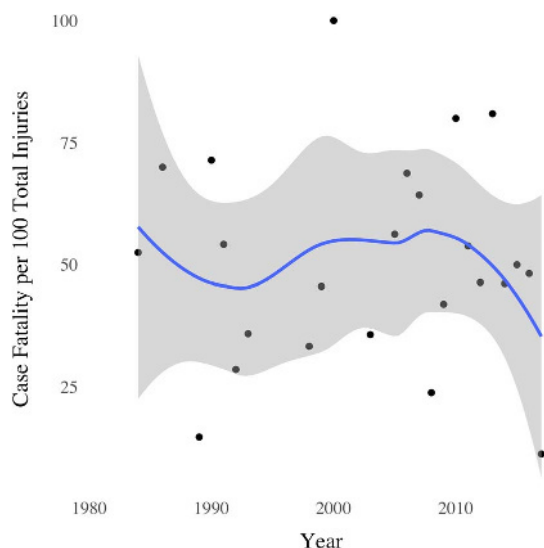


Figure 2. Case fatality per 100 total mass-shooting injuries with loess smoothing line for trend and standard error bounds. United States 1981–2017.

(Fig. 3). A similar pattern was evident in data restricted to those incidents characterized as involving assault weapons (Fig. 4).

In a linear regression model controlling for yearly trend, the federal ban period was associated with a statistically significant 9 fewer mass shooting–related deaths per 10,000 firearm homicides per year (Table 1). The model indicated that year and federal ban period alone accounted for nearly 40% of all the variation in the data (adjusted $R^2 = 0.37$). A subanalysis

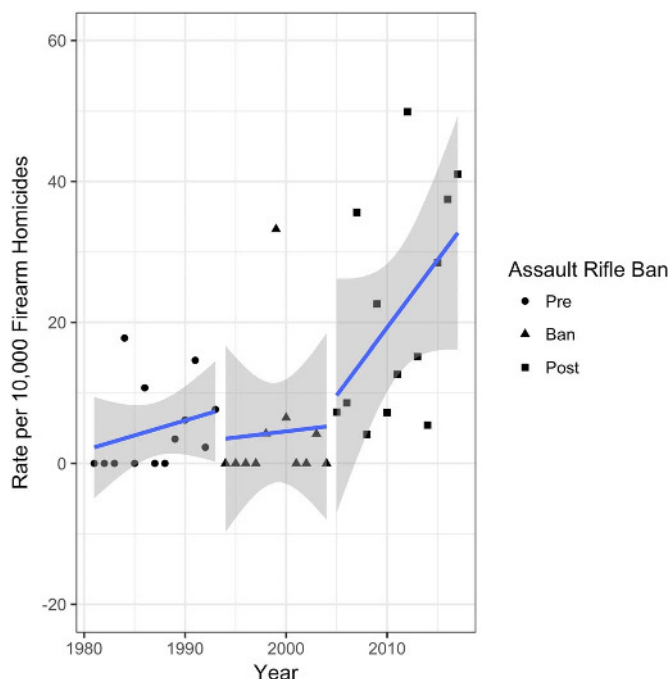


Figure 3. Mass shooting deaths per 10,000 firearm-related homicides with linear trends for preban, ban, and postban periods. United States 1981–2017.

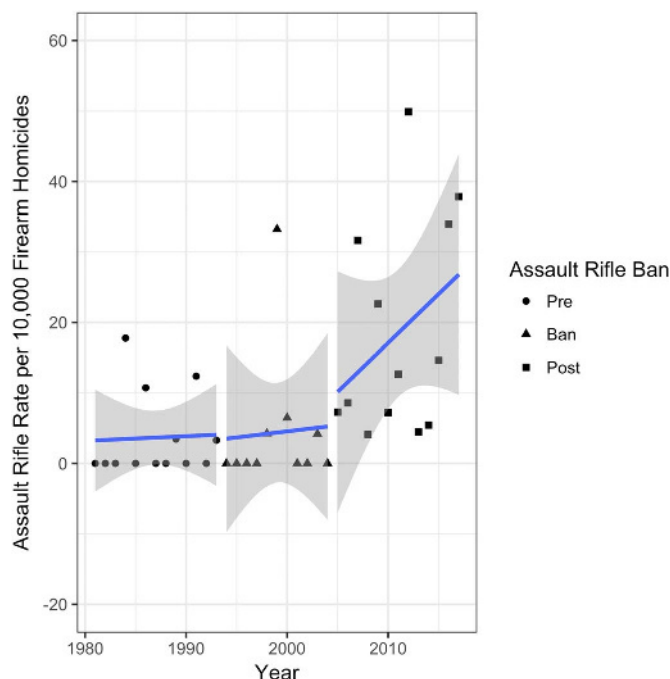


Figure 4. Mass-shooting shooting deaths per 10,000 firearm-related homicides restricted to incidents involving assault weapons with linear trends for preban, ban, and postban periods. United States 1981–2017.

restricted to just those incidents characterized by the use of an assault weapon indicated that seven preventable deaths during the ban period were due to assault weapons alone (Table 2).

The risk of mass shooting fatalities during the federal ban period was 53 per 140,515 total firearm homicides compared with 448 per 348,528 during the nonban periods, for a risk ratio of 0.30 (95% CI, 0.22–0.39). The calculated risk ratio for the association of the federal ban period with mass-shooting fatalities as a proportion of all firearm-related homicides was 0.29 (95% CI, 0.22–0.29), indicating that mass shooting fatalities were 70% less likely to occur during the federal ban period.

The results of our sensitivity analyses were consistent with our main analyses for total mass shooting fatalities. In a linear regression analysis controlling for yearly trend and restricted to the period ending in 2016 using just CDC WISQARS homicide data as the denominator, the effect of ban period was associated with a statistically significant eight fewer mass shooting related deaths per 10,000 firearm homicides per year (coefficient for ban period, 8.0; $p = 0.05$). In a similar model using extrapolated CDC WISQARS homicide data for 2017 instead of Online Gun Violence Archive data as the denominator, the effect of ban

TABLE 1. Linear Regression Effect of 1994–2004 Federal Assault Weapon Ban on Mass-Shooting Deaths per 10,000 Firearm Homicides, United States, 1981–2017

Variable	Estimate	Std. Error	t	p
(Intercept)	−1409.4	333.0	−4.2	0.0002
Year	0.7	0.2	4.3	0.0001
Ban Period	−8.6	3.9	−2.2	0.03

TABLE 2. Linear Regression Effect of 1994–2004 Federal Assault Weapon Ban on Mass-Shooting Deaths Characterized by Use of Assault Weapon per 10,000 Firearm Homicides, United States, 1981–2017

Variable	Estimate	Std. Error	t	p
(Intercept)	−1219.7	333.9	−3.7	0.0009
Year	0.6	0.2	3.7	0.0008
Ban	−6.7	3.9	−1.7	0.09

period was associated with a statistically significant 9 fewer mass shooting related deaths per 10,000 firearm homicides per year (coefficient for ban period, 8.6; $p = 0.03$). A model based on the total yearly US population as the denominator, the effect of ban period was associated with a statistically significant 0.4 fewer mass shooting related deaths per 10,000,000 population (coefficient for ban period, 0.4; $p = 0.02$).

The results of a mixed-effects generalized linear Poisson model of yearly mass shooting fatality counts with an observation-level random effect to account for overdispersion were very similar whether the offset variable was the number of total firearm deaths or the population size. In either case, the assault weapons ban period was associated with an approximately 85% reduction in mass shooting fatalities (Table 3).

DISCUSSION

Recently, 75% of members of the American College of Surgeons Committee on Trauma endorsed restrictions to “civilian access to assault rifles (magazine fed, semiautomatic, i.e., AR-15),”³³ and 76% of the Board of Governors were in favor of a limit to “... civilian access to ammunition designed for military or law enforcement use (that is, armor piercing, large magazine capacity).”³⁴ In 2015, the American College of Surgeons joined seven of the largest most prestigious professional health organizations in the United States and the American Bar Association to call for “restricting the manufacture and sale of military-style assault weapons and large-capacity magazines for civilian use.”³⁵ This analysis adds evidence to support these recommendations.

No observational epidemiologic study can answer the question whether the 1994 US federal assault ban was causally related to preventing mass-shooting homicides. However, this study adds to the evidence by narrowly focusing our question on the potential effect of a national assault weapon ban on mass shootings as measured through the lens of case fatality. While the data are amenable to a number of additional analyses, such as stratification by location (e.g. school vs. nonschool) or by characterization of large-capacity magazines versus non large-capacity magazine, we chose to focus only on year of occurrence and total number of fatalities. In this way, we relied on the least subjective aspects of the published reports. We believe our results support the conclusion that the ban period was associated with fewer overall mass-shooting homicides. These results are also consistent with a similar study of the effect of a 1996 ban on assault type weapons in Australia after which mass-shooting fatalities dropped to zero.³⁶

While the absolute effects of our regression analyses appears modest (7 to 9 fewer deaths per 10,000 firearm-homicides),

it must be interpreted in the context of the overall number of such fatalities, which ranges from none to 60 in any given year in our data. However, if our linear regression estimate of 9 fewer mass shooting-related deaths per 10,000 homicides is correct, an assault weapons ban would have prevented 314 of the 448 or 70% of the mass shooting deaths during the nonban periods under study. Notably, this estimate is roughly consistent with our odds ratio estimate and Poisson model results.

Our results add to the documentation that mass shooting-related homicides are indeed increasing, most rapidly in the postban period, and that these incidents are frequently associated with weapons characterized as assault rifles by the language of the 1994 AWB. We did not find an increase in the case fatality ratio of mass-shooting deaths to mass-shooting injuries. This might at first seem counterintuitive and paradoxical. The destructive effect of these weapons is unequivocal. They are engineered to cause maximum tissue damage rapidly to the greatest number of targets. However, it may be that the use of these kinds of weapons results in indiscriminate injury with additional rounds more likely to injure more people increasing the denominator in a case-fatality ratio. By contrast, the use of nonassault weapons may result in more precise targeting of victims. It is also possible that improvements in trauma care are driving down case fatality.³⁷ Also, it is worth noting that in absolute terms, there were many more fatalities outside the ban period and that survivable injury comes with its own physical, emotional, and economic costs, which have been estimated at US \$32,237 per hospital admission.³⁸

Despite US federal funding restrictions on firearm-related research dating to 1996,^{39,40} there is a small but growing number of analyses of mass shooting violence in the United States. Many articles have focused on the mental health aspects of these incidents,^{41–43} or on social effects like increased firearm acquisition following mass shootings.^{44,45} However, fewer studies have taken a strictly public health or clinical approach. Among these, an autopsy-based study of the incidence and severity of mass-shooting casualties concluded the wound patterns differed sufficiently from combat injuries to require new management strategies, indicating there is much to be learned from a systematic epidemiological perspective.⁴⁶ Recently, there have been calls to remove such funding restrictions from both academics and elected officials from across the political spectrum.^{47,48}

Our choice of data and analytic approach may reasonably be debated. We chose to base our analyses on the yearly rate of mass shooting fatalities per 10,000 overall firearm homicides. This is not a population-based risk estimate, but is in fact a risk as commonly used in the epidemiologic literature which is essentially a probability statement, that is, the number of events

TABLE 3. Exponentiated Coefficients Generalized Linear Poisson Model

Variable	Homicide Offset		Population Offset	
	Estimate	95% CI	Estimate	95% CI
Year	0.6	0.2	3.7	0.0008
Ban	−6.7	3.9	−1.7	0.09

Effect of 1994–2004 federal assault weapon ban on mass-shooting death counts. United States, 1981–20017.

that occurred over the number of times that event could occur. It is the risk of a homicide occurring as a result of a mass shooting. It may be considered a strong assumption to build mass shooting death rates based on the overall firearm homicide rate. The demographics of most homicide victims may differ appreciably from those of mass shooting victims. We selected this approach from among a number of imperfect potential denominators, believing that basing the rates on the number of firearm-homicides partly controls for secular trends in overall homicides and firearm availability. Our sensitivity analyses indicate that our results were robust to most any choice of denominator. We chose linear regression as our primary model because it was straightforward, accessible to most readers, accounted for linear trends in the data, and returned results in the metric in which we were most interested, that is, changes in the rate of fatalities. Our comparative Poisson model results were essentially consistent with the primary model.

These analyses are subject to a number of additional limitations and caveats, primary among which is that there is no authoritative source of data on mass shooting, and any one source may be biased and incomplete. It was for this reason that we chose to combine three independent sources of data, each with its own strengths and weaknesses, and base our analyses only on those numbers that were verified by all three sources. We further restricted our analyses to only the number of fatalities and the year in which the incident occurred, and to the strictest definition of mass shootings as defined by the Federal Bureau of Investigation.^{27,28} Even with this approach, the data remain imprecise and subject to differing definitions. We attempted to compensate for this by framing our questions as precisely as possible, following the advice of the scientist and statistician John Tukey to pursue, "... an approximate answer to the right question ...(rather) than the exact answer to the wrong question..."

In this study, we failed to falsify the hypothesis that the AWB was associated with a decrease in mass shooting fatalities in the United States. However, it is important to note that our model did not include important and potentially confounding factors like state-level and local differences in assault weapon laws following the sun downing of the federal AWB. Additional analyses including such variables and using approaches like propensity score matching and regression discontinuity⁴⁹ with data further aggregated to state and local levels are necessary to test the strength and consistency of our results.

Federally referenced denominator data were not available for the last year of the study. We chose to use data from the Online Gun Violence Archive to account for firearm homicide in 2017. This resource is a nonpartisan not-for-profit group founded and maintained by a retired computer systems analyst and gun advocate.⁵⁰ The alternative would have been to extrapolate from the CDC data, but the 15,593 firearm-related homicides reported by the Online Gun Violence Archive in 2017 was more consistent with the 14,415 reported by CDC in 2016 compared with the 11,599 predicted by an extrapolation and returned more conservative estimates of the increased rate of recent mass shootings. We note there were many years in which the number of mass-shooting fatalities is listed as zero. There were, in fact, fatalities and incidents in those years that could meet a definition of mass shooting, but they were not reported by all three sources, or did not meet the strict criteria we set for this analysis.

An assault weapon ban is not a panacea, nor do our analyses indicate that an assault weapon ban will result in fewer overall firearm-related homicides. It is important to recognize that suicides make up the majority of firearm-related deaths in the United States, accounting for 60.7% of 36,252 deaths from firearms in 2015.⁵¹ However, while this is a critically important issue in its own right, suicides differ fundamentally from mass-shootings, and are unlikely to be affected by an assault weapons ban. Also, compared with the 501 mass-shooting fatalities we counted, there were 489,043 firearm-related homicides in the United States. Public health efforts should be directed at reducing all gun violence and must be multipronged, including targeted initiatives to address mental illness and reducing access to weapons in those with a propensity for violence. However, taken in the context of the increase in mass shootings in the United States, these results support the conclusion that the federal AWB of 1994 to 2004 was effective in reducing mass shooting-related homicides in the United States, and we believe our results support a re-institution of the 1994 federal assault weapons ban as a way to prevent and control mass shooting fatalities in the United States.

DISCLOSURE

The authors have no conflicts of interest to declare.
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DISCUSSION

Ernest E. "Gene" Moore, MD (Denver, Colorado): Thank you, Dr. Rotondo and Dr. Reilly. Can I please have the discussion video. [sounds of a gun shooting]. Well, that is the AR15 rifle. Literally, 30 potential lethal shots delivered within 10 seconds. Is this safe to have in our society?

I congratulate Dr. DiMaggio and his colleagues from NYU for their superb presentation on a very timely issue. The AAST has had a long-term interest in reducing gun violence in the United States, and has recently published our 14-point approach. Access to assault rifles is one of them. At a reductionist level, mass shootings are the net result of (1) a deranged person intending to kill random individuals in a populated area, and (2) the use of an assault rifle. Since we seem to be unable to identify

the active shooter preemptively, we are left with the alternative solution of eliminating the weapon.

The presentation today provides evidence that a federal assault weapon ban can reduce mass shootings. According to our recent national trauma surgeon surveys, three-fourths of us in the audience, including me, would like to believe the analysis; but I think we need to consider some of the potential limitations.

Many of these issues relate to the fact that research support for gun violence control in the United States remains frustratingly suppressed and fundamentally inadequate. The general lack of information, low quality of data, and need to merge data sets from diverse sources – medical, coroner, police, legal, and behavioral – compounded by scarce funding and public controversy, undermine research to inform policy and enlighten the public. The fact that you had to compare three open-access databases to be certain that the reported mass shootings occurred underscores this deficiency.

Furthermore, there is no definition of a mass shooting, although you employed perhaps the most acceptable at the moment – the FBI's definition. Could you explain for us the rationale for this definition?

You present an analysis of 44 events with four or more deaths, including the shooter, from 1981 to 2017 – a 36-year period; whereas, others suggest a much higher incidence, such as Klaveras, who reported 69 shootings of six or more over the past 27 years.

Identifying all known mass shootings per year during a study period would be useful to appreciate the overall trends, as your data somewhat understates the magnitude of mass shootings in the United States.

You employed the Gun Violence Archive to estimate homicides in 2017. Why did you not use this source for mass shootings? The Archive has reported an alarming 261 mass shootings – defined as six or more shot – thus far in 2018. Nonetheless, in the sample you studied, assault rifles accounted for greater than 85 percent of the fatalities, and this is the key issue.

You have evaluated the impact of the federal assault rifle ban by analyzing the rate of mass shootings per 10,000 firearm homicide deaths per year to adjust for confounders. This would assume that the factors influencing mass shootings are the same as those for homicides, which seems very unlikely. You have indicated that you analyzed mass-shooting fatalities per population per year; perhaps you could elaborate more about this analysis.

Another confounder as acknowledged in the presentation is the impact of individual state limitations on magazine capacity. The first state to enforce these limitations was New Jersey in 1990, and now at least eight states and Washington, D.C., have these restrictions in effect. How can we distinguish the effects of this policy? And could this be a potential bridge to ultimately reestablish a national assault rifle ban?

You have also calculated the case fatality of all weapons in mass shootings per 100 total shootings, finding a decrease since 2010. While you conjecture this may be due to indiscriminate injury from assault rifles or possibly attributed to better trauma care, I am uncertain how this is relevant to the issue of banning assault rifles. The Las Vegas shooting is a cogent example of how these data may be misleading.

Finally, there is the issue of so-called falsification that could be addressed by examining other causes of trauma mortality during this time period.

In sum, this study adds to overwhelming evidence that assault rifles are an essential component in the dramatic escalation of mass shootings in the United States. While the scientific data to support a federal ban on civilian assault rifles is imperfect due to inadequate research support, I submit collectively the existing information argues strongly for enactment of this measure, and compliment the authors for their timely contribution.

Sheldon H. Teperman, MD (Bronx, New York): Dr. DiMaggio, your home institution, Bellevue, plays a seminal role in the trauma center safety of our nation.

In fact, right now, your trauma medical director is not present with us, but he is at home on guard for the U.N. General Assembly. But in New York, we don't see long-gun injuries. New York has the Safe Act, and there is an assault weapons ban. So why is it so important to America's trauma center – Bellevue – that we see a national ban on assault rifles?

Charles E. Lucas, MD (Detroit, Michigan): Thank you for your nice presentation. How many of these incidents occurred in an inner-city environment, where most of the victims that we treat have received multiple wounds which were purposely inflicted in order to compete competitively for the distribution of heroin and other drugs? Also, how many of the assailants were African-American?

Martin A. Croce, MD (Memphis, Tennessee): Thank you. I want to commend the authors for an excellent study, and really, not so much to ask any questions but I rise to put out a plea to the membership that this issue is a public health problem.

This is not a right versus left problem, this is not a Second Amendment problem. This is a public health problem.

And to quote Wayne Meredith at one of the recent Board meetings, "Our primary goal is to reduce the number of bullet holes in people." So I implore the Membership to correct this dearth of research that is going on about gun violence in order to promote a public health approach, so that we can reduce the number of bullet holes in people.

Deborah A. Kuhls, MD (Las Vegas, Nevada): And to carry on that thought, I would urge the authors to incorporate the public health data from the CDC when it is available, because part of the methodological issues for this paper is that one data set was used for a certain period of time.

But for the last year, the CDC data was not used because it was not available, so I would urge you to not only do that analysis, but I would also urge the Journal of Trauma to consider an update to that article when that is available. Thank you.

Charles DiMaggio, MPH, PhD (New York, New York): Thank you very much for all these comments and questions.

Dr. Moore, so with regard to your observation about the reductionist approach to looking at this particular issue, that puts me in the mind very much of the traditional epidemiologic triad of agent, host, and environment, and if you break one link in that connection, you can break the transmission. In this case, we could call assault weapons one link, whether it's agent or host, we can decide.

With regards to the rationale for the definition, I think it's reflective of the lack of research in this area.

A case definition is an essential and critical first step in any epidemiologic investigation, and you can see that we are barely there. I think the FBI definition makes sense, I think it's the oldest one, I think it's informed by expert consensus.

And I think all the other definitions are based in some form on that, which is why we chose it. And I would urge that if we are going to be doing this research going forward, probably it would be best if we all had the consensus that that be the definition.

Why did we not use the Gun Violence Archive to estimate some of these results, and why are our numbers so much smaller than some of the other numbers? I have to agree, our numbers are very much an under-count.

We restricted our analysis to these three databases. And so the limiting factor was the one database. And I can tell you it was the LA Times – they had the fewest number. And if it wasn't in the LA Times, then the other databases didn't contribute to this data set.

We felt that the important aspect of this particular study was to demonstrate the relative effects, merits or associations with the assault weapon ban as opposed to documenting the absolute numbers.

So the Gun Archive, for example, defines mass shootings as four or more deaths or injuries. That really raises the number of deaths that can be included. We didn't include it, but I think going forward we absolutely should.

With regard to the analysis using population denominators, we agree, actually, that gun homicides are an imperfect denominator. We also felt that population was an imperfect denominator. And again, as we keep on circling around, it has to do with the data in this case.

We did feel that gun homicides captured something about gun availability and criminality in the United States, although homicides themselves differ very much from these mass shooting fatalities.

We do note that our population-based results essentially mirrored the gun homicide results, indicating that, at least for the relative effects and benefits of the assault weapons ban, the

results are robust and invariant to the choice of denominator in this case.

Can we distinguish local effects, and could this possibly be a bridge to reestablishing an assault rifle ban? The short answer is yes and yes. We can distinguish local effects.

We took a very broad approach on this particular study as a first pass on the data. But, there are data sources (and even within the data sources we used) where you can tease out local, municipal and state policies.

Also, we can link our data to other sources that have those variables. There are statistical methods available that will not only account for those variables, but also allow us to measure or estimate in some way the contribution of local or regional variation in these policies to the overall effectiveness.

The issue of the case fatality rate is very interesting and challenging. I want to note that there was a paper in JAMA on September 11th – just a couple of weeks ago – looking at mass shooter fatalities, that came essentially to the same conclusion – that there has been this recent decrease.

In our paper, in this write-up, we look at three potential explanations, and one of them is, first of all, it's just a matter of denominator. These are indiscriminate weapons.

You have someone shooting at a large group of people, and there are going to be more injuries and more casualties, and it just inflates the denominator in this case.

The second thing is, the obverse of that, is single-fire weapons, guns, are very personal weapons. They're usually characterized by someone who knows who they want to kill. And finally, we feel that perhaps there may be some improvement by the folks in this room in treating these.

I'm going to close at this point, given the time constraints.

EXHIBIT G

Original Paper

Impact of Firearm Surveillance on Gun Control Policy: Regression Discontinuity Analysis

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Abstract

Background: Public mass shootings are a significant public health problem that require ongoing systematic surveillance to test and inform policies that combat gun injuries. Although there is widespread agreement that something needs to be done to stop public mass shootings, opinions on exactly which policies that entails vary, such as the prohibition of assault weapons and large-capacity magazines.

Objective: The aim of this study was to determine if the Federal Assault Weapons Ban (FAWB) (1994-2004) reduced the number of public mass shootings while it was in place.

Methods: We extracted public mass shooting surveillance data from the Violence Project that matched our inclusion criteria of 4 or more fatalities in a public space during a single event. We performed regression discontinuity analysis, taking advantage of the imposition of the FAWB, which included a prohibition on large-capacity magazines in addition to assault weapons. We estimated a regression model of the 5-year moving average number of public mass shootings per year for the period of 1966 to 2019 controlling for population growth and homicides in general, introduced regression discontinuities in the intercept and a time trend for years coincident with the federal legislation (ie, 1994-2004), and also allowed for a differential effect of the homicide rate during this period. We introduced a second set of trend and intercept discontinuities for post-FAWB years to capture the effects of termination of the policy. We used the regression results to predict what would have happened from 1995 to 2019 had there been no FAWB and also to project what would have happened from 2005 onward had it remained in place.

Results: The FAWB resulted in a significant decrease in public mass shootings, number of gun deaths, and number of gun injuries. We estimate that the FAWB prevented 11 public mass shootings during the decade the ban was in place. A continuation of the FAWB would have prevented 30 public mass shootings that killed 339 people and injured an additional 1139 people.

Conclusions: This study demonstrates the utility of public health surveillance on gun violence. Surveillance informs policy on whether a ban on assault weapons and large-capacity magazines reduces public mass shootings. As society searches for effective policies to prevent the next mass shooting, we must consider the overwhelming evidence that bans on assault weapons and/or large-capacity magazines work.

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KEYWORDS

firearm surveillance; assault weapons ban; large-capacity magazines; guns control policy; mass shootings; regression lines of discontinuity

Introduction**Background**

Approximately 44,000 people are killed and an additional 100,000 people are injured by a gun each year in the United States [1,2]. Mass shooting fatalities, as a particular type of gun injury event, account for <1% of all gun deaths [3] and have largely been ignored until recently [4,5]; yet, mass shooting events occur multiple times per year [6]. This information is based on insights from firearm surveillance performed by a variety of researchers, and state and federal agencies on incidence, prevalence, risk factors, injuries, deaths, and precipitating events, similar to the surveillance of infectious diseases such as COVID-19 [7-21]. Teutch and Thacker [22] defined public health surveillance as

the ongoing systematic collection, analysis, and interpretation of health data, essential to the planning, implementation, and evaluation of public health practice, closely integrated to the dissemination of these data to those who need to know and linked to prevention and control.

Not only do surveillance systems generate hypotheses to test but they also provide the data to test them.

The Federal Assault Weapons Ban (FAWB, also known as the Public Safety and Recreational Firearms Use Protection Act) included a ban on the manufacture for civilian use or sale of certain semiautomatic firearms defined as assault weapons as well as certain large-capacity magazines (LCMs). The Act was in effect for 10 years from 1994 until it sunsetted in 2004. Semiautomatic weapons (rapid fire) and assault weapons (second grip plus other features) are distinct; however, the two are often incorrectly conflated as similar [23-26]. Semiautomatic weapons are defined as weapons that automatically load another cartridge into a chamber, preparing the weapon for firing, but requiring the shooter to manually release and press the trigger for each round [23-26]. By contrast, automatic weapons are similarly self-loading, but allow for a shooter to hold the trigger for continuous fire [27]. Furthermore, the FAWB also prohibited certain ammunition magazines that were defined as “large-capacity” cartridges [28] containing more than 10 bullets [29]. These LCMs can feed ammunition to semiautomatic weapons that do not meet the criteria of being considered assault weapons. Furthermore, LCMs are considered one of the most important features of the FAWB as research has found a relationship between bans on LCMs and casualty counts at the state level [30-34]. The 10-year federal ban was signed into law by President Clinton on September 13, 1994 [28].

Firearm surveillance data have been used to test potential policy responses to prevent mass shootings, including the FAWB [32,34-39], Extreme Risk Protection Orders (also known as red flag laws) [40-45], and federal and state LCM bans [31,32,46]. In particular, it seems likely that the FAWB and LCM bans have potential to affect mass shootings because they regulate

weapons and ammunition formats that are designed to enable rapid discharge, which is a key feature in mass shooting incidents [24,47]. Other types of gun deaths may not be responsive to the FAWB or LCM bans. As an example, Extreme Risk Protection Orders or “Red Flag” orders [43,48], which temporarily prohibit at-risk individuals from owning or purchasing firearms, may be effective for preventing firearm suicides or domestic violence homicides [49] but less effective for public mass shooters [50,51]. The prohibition of LCMs may have no impact on firearm suicide because suicide decedents only require one bullet to kill themselves [52].

Several studies during and after the FAWB attempted to determine if gun policy that restricts the production and sale of assault weapons and LCMs decreased gun deaths [53,54]. These initial studies make meaningful contributions to the literature because they describe what constitutes assault weapons, magazine capacity, ballistics, and loopholes in the FAWB legislation [3,53-57]. However, these studies have found little to no evidence that these policies have had any overall effect on firearm homicides, gun lethality, or overall crime [58-61]. Since deaths from public mass shootings comprise less than 1% of all homicides based on our definition, testing whether or not the FAWB/LCM ban has an impact on homicide would wash out the effect. Since the FAWB/LCM ban may be effective at specific types of gun deaths, sampling must be limited to specific types of shooters over overall gun deaths or tests for lethality [62,63]. Finally, the variation in research findings is related to differences in research design, sampling frame, and case definition of a public mass shooting [3,53-56,64,65].

Our study differs from other studies that evaluated the efficacy of the FAWB because we used economic methods and a different outcome variable. Specifically, we focused on whether the FAWB resulted in fewer public mass shooting “events,” whereas other studies evaluated the number of gun injuries and deaths that occurred during the course of a mass shooting.

Objective

The aim of this study was to test whether curbing *access to certain types of guns and magazines* will decrease mass shooting events. We sought to empirically answer if there was a relationship between the FAWB and a reduction in mass shooting events.

Methods**Data Source**

We created a firearm surveillance system based on the National Institute of Justice-funded Violence Project dataset, which culled mass shooting events from 1966 to 2019 [6]. Consistent with earlier studies, we rely on the original Federal Bureau of Investigation (FBI) definition of a massacre, specifically where 4 or more people are killed within a single timeframe. We differentiate our mass shootings from others in that our inclusion criteria require the shootings to have occurred in a public setting.

We adapted this definition to only include massacres that involved gun deaths of 4 or more victims to isolate a particular type of mass shooter [66]. Many firearm surveillance systems that include mass shootings use a lower threshold of persons shot and many do not include deaths. An FBI report on active shooters in mass shooting events identified planning and preparation behaviors that are central to prevention [67]. This more narrow definition isolates premeditation, whereas broader definitions may include shooters that are more reactive [68]. Our case definition does not include family annihilators or felony killers because *familicides are defined by the victim-offender relationship, public massacres are defined by location, and felony killings are distinguished by motive* [69]. This differentiation is consistent with other mass shooting studies [70-72].

We examined the annual number of public mass shootings occurring between 1966 and 2019 that resulted in 4 or more fatalities. The hypothesis was that the FAWB reduced the number of public mass shootings per year during the period of the ban. We used regression discontinuity analysis to test the hypothesis. Regression discontinuity analysis is a standard economist tool used in policy analysis taking advantage of quasi-experimental designs [65,73].

Analyses

Regression discontinuity analysis allows for discontinuities or shifts in both the intercept and the slope of the trend line at both the onset and sunset of the FAWB. That is, we introduced intercept shift parameters in 1995 and 2005, and trend shift parameters for the periods 1995-2004 and 2005-2019. A statistically significant shift in a parameter indicates a discontinuity (ie, a finding that the FAWB had a statistically significant effect on the number of public mass shootings). We tested for statistical significance of the intercept and trend shift parameters both independently and jointly. All statistical inference was based on a significance level set at .05. We used the Huber-White robust residuals, which attenuate problems of autocorrelation, heteroscedasticity, and some types of model misspecification [74].

We then used the estimated model for two types of counterfactual analysis. First, we used the model to predict the number of public mass shootings that would have occurred had the FAWB not been in place. The difference between this counterfactual prediction and the modeled number of incidents with the FAWB in place provided an estimate of the number of public mass shootings that the FAWB prevented.

Second, we projected forward the number of public mass shootings that would have occurred had the FAWB been permanent (ie, continued from 2004 through to the end of the sample period). We note that in some sense, this is an “out of

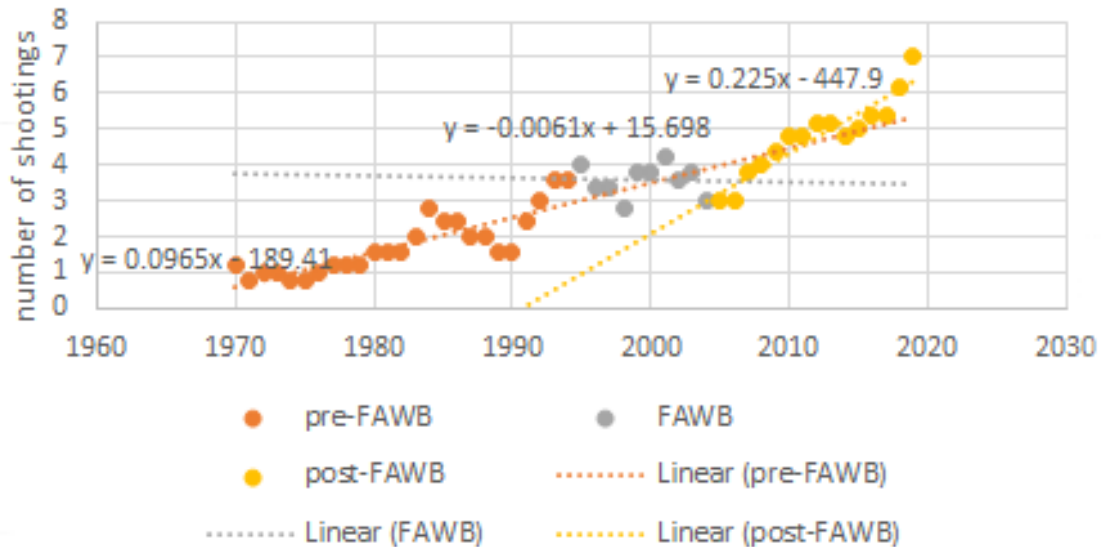
sample” exercise because even though the sample extends to 2019, the FAWB ended in 2004; thus, this exercise would not pick up events in the past 15 years that would have augmented or compromised the effects of the FAWB. The difference between the modeled number of public mass shootings and the projected counterfactual number of public mass shootings could provide an estimate of the number of public mass shootings that the FAWB prevented.

We performed a regression of the 5-year moving average of public mass shootings on the US population in millions, the homicide rate, and discontinuity variables to capture both the effects of the FAWB and its discontinuation. We did not introduce a trend line for the entire sample period because it is highly collinear with the population variable. For the period of the FAWB’s implementation, we originally introduced an intercept shift, time trend, and shift in the homicide rate; for the post-FAWB period, we introduced an intercept shift and a time trend. Due to collinearity, we retained only the trend shift in the final model for the FAWB period; for the post-FAWB period, we retained both the intercept and the trend shift.

Results

We identified a total of 170 public mass shooting events, the primary outcome variable, with 4 or more fatalities between 1966 and 2019. The 5-year cumulative number of public mass shootings is shown in Figure 1, providing a visualization of the impacts of the FAWB on the number of shootings. The first mass shooting occurred in 1966; hence, the first data point for the cumulative number of shootings over the previous 5 years occurs in 1970. For 1966 and 1967, the cumulative number of public mass shootings was 3. This number then increased to 12 in 1993 and declined to 3 in 2004. After 2004, the cumulative number of public mass shootings increased to 81 in 2019. The last year of the ban, 2004, experienced the fewest public mass shootings through 2019.

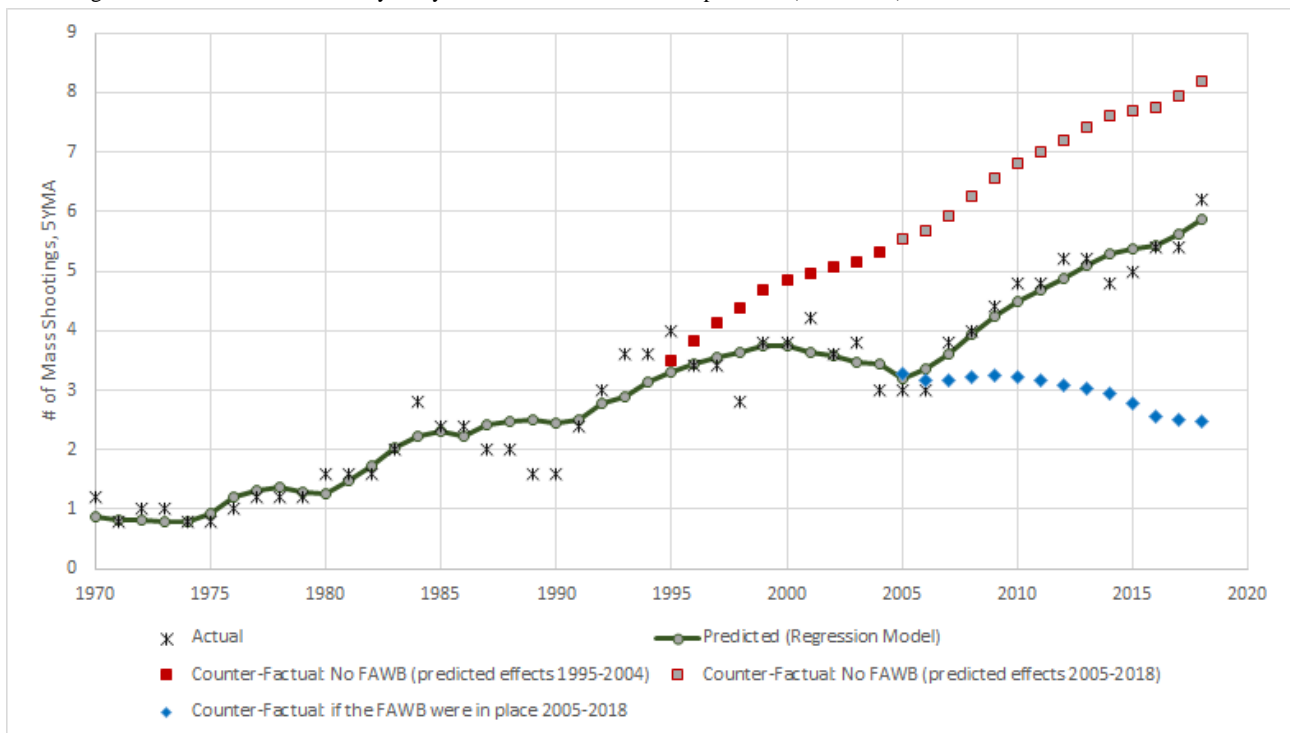
The regression results showed excellent explanatory power ($R^2=0.94$). The coefficient on population was positive and statistically significant (.044, $P<.001$). This coefficient means that for every increase in population of 1 million people, there are an additional .044 public mass shooting events per year. The coefficient on the homicide rate was negative and statistically significant (-.249, $P=.01$). The coefficient on the time trend for the FAWB period captures the effect of the FAWB; this coefficient was negative and statistically significant (-.187, $P=.001$). Using prediction models in combination with regression slopes, we estimate that 11 public mass shootings were avoided due to the FAWB. The intercept discontinuity for 2005-2019 was negative and statistically significant (-2.232, $P=.001$), and the trend coefficient was positive and statistically significant (.081, $P=.001$).

Figure 1. Public mass shooting trend line using five year moving averages (1966-2019).

These results are graphed in Figure 2 in which the black stars represent the actual data and the green line represents the predicted numbers of public mass shootings from the regression discontinuity model. A bending of the trend during the FAWB period to become downward sloping at the end of the period is apparent, as is the return of the upward trajectory upon expiration of the FAWB. The red squares represent the projected numbers of public mass shootings during the FAWB period had there been no FAWB. The difference between the red squares

and the green lines represents the predicted number of public mass shootings averted by the FAWB. The model predicts that 11 public mass shootings were averted over the period of 1995-2004.

The blue diamonds represent the projected effects of a continuation of the FAWB through 2019 based on the observed trend from 1995 to 2004. This projection indicates that 30 public mass shootings would have been prevented from 2005 to 2019 had the FAWB been left in place.

Figure 2. Regression lines from discontinuity analysis of the federal assault weapons ban (1994-2004).

Discussion

Principal Findings

In total, 1225 people were killed in a mass shooting over the past 53 years with more than half occurring in the last decade, a function of increases in mass shootings and weapon lethality [62,63,75]. Public mass shooting fatalities and injuries far outpace population growth [75]. Between 1966 and 2019, the US population increased by 67% [76], whereas public mass shooting deaths increased by over 5-fold. The rise in public mass shootings throughout the sample period is in fact partially a function of population growth and homicide rate, along with the effects of the FAWB and its removal. An increase in the US population of 1 million people was associated with an increase of .040 ($P < .005$) public mass shootings per year. During the post-FAWB period, the increase in population from approximately 300 million in 2005 to 330 million in 2019 should be associated with an increase of 1.2 public mass shootings per year, compared to the actual increase of 4 public mass shootings per year in the data (5-year moving average). After controlling for population growth and homicide rate, a positive and statistically significant coefficient (.081, $P = .001$) on the 2005-2018 trend was seen. This further indicates a separate, nonpopulation trend of increasing violence operating during the post-FAWB period. The negative coefficient on the homicide rate invalidates the hypothesis that decreases in the numbers of public mass shootings are simply reflections of an overall decreasing homicide rate. The negative intercept discontinuity is consistent with an effect of the FAWB that persists somewhat beyond the immediate end of the ban. The positive trend coefficient is consistent with the hypothesis that the FAWB was associated with a decrease in the number of public mass shootings, as the expiration of the FAWB was associated with a shift from a downward trend to an upward trend in the number of public mass shootings per year.

The most striking finding from this study is that there was a reduction in the number of public mass shooting events while the FAWB was in place. Using prediction models in combination with regression slopes, we estimate that 11 public mass shootings were avoided due to the FAWB. By projecting what would have happened if the FAWB remained in place, we found that there would have been significantly fewer public mass shootings if the FAWB had remained in place to 2019. Remarkably, although it is intuitive that the removal of assault weapons and magazine clips will reduce the lethality of a mass shooting, we observed an inverse relationship between weapons/ammunition and mass shooting events, meaning that mass shooters may be less likely to perpetrate a mass shooting without rapid fire military-style weapons. This is an independent effect, which indirectly leads to fewer injuries and deaths. DiMaggio et al [64] also found evidence of a decrease in public mass shootings during the ban; however, their study period was shorter and was restricted to 51 public mass shootings. Unlike our study, they implicitly modeled public mass shootings as a random instance of general gun homicides that had a high death count [64]. In contrast, our findings suggest that public mass shootings are a unique type of premeditated gun violence. We found that prior to enactment of the FAWB, the rate of public

mass shootings was increasing. During enactment of the FAWB, there was a downward trend of mass shooting events. After the FAWB was lifted, public mass shootings increased dramatically. Firearm homicides in general follow no such patterns.

This effect was not found in the work of Koper, Roth, and colleagues [53-55]; however, their inclusion of all gun homicides masks the ban's effect on mass shootings. Even though Peterson and Densley's [77] work focused on perpetrator histories and not the FAWB, their findings that ease of gun access is characteristic of public mass shooters further supports our study. We restricted the inclusion criteria to public mass shootings to specifically test the effectiveness of the FAWB on public mass shooting events.

Regardless of the FAWB, bringing a semiautomatic rifle with high magazine capacity to a massacre significantly increases the number of fatalities and injuries. The increase in deaths is a function of rapid fire and increased ballistic energy. The increase in injuries is also a function of rapid fire and high-capacity magazines, enabling the shooter to shoot more people in crowded venues quickly before the crowd can disperse or hide. When controlling for the FAWB, the use of assault rifles decreased by half during implementation of the ban and tripled after the ban was lifted. This is a particularly important finding given that the FAWB had loopholes and that overall violent crime is decreasing [78]. First, all people with an assault weapon prior to the FAWB were allowed to retain their semiautomatic weapons [54,64]. Second, without a buyback program, semiautomatic weapons remained in the community [54,64]. Third, the ban did not target some military assault-like weapons [54,64]. Finally, a major loophole found in gun control legislation is that buyers can bypass background checks by purchasing their weapons and ammunition from gun shows, through illegal purchasing, or legally purchasing their guns and ammunition from another gun owner [57,63,79-87]. Even with these loopholes and issues, there was still a significant reduction in public mass shootings during the FAWB. These loopholes indicate that most people who purchase assault weapons do not become mass shooters; however, mass shooters require assault weapons and LCMs to carry out a mass shooting. Ban effectiveness might have improved if all assault weapons were included in the FAWB.

Some recent studies have specifically analyzed the effects of LCM bans on the incidence of public mass shootings. In a review of state legislation, Webster et al [88] found that bans of LCMs were associated with a significant reduction in the incidence of fatal public mass shootings. This study shows that the FAWB, which included a ban on LCMs, was associated with fewer fatalities and injuries during mass shootings in addition to fewer public mass shooting events. Koper et al [27] previously reported that 19% of public mass shootings resulting in 4 or more fatalities included the use of LCMs, while only 10% involved an assault weapon. Klarevas et al [29] found a similar pattern in shootings of 6 or more people, in which 67% of shooters utilized LCMs, whereas only 26% utilized an assault weapon. Because our study only looked at effects of the FAWB, which included an LCM ban, we were only able to determine the combined effects of limiting assault weapons and LCMs. To be clear, the reduction in the number of public mass

shootings, and resulting fatalities and injuries, may be a function of the ban on assault weapons, assault weapons plus LCMs, or only LCMs. We cannot separate out their independent effects at the national level.

Unlike our study, Webster et al [88] did not evaluate the incidence of assault weapons used in public mass shootings. Rather, they focused on fatalities from public mass shootings vs public mass shooting events. Although Webster et al [88] utilized the FBI Supplemental Homicide Report as their dataset, which is a voluntary reporting measurement system prone to errors in reporting, their findings are applicable to our analysis.

Limitations

Although we found statistically significant decreases during the FAWB, we cannot isolate aspects of the policy that are attributed to the decline. Most notably, the FAWB also included LCMs during the ban. It may be that the type of gun and/or the type of magazine resulted in a decline. Indeed, assault weapons and LCMs provide the means to carry out a mass shooting; however, there are likely other factors beyond this study that partially explain the radical increase in public mass shootings in the post-FAWB period. For example, the FAWB was in place from 1994 to 2004, which is the same time period that the US population largely adopted the internet, along with associated social communication software and websites. This may have

resulted in better tracking of public mass shootings or increased media coverage. Because our study specifically targeted the federal legislation, we omitted state-level gun policies such as state-level prohibitions on certain types of guns, LCMs, or more lethal types of bullets. It is likely that the internet serves as a contagion and as a guide to potential mass shooters, allowing them to access weapons and multiple stories about other mass shooters [62,67,89,90].

Conclusions

In summary, public mass shootings are a unique and specific type of homicide by a gun. We found evidence that public mass shootings are qualitatively different from general homicides because after the FAWB expired, mass shooting events increased while general homicides decreased. The increase in public mass shootings was more dramatic in the final 10 years of the study period following the end of the FAWB. We suspect that these outcomes may be improved by removing existing semiautomatic weapons with large bullet capacity by creating a buyback program for all rapid-firing weapons. Moreover, the legislation would be strengthened if it closed loopholes that allow gun buyers to get around the background check legislation and other purchase prohibitions by exempting gun shows and internet or person-to-person purchases, which were exempted from the FAWB and LCM ban [87].

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Conflicts of Interest

None declared.

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Abbreviations

FAWB: Federal Assault Weapons Ban
FBI: Federal Bureau of Investigation
LCM: large-capacity magazine

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EXHIBIT H

VIEWPOINT

Regulating Assault Weapons and Large-Capacity Magazines for Ammunition

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JD**
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Viewpoint pages 1177,
1179, 1181, 1183, 1185,
1187, 1189, 1193, 1195,
and 1197 and Editorial
page 1201



Supplemental
content

Mass public shootings in the US account for a small fraction of all firearm-related homicides, but have an outsized role in stoking the public's concern with firearm violence. The vivid instances of attacks on people in churches, schools, and offices and at other public gathering places do vastly disproportionate damage to peace of mind by creating a sense of peril in places that should feel safe. These attacks have been increasing in frequency and deadliness in recent years. As reducing this particular type of firearm violence becomes more urgent, the case for a variety of prevention measures becomes even stronger.

This Viewpoint focuses on a measure that is highly specific to the gun violence problem—stringent regulation of assault weapons and large-capacity magazines (LCMs) for ammunition. Federal law banned the introduction of new LCMs and military-style semiautomatic firearms between 1994 and 2004, but that regulation ended in 2004 and Congress did not renew it. Now, years later, the nation is experiencing the dire effects of opening the door to the manufacture and import of these weapons; it is time to close that door.

History and Current Status of Bans

The history of federal bans on weapons of mass destruction goes back to the 1934 National Firearms Act. Among other provisions, the Act required submachine guns and other firearms capable of fully

The 1994 Federal Assault Weapons Ban extended the regulation of military-style weapons to include some semi-automatic firearms. These weapons fire 1 round of ammunition for each pull of the trigger, and are capable of firing at a rate of roughly 1 per second. The 1994 Assault Weapons Ban ended the legal manufacture and import of specified firearms, as well as ammunition-feeding devices (magazines) that held more than 10 rounds of ammunition. At the time, most prohibited assault weapons were equipped with detachable magazines that held 30 rounds and could accept magazines that could hold as many as 50 or 100 rounds, thus making it possible to fire dozens of rounds without pausing to reload.²

The 1994 federal ban on new assault weapons had gaping loopholes. First, the federal ban did not restrict possession or transactions of existing assault weapons and LCMs. Second, manufacturers found ways to slightly modify the design of some of the banned weapons so that they met the letter of the law while preserving the military appearance and the possibility of accepting LCMs and firing high-powered ammunition quickly. Still, there is evidence that the ban had some salutary effect on mass public shootings.

The LCM ban, also in effect during 1994 to 2004, was not subject to the redesign problem because it provided a bright line that was difficult for manufacturers to overcome. There were, however, an estimated 25 million LCMs in circulation when the ban was enacted, and those remained in circulation, but with no new additions.² It was not just assault weapons (as defined) that were designed to use LCMs, but a variety of other semiautomatic firearms as well, so the LCM ban had much broader scope.

When the law expired in 2004, manufacturing and importations of LCMs and previously banned weapons resumed, and a surge of sales followed. Current estimates suggest that approxi-

Current estimates suggest that approximately 20 million assault weapons are owned by private individuals in the US, with millions of new assault weapons manufactured and imported each year.

automatic fire (ie, firing several shots with a single pull of the trigger) to be registered with the federal government.¹ All transactions involving such weapons were taxed at \$200, a high confiscatory amount at the time. The registration and tax requirement remained in place, although inflation has substantially undercut the force of the transfer fee. The Act was expanded by Congress in 1986 to end the sale of new fully automatic weapons. There is every reason to believe that these restrictions have been effective. Even though the Thompson submachine gun was a notorious gangster weapon in the 1920s, fully automatic weapons of any kind are rarely used in crime in modern times or in mass public shootings.¹

mately 20 million assault weapons are owned by private individuals in the US, with millions of new assault weapons manufactured and imported each year.³ The industry initially advertised these weapons as "assault rifles," and continues to promote them with military allusions but has now rebranded this type of weapon as the "modern sporting rifle."

Seven states have some version of a ban or stringent restrictions on assault weapons: California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York, as well as the District of Columbia.⁴ These laws are being challenged in the courts as a violation of the Second Amendment, but have survived these challenges to date.

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Evidence of Potential Effectiveness of a National Ban

A review conducted by the RAND Corporation concluded that the handful of published studies on the effect of the ban on mass public shootings was “inconclusive” due in part to flaws in the analysis used by the 3 studies with positive findings.⁴ But it is unlikely the surge in mass public shootings that involved assault weapons and LCMs that occurred after the ban would have happened if the ban had remained in place. The logic is straightforward. The sales of these weapons, which had declined during the ban, expanded greatly following its repeal, making them more widely available to everyone including would-be mass murderers.

To document recent trends in such mass public shootings requires a precise definition. One common definition for mass public shootings has several elements,^{5,6} including: (1) a minimum of 4 homicides; (2) a public location; and (3) circumstance not attributable to robbery, other felonious activity, or commonplace conflict in families or among acquaintances. A comprehensive compilation of such events is the Violence Project’s database of mass shootings in the US,⁷ which includes the number of people killed and injured in each event and the type of weapon or weapons used.

Information from this database indicates that in the years following when the law expired in 2004, the number of mass shooting incidents greatly increased and the number of fatalities increased even more. During the period from 2015 to 2019, the number of incidents reached 33 (or 6.6 per year), which was almost twice the number during the decade the Federal Assault Weapons Ban was in effect (eFigure and eTable in the Supplement). The number of fatalities from shootings that involved banned weapons decreased during the second half of the ban (2000-2004) and then surged during subsequent periods, reaching a total of 271 during 2015 to 2019. It was during that 5-year interval from 2015 to 2019 that 5 of the top-10 deadliest mass public shootings in US history occurred, and all were committed with assault weapons.⁸ The number of fatalities resulting from mass public shootings with other weapons has remained relatively flat.

The Australian Ban on Rapid-Fire Weapons

The Australian experience has factored into the debate over reinstating the assault weapons ban in the US. In Australia, the impetus for banning semiautomatic weapons was a 1996 mass public shoot-

ing in Port Arthur, Tasmania, in which a young man killed 35 people with a semiautomatic rifle. Swift action by the federal and state legislatures produced legislation that banned not only manufacture and import, but private possession of semiautomatic rifles. To ease the transition, a series of firearm buybacks were instituted, and 1 million weapons were ultimately relinquished, estimated to be one-third of all privately owned guns. Australia had 11 mass shootings during the decade prior to the ban,⁹ and 1 since then (a family killing in 2018 that would not count as a mass public shooting by the US definition).

The Australian experience is illustrative as a proof of concept for other countries, including the US. Of note, the ban covered all semiautomatic rifles, not just those with the specific features suggestive of use in warfare as opposed to hunting. The ban on possession of existing guns rather than only on the introduction of new guns greatly accelerated its apparent effectiveness.

Potential Next Steps

On July 29, 2022, the US House of Representatives passed the Assault Weapons Ban of 2022. To a large extent this bill reinstated the 1994 ban, including the ban on the sale of new semiautomatic firearms deemed to be assault weapons, and of new LCMs holding more than 10 rounds. An important innovation is that for LCMs, the bill only allows continued possession and use of existing devices, but not transfer. However, given the reality that the US Senate will not enact this bill, it is useful to consider other approaches.

States could institute or expand assault weapon bans. Indeed, just a ban on LCMs would be a promising first step, impeding access to these products by individuals who could otherwise use them to fire multiple rounds of ammunition at large numbers of people before law enforcement can be mobilized to stop the killing.

Conclusions

In 2017, the *New York Times* polled “32 current or retired academics in criminology, public health and law, who have published extensively in peer-reviewed academic journals on gun policy”¹⁰ to ask them what measures would be most effective in dealing with the mass shooting problem in the US, and an assault weapons ban was deemed overall by this panel to be the single most effective measure. The evidence in support of a ban has grown tragically stronger since then.¹⁰

ARTICLE INFORMATION

Conflict of Interest Disclosures: Dr Donohue reported serving as an expert witness for various government entities on matters related to assault weapons bans based on his research in this area.

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EXHIBIT I

ORDINANCE NO. 68-13

AN ORDINANCE AMENDING CHAPTER 134 OF "THE HIGHLAND PARK
CODE OF 1968," AS AMENDED, REGARDING ASSAULT WEAPONS

WHEREAS, Chapter 134 of "The Highland Park Code of 1968," as amended ("*City Code*"), regulates the manufacture, sale, and possession of firearms in the City; and

WHEREAS, the Constitution of the United States of America and the Constitution of the State of Illinois afford certain protections related to the ownership of firearms; and

WHEREAS, in *District of Columbia v. Heller*, the United States Supreme Court recognized that the Constitutional protections related to firearm ownership is not unlimited, and can be subject to certain types of governmental regulations; and

WHEREAS, in its *Heller* decision, the United States Supreme Court specifically acknowledged that the protections afforded by the Second Amendment to the Constitution of the United States does not extend to all types of firearms; and

WHEREAS, many courts throughout the nation have upheld local regulations restricting or prohibiting the ownership or possession of assault weapons, including, without limitation, the State of Illinois Appellate Court, the United States District Court for the District of Columbia, and the Court of Appeals for the State of California; and

WHEREAS, recent incidents in Aurora, Colorado; Newtown, Connecticut; Tucson, Arizona; and Santa Monica, California demonstrate that gun violence is not limited to urban settings, but is also, tragically, a reality in many suburban and small town locations as well; and

WHEREAS, the City Council has determined that assault weapons are not traditionally used for self-defense in the City of Highland Park, and that such weapons pose an undue threat to public safety to residents, property owners, and visitors within the City of Highland Park; and

WHEREAS, the City has previously encouraged the Governor and the Illinois General Assembly to enact statewide legislation banning the sale and possession of assault weapons; and

WHEREAS, to date, the State has failed to enact a statewide ban on the sale or possession of assault weapons; and

WHEREAS, on May 31, 2013, the Illinois General Assembly approved House Bill 183, as amended, which Bill contains a provision that would preempt the home rule authority of the City to regulate the possession or ownership of assault weapons, unless the City adopts such a regulation not later than 10 days after House Bill 183 becomes law; and

WHEREAS, pursuant to the home rule powers of the City, and in order to protect both the home rule authority of the City and the public safety and welfare, the City Council desires to amend Chapter 134 of the City Code to prohibit the manufacture, sale, ownership, acquisition, or possession of assault weapons within the City; and

WHEREAS, the City Council has determined that it will serve and be in the best interest of the City and its residents to amend the City Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, STATE OF ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION TWO: FIREARMS CONTROL. Chapter 134, entitled "Handgun Control," of Title XIII, entitled "Misdemeanors," of the City Code is hereby re-titled "Firearms Control".

SECTION THREE: ASSAULT WEAPONS AND LARGE CAPACITY MAGAZINES. Chapter 134, entitled "Firearms Control," of Title XIII, entitled "Misdemeanors," of the City Code is hereby amended to add a new Section 134.010, which Section 134.010 hereafter reads as follows:

"Sec. 134.010 Assault Weapons and Large Capacity Magazines.

(A) Whenever the following words and phrases are used, they shall, for purposes of this Section 134.010, have the meanings ascribed to them in this Section 134.010(A), except when the context otherwise indicates.

(1) "Assault Weapon" means

(a) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:

- (i) Only a pistol grip without a stock attached;
- (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (iii) A folding, telescoping or thumbhole stock;
- (iv) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
- (v) A muzzle brake or muzzle compensator;

(b) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;

(c) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

- (i) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (ii) A folding, telescoping or thumbhole stock;
- (iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
- (iv) A muzzle brake or muzzle compensator; or
- (v) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(d) A semiautomatic shotgun that has one or more of the following:

- (i) Only a pistol grip without a stock attached;
- (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (iii) A folding, telescoping or thumbhole stock;

- (iv) A fixed magazine capacity in excess of five rounds; or
- (v) An ability to accept a detachable magazine;
- (e) Any shotgun with a revolving cylinder;
- (f) Conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person;
- (g) Shall include, but not be limited to, the assault weapons models identified as follows:
 - (i) The following rifles or copies or duplicates thereof:
 - (A) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (B) AR-10;
 - (C) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (D) AR70;
 - (E) Calico Liberty;
 - (F) Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (G) Fabrique National FN/FAL, FN/LAR, or FNC;
 - (H) Hi-Point Carbine;
 - (I) HK-91, HK-93, HK-94, or HK-PSG-1;
 - (J) Kel-Tec Sub Rifle;
 - (K) Saiga;
 - (L) SAR-8, SAR-4800;
 - (M) SKS with detachable magazine;
 - (N) SLG 95;
 - (O) SLR 95 or 96;
 - (P) Steyr AUG;
 - (Q) Sturm, Ruger Mini-14;
 - (R) Tavor;
 - (S) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
 - (T) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

- (ii) The following pistols or copies or duplicates thereof:
 - (A) Calico M-110;
 - (B) MAC-10, MAC-11, or MPA3;
 - (C) Olympic Arms OA;
 - (D) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or
 - (E) Uzi.
- (iii) The following shotguns or copies or duplicates thereof:
 - (A) Armscor 30 BG;
 - (B) SPAS 12 or LAW 12;
 - (C) Striker 12; or
 - (D) Streetsweeper.

"Assault weapon" does not include any firearm that has been made permanently inoperable, or satisfies the definition of "antique firearm," stated in Section 134.001 of this Chapter, or weapons designed for Olympic target shooting events.

(2) "Detachable Magazine" means any ammunition feeding device, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

(3) "Large Capacity Magazine" means any ammunition feeding device with the capacity to accept more than ten rounds, but shall not be construed to include the following:

- (a) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.
- (b) A 22 caliber tube ammunition feeding device.
- (c) A tubular magazine that is contained in a lever-action firearm.

(4) "Muzzle Brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

(5) "Muzzle Compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

(B) No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine. This Section 134.010(B) shall not apply to:

(1) The sale or transfer to, or possession by any officer, agent, or employee of the City or any other municipality or state or of the United States, members of the armed forces of the United States, or the organized militia of this or any other state; or peace officers, to the extent that any such person named in this Section 134.010(B)(1) is otherwise authorized to acquire or possess an assault weapon and/or large capacity magazine and does so while acting within the scope of his or her duties; or

(2) Transportation of assault weapons or large capacity magazine if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

(C) Any assault weapon or large capacity magazine possessed, sold or transferred in violation of Section 134.010(B) of this Chapter is hereby declared to be contraband and shall be seized and destroyed of in accordance with the provisions of Section 134.010(E) of this Chapter.

(D) Any person who, prior to the effective date of this Section 134.010, was legally in possession of an assault weapon or large capacity magazine prohibited by this Section 134.010 shall have 90 days from the effective date of this Section 134.010 to do any of the following without being subject to prosecution hereunder:

(1) To remove the assault weapon or large capacity magazine from within the limits of the City;

(2) To modify the assault weapon or large capacity magazine either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon or large capacity magazine; or

(3) To surrender the assault weapon or large capacity magazine to the Chief of Police or his or her designee for disposal as provided in Section 134.010(E) of this Chapter.

(E) The Chief of Police shall cause to be destroyed each assault weapon or large capacity magazine surrendered or confiscated pursuant to this Section 134.010; provided, however, that no firearm or large capacity magazine shall be destroyed until such time as the Chief of Police determines that the firearm or large capacity magazine is not needed as evidence in any matter. The Chief of Police shall cause to be kept a record of the date and method of destruction of each Firearm or Large Capacity Magazine destroyed pursuant to this Chapter.

(F) The violation of any provision of this Section 134.010 is a misdemeanor, punishable by not more than six months imprisonment or a fine of not less than \$500 and not more than \$1000, or both."

SECTION FOUR: PUBLICATION. The City Clerk shall be, and is hereby, directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

AYES: Mayor Rotering, Councilman Stone, Kaufman, Frank, Blumberg, Knobel

NAYS: Councilman Naftzger

ABSENT: None

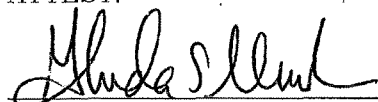
PASSED: June 24, 2013

APPROVED: June 24, 2013

PUBLISHED IN PAMPHLET FORM: June 25, 2013

ORDINANCE NO.: 68-13

ATTEST:



Ghida S. Neukirch, City Clerk

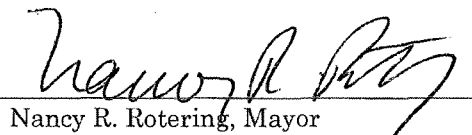

Nancy R. Rotering, Mayor

Exhibit H

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

DECLARATION OF RANDOLPH ROTH

DECLARATION OF RANDOLPH ROTH

I, Randolph Roth, declare under penalty of perjury that the following is true and correct:

1. I am an Arts and Sciences Distinguished Professor of History and Sociology at The Ohio State University. I have personal knowledge of the facts set forth in this declaration, and if called upon as a witness, I could and would testify competently as to those facts.

2. I have been retained by the City of Highland Park, Illinois to render expert opinions in this case. I am being compensated at a rate of \$250 per hour.

BACKGROUND AND QUALIFICATIONS

3. I received a B.A. in History with Honors and Distinction in 1973 from Stanford University, where I received the James Birdsall Weter Prize for the outstanding honors thesis in History. I received a Ph.D. in History in 1981 from Yale University, where I received the Theron Rockwell Field Prize for the outstanding dissertation in the humanities and the George Washington Eggleston Prize for the outstanding dissertation in American history. I have taught courses in history, the social sciences, and statistics since 1978, with a focus on criminology and the history of crime. A true and correct copy of my curriculum vitae is attached as **Exhibit A** to this declaration.

4. I am the author of *American Homicide* (The Belknap Press of the Harvard University Press, 2009), which received the 2011 Michael J. Hindelang Award from the American Society of Criminology awarded annually for the book published over the three previous years that “makes the most outstanding contribution to research in criminology over the previous three years,”¹ and the 2010 Allan Sharlin Memorial Book Award from the Social

¹ See American Society of Criminology, Michel J. Hindelang outstanding Book Award Recipients, <https://asc41.com/about-asc/awards/michael-j-hindelang-outstanding-book-award-recipients/>.

Science History Association for outstanding books in social science history.² *American Homicide* was also named one of the Outstanding Academic Books of 2010 by *Choice*, and the outstanding book of 2009 by *reason.com*. The book is an interregional, internationally comparative study of homicide in the United States from colonial times to the present. I am a Fellow of the American Association for the Advancement of Science, and I have served as a member of the National Academy of Sciences Roundtable on Crime Trends, 2013-2016, and as a member of the Editorial Board of the *American Historical Review*, the most influential journal in the discipline. And in 2022 I received the inaugural Distinguished Scholar Award from the Historical Criminology Division of the American Society of Criminology.

5. I am the principal investigator on the National Homicide Data Improvement Project, a project funded by the National Science Foundation (SES-1228406, https://www.nsf.gov/awardsearch/showAward?AWD_ID=1228406) and the Harry Frank Guggenheim Foundation to improve the quality of homicide data in the United States from 1959 to the present. The pilot project on Ohio has drawn on a wide range of sources in its effort to create a comprehensive database on homicides (including narratives of each incident) based on the mortality statistics of the Ohio Department of Health, the confidential compressed mortality files of the National Center for Health Statistics, the F.B.I.'s Supplementary Homicide Reports, death certificates, coroner's reports, the homicide case files of Cincinnati, Cleveland, and Columbus, obituaries, and newspaper accounts.

6. I have published numerous essays on the history of violence and the use of firearms in the United States, including a) "Guns, Gun Culture, and Homicide: The Relationship

² See Social Science History Association, Allan Sharlin Memorial Book Award, https://ssha.org/awards/sharlin_award/.

between Firearms, the Uses of Firearms, and Interpersonal Violence in Early America,” *William and Mary Quarterly* (2002) 59: 223-240 (https://www.jstor.org/stable/3491655#metadata_info_tab_contents); b) “Counting Guns: What Social Science Historians Know and Could Learn about Gun Ownership, Gun Culture, and Gun Violence in the United States,” *Social Science History* (2002) 26: 699-708 (https://www.jstor.org/stable/40267796#metadata_info_tab_contents); c) “Why Guns Are and Aren’t the Problem: The Relationship between Guns and Homicide in American History,” in Jennifer Tucker, Barton C. Hacker, and Margaret Vining, eds., *A Right to Bear Arms? The Contested Role of History in Contemporary Debates on the Second Amendment* (Washington, D.C.: Smithsonian Institution Scholarly Press, 2019); and d) “The Opioid Epidemic and Homicide in the United States,” co-authored with Richard Rosenfeld and Joel Wallman, in the *Journal of Research in Crime and Delinquency* (2021) (https://www.researchgate.net/publication/348513393_The_Opioid_Epidemic_and_Homicide_in_the_United_States).

7. I am also co-founder and co-director of the Historical Violence Database. The web address for the Historical Violence Database is: <http://cjrc.osu.edu/research/interdisciplinary/hvd>. The historical data on which this declaration draws are available through the Historical Violence Database. The Historical Violence Database is a collaborative project by scholars in the United States, Canada, and Europe to gather data on the history of violent crime and violent death (homicides, suicides, accidents, and casualties of war) from medieval times to the present. The project is described in Randolph Roth et al., “The Historical Violence Database: A Collaborative Research Project on the History of Violent Crime and Violent Death.” *Historical Methods* (2008) 41: 81-98 (https://www.tandfonline.com/doi/pdf/10.3200/HMTS.41.2.81-98?casa_token=PfjkmSciOwAAAAA:1HrNKToUGfQT4T-L4wqloRc2DFsM4eRmKEc

[346vchboaSh-X29CkEdqIe8bMoZjBNdk7yNh_aAU](#)). The only way to obtain reliable historical homicide estimates is to review every scrap of paper on criminal matters in every courthouse (indictments, docket books, case files, and judicial proceedings), every jail roll and coroner's report, every diary and memoir, every article in every issue of a number of local newspapers, every entry in the vital records, and every local history based on lost sources, local tradition, or oral testimony. That is why it takes months to study a single rural county, and years to study a single city.³

8. My work on data collection and my research for *American Homicide*, together with the research I have conducted for related essays, has helped me gain expertise on the causes of homicide and mass violence, and on the role technology has played in changing the nature and incidence of homicide and mass violence. I hasten to add that the insights that my colleagues and I have gained as social science historians into the causes of violence and the history of violence in the United States stem from our tireless commitment to empiricism. Our goal is to

³ It is also essential, in the opinion of historians and historical social scientists involved in the Historical Violence Database, to use capture-recapture mathematics, when multiple sources are available, to estimate the number of homicides where gaps or omissions exist in the historical record. The method estimates the percentage of the likely number of homicides that appear in the surviving records by looking at the degree to which homicides reported in the surviving legal sources overlap with homicides reported in the surviving non-legal sources (newspapers, vital records, diaries, etc.). A greater degree of overlap means a higher percentage in the surviving records and a tighter confidence interval. A lesser degree of overlap, which typically occurs on contested frontiers and during civil wars and revolutions, means a lower percentage and a wider confidence interval. See Randolph Roth, "American Homicide Supplemental Volume: Homicide Estimates" (2009) (<https://cjrc.osu.edu/sites/cjrc.osu.edu/files/AHSV-Homicide-Estimates.pdf>); Roth, "Child Murder in New England," *Social Science History* (2001) 25: 101-147 (https://www.jstor.org/stable/1171584#metadata_info_tab_contents); Roth and James M. Denham, "Homicide in Florida, 1821-1861: A Quantitative Analysis," *Florida Historical Quarterly* 86 (2007): 216-239; and Douglas L. Eckberg, "Stalking the Elusive Homicide: A Capture-Recapture Approach to the Estimation of Post-Reconstruction South Carolina Killings," *Social Science History* 25 (2001): 67-91 (https://www.jstor.org/stable/1171582#metadata_info_tab_contents).

gather accurate data on the character and incidence of violent crimes and to follow the evidence wherever it leads, even when it forces us to accept the fact that a hypothesis we thought might be true proved false. As my colleagues and I are fond of saying in the Criminal Justice Network of the Social Science History Association, the goal is not to be right, but to get it right. That is the only way to design effective, pragmatic, nonideological laws and public policies that can help us address our nation's problem of violence.

9. I have previously served as an expert witness in cases concerning the constitutionality of state and municipal gun laws, including *Miller v. Bonta*, No. 3:19-cv-1537 (S.D. Cal.), *Duncan v. Bonta*, No. 3:17-cv-1017 (S.D. Cal.), *Ocean State Tactical v. Rhode Island*, No. 22-cv-246 (D.R.I.), and *Hanson v. District of Columbia*, No. 1:22-cv02256-RC (D.D.C.).

SUMMARY OF OPINIONS

10. I have been asked by the City of Highland Park, Illinois to provide opinions on the history of homicides and mass murders in the United States, with special attention to the role that technologies have played in shaping the character and incidence of homicides and mass murders over time, and the historical restrictions that local and federal authorities have imposed in response to new technologies that they deemed particularly lethal, prone to misuse, and a danger to the public because of the ways in which they reshaped the character and incidence of homicides and mass murders.

11. For the past thirty-five years, I have dedicated my career to understanding why homicide rates rise and fall over time, in hopes of understanding why the United States—which, apart from the slave South, was perhaps the least homicidal society in the Western world in the early nineteenth century—became by far the most homicidal, as it remains today. I discovered

that the key to low homicide rates over the past 450 years has been successful nation-building. High homicide rates among unrelated adults—friends, acquaintances, strangers—coincide with political instability, a loss of trust in government and political leaders, a loss of fellow feeling among citizens, and a lack of faith in the justice of the social hierarchy.⁴ As a nation, we are still feeling the aftershocks of our catastrophic failure at nation-building in the mid- and late-nineteenth century, from the political crisis of the late 1840s and 1850s through the Civil War, Reconstruction, and the rise of Jim Crow.

12. Our nation’s homicide rate would thus be high today even in the absence of modern technologies that have made firearms far more capable of injuring multiple people over a short span of time than they were in colonial and Revolutionary era. But the evidence also shows that the availability of guns and changes in firearms technology, especially the emergence of modern breech-loading firearms in the mid-nineteenth century, and of rapid-fire semiautomatic weapons and extended magazines in the late twentieth century, have pushed the homicide rate in United States well beyond what it would otherwise have been.

13. My opinions will address in turn: 1) firearms restrictions on colonists from the end of the seventeenth century to the eve of the Revolution, when homicide rates were low among colonists and firearms were seldom used in homicides among colonists when they did

⁴ See Randolph Roth, “Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide,” *Homicide Studies* (2012) 16: 196-217 (https://journals.sagepub.com/doi/pdf/10.1177/1088767912442501?casa_token=dkP_nZZxCaYAAAAA:vL522E2inh9U2gr4X2qAhPnqRminWEjLv8nbwrNEhqNpRliTesFI_1SDY6tepvZbjwiRWPEom7M), for an introduction to the ways that social science historians can measure the feelings and beliefs that lead to successful nation-building. My research has shown that those measures have gone up and down with homicide rates among unrelated adults in the United States from colonial times to the present. In social science history, as in the non-experimental historical sciences (geology, paleontology, evolutionary biology), correlations that persist across wide stretches of time and space are not random. They reveal deep patterns that are causal.

occur; 2) the development during the Founding and Early National periods of laws restricting the use or ownership of concealable weapons in slave and frontier states, where homicide rates among persons of European ancestry soared after the Revolution in large part because of the increased manufacture and ownership of concealable percussion cap pistols and fighting knives; 3) the spread of restrictions on carrying concealed weapons in every state by World War I, as homicide rates rose across the nation, beginning around the time of the Mexican War of 1846-1848 and lasting until World War I—a rise caused in part by the invention of modern revolvers, which were used in a majority of homicides by the late nineteenth century; 4) the difficulty that local and federal officials faced from the colonial era into the early twentieth century in addressing the threat of mass murders, which, because of the limitations of existing technologies, were carried out by large groups of individuals acting in concert, rather than by individuals or small groups; and 5) the spread of restrictions in the twentieth and early twenty-first centuries on new technologies, including rapid-fire firearms and large capacity magazines, that changed the character of mass murder, by enabling individuals or small groups to commit mass murder.

OPINIONS

I. GOVERNMENT REGULATION OF FIREARMS IN RESPONSE TO HOMICIDE TRENDS

A. Homicide and Firearms in the Colonial Era (1688-1763)

14. In the eighteenth century, the use and ownership of firearms by Native Americans and African Americans, enslaved and free, were heavily regulated. For instance, the first General Assembly of Virginia passed a law in 1619 which declared that “no man do sell or give any Indians any piece, shot, or powder, or any other arms offensive or defensive, upon pain of being held a traitor to the colony and of being hanged as soon as the fact is proved, without all redemption.” And the province of North Carolina passed a statute in 1723 that made it illegal for

African Americans, enslaved or free, to possess any firearm or weapon, offensive or defensive.⁵

But laws restricting the use or ownership of firearms by colonists of European ancestry were less common, for two reasons. First, homicide rates were low among colonists from the Glorious Revolution of 1688-1689 through the French and Indian War of 1754-1763, thanks to political stability, a surge in patriotic fellow feeling within the British empire, and greater trust in government.⁶ By the late 1750s and early 1760s, the rates at which adult colonists were killed were roughly 5 per 100,000 adults per year in Tidewater, Virginia, 3 per 100,000 in Pennsylvania, and 1 per 100,000 in New England.⁷ Violence among colonists was not a pressing problem on the eve of the Revolution.

15. Second, the impact of firearms on the homicide rate was modest, even though household ownership of firearms was widespread. Approximately 50 to 60 percent of households

⁵ Robert J. Spitzer, “Gun Law History in the United States and Second Amendment Rights,” *Law and Contemporary Problems* 80 (2017): 57-58, available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4825&context=lcp>; and Alexandra Lanzetta, “The Racist History of Gun Control Policy and Rhetoric in the United States” (Ph.D. dissertation, University of Colorado Boulder, 2021), 10-13, available at file:///C:/Users/roth.5/Downloads/The_Racist_History_of_Gun_Control_Policy_and_Rhetoric_in_the_United_States- Lanzetta.pdf. See also Clayton E. Cramer, “Colonial Firearms Regulation” (April 6, 2016), available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2759961; and Adam Winkler, “Racist Guns Laws and the Second Amendment,” *Harvard Law Review* 135 (June 21, 2022) F 537, available at <https://harvardlawreview.org/2022/06/racist-gun-laws-and-the-second-amendment/>.

⁶ Randolph Roth, *American Homicide* (Cambridge: The Belknap Press of Harvard University Press, 2009), 63, noting that “Fear of Indians and slaves, hatred of the French, enthusiasm for the new colonial and imperial governments established by the Glorious Revolution, and patriotic devotion to England drew colonists together. The late seventeenth century thus marks the discernible beginning of the centuries-long pattern linking homicide rates in America with political stability, racial, religious, and national solidarity, and faith in government and political leaders.”

⁷ Roth, *American Homicide*, 61-63, and especially the graphs on 38, 39, and 91. By way of comparison, the average homicide rate for adults in the United States from 1999 through 2016—an era in which the quality of emergency services and wound care was vastly superior to that in the colonial era—was 7 per 100,000 per year. See CDC Wonder Compressed Mortality Files, ICD-10 (<https://wonder.cdc.gov/cmfi-icd10.html>, accessed December 20, 2022).

in the colonial and Founding eras owned a working firearm, usually a musket or fowling piece.⁸ Fowling pieces, like muskets, were muzzle-loading. But unlike muskets, which were heavy, single-shot firearms used for militia service, fowling pieces were manufactured specifically to hunt birds and control vermin, so they were designed to fire shot, primarily, rather than ball, and were of lighter construction than muskets.⁹ Family, household, and intimate partner homicides were rare, and only 10 to 15 percent of those homicides were committed with guns. In New England, the rate of family and intimate partner homicides stood at only 2 per million persons per year for European Americans and 3 per million for African Americans for the seventeenth and most of the eighteenth centuries, and fell to 1 per million for both European and African Americans after the Revolution. The rates in the Chesapeake were likewise low, at 8 per million per year for European Americans and 4 to 5 per million for African Americans.¹⁰ And not only was the nondomestic homicide rate low, but also the proportion of nondomestic homicides committed with guns was low—never more than 10 to 15 percent.¹¹

16. Firearm use in homicides was generally rare because muzzle-loading firearms, such as muskets and fowling pieces, had significant limitations as murder weapons in the colonial era.¹² They were lethal and accurate enough at short range, but they were liable to misfire, given the

⁸ Randolph Roth, “Why Guns Are and Aren’t the Problem: The Relationship between Guns and Homicide in American History,” in Jennifer Tucker, Barton C. Hacker, and Margaret Vining, eds., *Firearms and the Common Law: History and Memory* (Washington, D.C.: Smithsonian Institution Scholarly Press, 2019), 116; and Roth, “Guns, Gun Culture, and Homicide,” 224-227.

⁹ See, e.g., Kevin M. Sweeney, “Firearms, Militias, and the Second Amendment,” in Saul A. Cornell and Nathan Kozuskanich, eds., *The Second Amendment on Trial: Critical Essays on District of Columbia v. Heller* (University of Massachusetts Press, 2013), 310, 327 & nn. 101-102.

¹⁰ Roth, “Why Guns Are and Aren’t the Problem,” 116; and Roth, *American Homicide*, 108-109, and 520 n.3.

¹¹ *Ibid.*, 116-119.

¹² *Ibid.*, 117.

limits of flintlock technology; and with the exception of a few double-barreled pistols, they could not fire multiple shots without reloading.¹³ They could be used effectively to threaten and intimidate, but once they were fired (or misfired), they lost their advantage: they could only be used as clubs in hand-to-hand combat. They had to be reloaded manually to enable the firing of another shot, which was a time-consuming process that required skill and experience.¹⁴ And more important, muzzle-loading firearms could not be used impulsively unless they were already loaded for some other purpose.¹⁵ It took at least half a minute (and plenty of elbow room) to load a muzzle-loader if the weapon was clean and if powder, wadding, and shot or ball were at hand.¹⁶ The user had to pour powder down the barrel, hold it in place with wadding, and drop or ram the shot or ball onto the charge.¹⁷ The firing mechanism also had to be readied, often with a fresh flint.¹⁸ And muzzle-loading guns were difficult to keep loaded for any length of time, because black powder absorbed moisture and could corrode the barrel or firing mechanism or make the charge liable to misfire.¹⁹ The life of a charge could be extended by storing a gun in a warm, dry place, typically over a fireplace, but even there, moisture from boiling pots, drying clothes, or humid weather could do damage.²⁰ That is why most owners stored their guns empty, cleaned them regularly, and loaded them anew before every use.²¹

¹³ Ibid.

¹⁴ Harold L. Peterson, *Arms and Armor in Colonial America, 1526-1783* (New York: Bramhall House, 1956), 155-225; Priya Satia, *Empire of Guns: The Violent Making of the Industrial Revolution* (New York: Penguin Press, 2018), 9-10; and Satia, “Who Had Guns in Eighteenth Century Britain?” in Tucker, Hacker, and Vining, *Firearms and the Common Law*, 41-44.

¹⁵ Roth, “Why Guns Are and Aren’t the Problem,” 117.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.; and Herschel C. Logan, *Cartridges: A Pictorial Digest of Small Arms Ammunition* (New York: Bonanza Books, 1959), 11-40, 180-183.

17. The infrequent use of guns in homicides in colonial America reflected these limitations. Family and household homicides—most of which were caused by abuse or fights between family members that got out of control—were committed almost exclusively with hands and feet or weapons that were close to hand: whips, sticks, hoes, shovels, axes, or knives.²² It did not matter whether the type of homicide was rare—like family and intimate homicides—or common, like murders of servants, slaves, or owners committed during the heyday of indentured servitude or the early years of racial slavery.²³ Guns were not the weapons of choice in homicides that grew out of the tensions of daily life.²⁴

18. When colonists anticipated violence or during times of political instability, gun use was more common. When homicide rates were high among unrelated adults in the early and mid-seventeenth century, colonists went armed to political or interpersonal disputes,²⁵ so the proportion of homicides committed with firearms was at that time 40 percent and rose even higher in contested areas on the frontier.²⁶ Colonists also armed themselves when they anticipated hostile encounters with Native Americans, so 60 percent of homicides of Native Americans by European Americans in New England were committed with firearms.²⁷ And slave catchers and posses kept their firearms at the ready, so 90 percent of runaway slaves who were killed in Virginia were shot.²⁸ Otherwise, however, colonists seldom went about with loaded

²² Roth, “Why Guns Are and Aren’t the Problem,” 117.

²³ Ibid.

²⁴ Ibid. Contrary to popular belief, dueling was also rare in colonial America. Roth, *American Homicide*, 45, 158.

²⁵ Roth, “Why Guns Are and Aren’t the Problem,” 118-119.

²⁶ Ibid., 116-117.

²⁷ Ibid., 118-119 (reporting that “In New England, 57 percent of such homicides were committed with guns between the end of King Phillip’s War in 1676 and the end of the eighteenth century”).

²⁸ Ibid., 118 (reporting that “Petitions to the Virginia House of Burgesses for compensation for outlawed slaves who were killed during attempts to capture them indicate that 90 percent were shot”).

guns, except to hunt, control vermin, or muster for militia training.²⁹ That is why firearms had a modest impact on homicide rates among colonists.

B. The Rise in Violence in the South and on Contested Frontiers during the Early National Period, the Role of New Technologies and Practices, and Regulations on Concealable Weapons (1790s-1840s)

19. The Founding Generation was zealous in its defense of the people's rights, and so enshrined them in the Constitution. At the same time, they recognized that some citizens could be irresponsible or motivated by evil intent and could thus threaten the security of the government and the safety of citizens.³⁰ The threats that such citizens posed to public safety could be checked in most instances by ordinary criminal statutes, drawn largely from British common law. But at times those threats could be checked only by statutes that placed limits on basic rights.³¹

²⁹ Ibid., 118-119.

³⁰ On the fears of the Founders that their republic might collapse because selfish or unscrupulous citizens might misuse their liberties, see Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969), 65-70, 282-291, 319-328, 413-425, 463-467; Drew R. McCoy, *The Last of the Fathers: James Madison and the Republican Legacy* (New York: Cambridge University Press, 1989), 42-45; and Andrew S. Trees, *The Founding Fathers and the Politics of Character* (Princeton: Princeton University Press, 2003), 6-9, 60-65, 86-104, 113-114.

³¹ On the Founders' belief that rights might have to be restricted in certain instances, see Terri Diane Halperin, *The Alien and Sedition Acts: Testing the Constitution* (Baltimore: Johns Hopkins University Press, 2016), 1-8, on restraints on freedom of speech and the press during the administration of John Adams; Leonard Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge: The Belknap Press of Harvard University Press, 1963), 93-141, on loosening restrictions on searches and seizures during the administration of Thomas Jefferson; and Patrick J. Charles, *Armed in America: A History of Gun Rights from Colonial Militias to Concealed Carry* (New York: Prometheus Books, 2018), 70-121, especially 108-109, as well as Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America* (New York: Oxford University Press, 2006), 39-70, and Jack N. Rakove, "The Second Amendment: The Highest State of Originalism," in Carl T. Bogus, ed., *The Second Amendment in Law and History: Historians and Constitutional Scholars on the Right to Bear Arms* (New York: The New Press, 2000), 74-116, on the limited scope of the Second Amendment. Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Alfred A. Knopf, 1996), 291, notes that "[n]early all the activities that constituted the realms of life, liberty, property, and religion were subject to regulation by the state; no obvious landmarks

20. The Founders were aware that the rate at which civilians killed each other or were killed by roving bands of Tories or Patriots rose during the Revolution.³² And they recognized that more civilians, expecting trouble with neighbors, public officials, and partisans, were likely to go about armed, which is why the proportion of homicides of European Americans by unrelated adults rose to 33 percent in Virginia and 46 percent in New England during the Revolution.³³ But the surge in violence ended in New England, the Mid-Atlantic states, and the settled Midwest once the Revolutionary crisis was over. In those areas homicide rates fell to levels in some instances even lower than those which had prevailed in the early and mid-eighteenth century. By the 1820s, rates had fallen to 3 per 100,000 adults per year in Cleveland and Philadelphia, to 2 per 100,000 in rural Ohio, and to 0.5 per 100,000 in northern New England. Only New York City stood out, at 6 per 100,000 adults per year.³⁴ And the proportion

marked the boundaries beyond which its authority could not intrude, *if* its actions met the requirements of law.” See also Rakove, “The Second Amendment: The Highest State of Originalism,” *Chicago-Kent Law Review* 76 (2000), 157 (<https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3289&context=cklawreview>): “[At] the time when the Second Amendment was adopted, it was still possible to conceive of statements of rights in quite different terms, as assertions or confirmations of vital principles, rather than the codification of legally enforceable restrictions or commands.”

³² Roth, *American Homicide*, 145-149; Holger Hoock, *Scars of Independence: America’s Violent Birth* (New York: Broadway Books / Penguin Random House, 2017), 308-322; Alan Taylor, *Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Knopf, 2006), 91-102; George C. Daughan, *Revolution on the Hudson: New York City and the Hudson River Valley in the American War for Independence* (New York: W. W. Norton, 2016), 137-138; John B. Frantz and William Pencak, eds., *Beyond Philadelphia: The American Revolution in the Pennsylvania Hinterland* (University Park: Pennsylvania State University Press, 1998), 42-43, 141-145, 149-152; Francis S. Fox, *Sweet Land of Liberty: the Ordeal of the American Revolution in Northampton County, Pennsylvania* (University Park: Pennsylvania State University Press, 2000), 25-27, 32, 64-65, 91-92, 114; and Fox Butterfield, *All God’s Children: The Bosket Family and the American Tradition of Violence* (New York: Vintage, 1996), 3-18.

³³ Roth, “Why Guns Are and Aren’t the Problem,” 119-120.

³⁴ Roth, *American Homicide*, 180, 183-186; and Eric H. Monkkonen, *Murder in New York City* (Berkeley: University of California Press, 2001), 15-16.

of domestic and nondomestic homicides committed with firearms was correspondingly low—between 0 and 10 percent—because people once again generally refrained, as they had from the Glorious Revolution through the French and Indian War, from going about armed, except to hunt, control vermin, or serve in the militia.³⁵

21. The keys to these low homicide rates and low rates of gun violence in New England, the Mid-Atlantic states, and the settled Midwest were successful nation-building and the degree to which the promise of the democratic revolution was realized. Political stability returned, as did faith in government and a strong sense of patriotic fellow feeling, as the franchise was extended and political participation increased.³⁶ And self-employment—the bedrock of citizenship, self-respect, and respect from others—was widespread. By 1815, roughly 80 percent of women and men owned their own homes and shops or farms by their mid-thirties; and those who did not were often white-collar professionals who also received respect from their peers.³⁷ African Americans still faced discrimination and limits on their basic rights in most Northern states. But despite these barriers, most African Americans in the North were optimistic, after slavery was abolished in the North, about earning their own living and forming their own churches and voluntary organizations.³⁸

³⁵ For detailed figures and tables on weapons use in homicides by state, city, or county, see Roth, “American Homicide Supplemental Volume: Weapons,” available through the Historical Violence Database, sponsored by the Criminal Justice Research Center at the Ohio State University (<https://cjrc.osu.edu/sites/cjrc.osu.edu/files/AHSV-Weapons-10-2009.pdf>). On weapons use in homicides in the North, see Figures 25 through 46.

³⁶ Roth, *American Homicide*, 180, 183-186.

³⁷ *Ibid.*, 180, 183-186.

³⁸ *Ibid.*, 181-182, 195-196; Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961); Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998); Sean White, *Somewhat More Independent: The End of Slavery in New York City, 1780-1810* (Athens: University of Georgia Press, 1991); and Graham R. Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill:

22. That is why there was little interest among public officials in the North in restricting the use of firearms during the Early National period, except in duels. They took a strong stand against dueling in the wake of Alexander Hamilton's death, because of the threat the practice posed for the nation's democratic polity and the lives of public men: editors, attorneys, military officers, and politicians.³⁹

23. Laws restricting the everyday use of firearms did appear, however, in the early national period in a number of slave states,⁴⁰ where violence among citizens increased after the Revolution to extremely high levels. Revolutionary ideas and aspirations wreaked havoc on the status hierarchy of the slave South, where homicide rates ranged from 8 to 28 per 100,000 adults per year.⁴¹ Poor and middle-class whites were increasingly frustrated by their inability to rise in a society that remained class-bound and hierarchical.⁴² Prominent whites were subjected to the rough and tumble of partisan politics and their position in society was threatened by people from lower social positions.⁴³ African Americans despaired over the failure of the abolition movement in the South, and whites were more fearful than ever of African American rebellion.⁴⁴ As a result, impatience with restraint and sensitivity to insult were more intense in the slave South, and during this period the region saw a dramatic increase in the number of deadly

University of North Carolina Press, 1999).

³⁹ Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven: Yale University Press, 2001); and C. A. Harwell, "The End of the Affair? Anti-Dueling Laws and Social Norms in Antebellum America," *Vanderbilt Law Review* 54 (2001): 1805-1847 (<https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1884&context=vlr>).

⁴⁰ Clayton E. Cramer, *Concealed Weapons Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform* (Westport, Connecticut: Praeger, 1999); and Cornell, *Well-Regulated Militia*, 141-144.

⁴¹ Roth, *American Homicide*, 180, 199-203.

⁴² *Ibid.*, 182.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

quarrels, property disputes, duels, and interracial killings.⁴⁵ The violence spread to frontier Florida and Texas, as well as to southern Illinois and Indiana—wherever Southerners settled in the early national period.⁴⁶ During the Early National period, the proportion of homicides committed with firearms went up accordingly, to a third or two-fifths, as Southerners armed themselves in anticipation of trouble, or set out to cause trouble.⁴⁷

24. Citizens and public officials in these states recognized that concealable weapons—pistols, folding knives, dirk knives, and Bowie knives—were used in an alarming proportion of the era’s murders and serious assaults.⁴⁸ They were used to ambush both ordinary citizens and political rivals, to bully or intimidate law-abiding citizens, and to seize the advantage in fist fights. As the Grand Jurors of Jasper County, Georgia, stated in a plea to the state legislature in 1834 for restrictions on concealable weapons,

The practice which is common amongst us with the young the middle aged and the aged to arm themselves with Pistols, dirks knives sticks & spears under the specious pretence of protecting themselves against insult, when in fact being so armed they frequently insult others with impunity, or if resistance is made the pistol dirk or club is immediately resorted to, hence we so often hear of the stabbing shooting & murdering so many of our citizens.⁴⁹

The justices of the Louisiana Supreme Court echoed these sentiments—“unmanly” men carried concealed weapons to gain “secret advantages” over their adversaries.⁵⁰

⁴⁵ Ibid., 182, 199-203.

⁴⁶ Ibid., 162, 180-183, 199-203; Roth and James M. Denham, “Homicide in Florida, 1821-1861,” *Florida Historical Quarterly* 86 (2007): 216-239; John Hope Franklin, *The Militant South, 1800-1861* (Cambridge: Belknap Press of Harvard University Press, 1961); and Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982).

⁴⁷ Roth, “American Homicide Supplemental Volume: Weapons,” Figures 51 through 57.

⁴⁸ Roth, *American Homicide*, 218.

⁴⁹ Ibid., 218-219. See also the concerns of the Grand Jurors of Wilkes County, Georgia, Superior Court Minutes, July 1839 term.

⁵⁰ Roth, *American Homicide*, 219.

25. The pistols of the early national period represented a technological advance. Percussion-lock mechanisms enabled users to extend the life of a charge, because unlike flint-lock mechanisms, they did not use hydroscopic black powder in their priming pans; they used a sealed mercury-fulminate cap as a primer and seated it tightly on a small nipple (with an inner diameter the size of a medium sewing needle) at the rear of the firing chamber, which restricted the flow of air and moisture to the chamber. Percussion cap pistols, which replaced flint-lock pistols in domestic markets by the mid-1820s, could thus be kept loaded and carried around for longer periods without risk of corrosion.⁵¹ The new types of knives available in this era also represented technological advances over ordinary knives because they were designed expressly for fighting. Dirks and Bowie knives had longer blades than ordinary knives, crossguards to protect the combatants' hands, and clip points to make it easier to cut or stab opponents.⁵²

26. The violence in the slave South and its borderlands, and the technological advances that exacerbated it, led to prohibitions against carrying certain concealable weapons, which appeared in Kentucky, Louisiana, Indiana, Arkansas, Georgia, and Virginia between 1813 and 1838. These laws differed from earlier laws that restricted access to arms by Native Americans or by free or enslaved African Americans, because they applied broadly to *everyone* but also applied more *narrowly* to certain types of weapons and to certain types of conduct. Georgia's 1837 law "against the unwarrantable and too prevalent use of deadly weapons" was the most restrictive. It made it unlawful for merchants

and any other person or persons whatsoever, to sell, or offer to sell, or to keep, or have about their person or elsewhere . . . Bowie, or any other kind of knives,

⁵¹ Roth, "Why Guns Are and Aren't the Problem," 117.

⁵² Harold L. Peterson, *American Knives: The First History and Collector's Guide* (New York: Scribner, 1958), 25-70; and Peterson, *Daggers and Fighting Knives in the Western World, from the Stone Age till 1900* (New York: Walker, 1968), 67-80.

manufactured or sold for the purpose of wearing, or carrying the same as arms of offence or defence, pistols, dirks, sword canes, spears, &c.

The sole exceptions were horseman's pistols—large weapons that were difficult to conceal and were favored by travelers. But the laws in the other five states were also strict: they forbid the carrying of concealable weapons in all circumstances. Indiana made an exemption for travelers.⁵³ These concealed weapons laws were notably difficult to enforce and did not address underlying factors that contributed to rising homicide rates. Nevertheless, these laws represent governmental efforts at that time to address the use of new weapons in certain types of crime.

27. Thus, during the lifetimes of Jefferson, Adams, Marshall, and Madison, the Founding Generation passed laws in a number of states that restricted the use or ownership of certain types of weapons after it became obvious that those weapons, including certain fighting knives and percussion-cap pistols, were being used in crime by people who carried them concealed on their persons and were thus contributing to rising crime rates.⁵⁴

⁵³ Cramer, *Concealed Weapons Laws*, especially 143-152, for the texts of those laws, attached to this declaration as **Exhibit B**. Alabama and Tennessee prohibited the concealed carrying of fighting knives, but not pistols. See also the Duke Center for Firearms Law, Repository of Historical Gun Laws (https://firearmslaw.duke.edu/search-results/?_sft_subjects=dangerous-or-unusual-weapons, accessed December 20, 2022). Note that the Georgia Supreme Court, in *Nunn v. State*, 1 Ga. 243 (1846), held that prohibiting the concealed carry of certain weapons was valid, but that the state could not also prohibit open carry, which would destroy the right to bear arms. That decision put Georgia in line with the five other states that had prohibited the carrying of concealable firearms.

⁵⁴ Cramer, *Concealed Weapons Laws*, 69-96; Cramer, *For the Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms* (Westport, Connecticut: Praeger Publishers, 1994); Don B. Kates, Jr., "Toward a History of Handgun Prohibition in the United States," in Cates, ed., *Restricting Handguns: The Liberal Skeptics Speak Out* (Croton-on-Hudson, New York: North River Press, 1979), 7-30; and Philip D. Jordan, *Frontier Law and Order—10 Essays* (Lincoln: University of Nebraska Press, 1970), 1-22. Thomas Jefferson and John Adams died on July 4, 1826, John Marshall on July 6, 1835, and James Madison on July 28, 1836. On the history of firearms regulations that pertained to African Americans, see Robert J. Cottrol and Raymond T. Diamond, "The Second Amendment: Toward an Afro-Americanist Reconsideration," *Georgetown Law Journal* 80 (1991): 309-361 (<https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article>

C. Homicide, Concealable Weapons, and Concealable Weapons Regulations from the Mexican War through the Early Twentieth Century (1846-1920s)

28. By the early twentieth century, every state either banned concealed firearms or placed severe restrictions on their possession.⁵⁵ They did so in response to two developments: the nationwide surge in homicide rates, from the North and South to the Trans-Mississippi West; and the invention of new firearms, especially the revolver, which enabled the firing of multiple rounds in succession without reloading and made the homicide problem worse. Between the mid-nineteenth and the early twentieth century homicide rates fell in nearly every Western nation.⁵⁶ But in the late 1840s and 1850s those rates exploded across the United States and spiked even higher during the Civil War and Reconstruction, not only in the South and the Trans-Mississippi West, where rates had already risen in the early national period, but in the North. Rates that had ranged in the North in the 1830s and early 1840s from a low of 1 per 100,000 adults per year in northern New England to 6 per 100,000 in New York City, rose to between 2 and 33 per 100,000 in the northern countryside and to between 10 and 20 per 100,000 in northern cities. In the South, rates in the plantation counties of Georgia rose from 10 per 100,000 adults to 25 per 100,000, and rates soared even higher in rural Louisiana to 90 per

[=1283&context=faculty_scholarship](#)); Cottrol and Diamond, “Public Safety and the Right to Bear Arms” in David J. Bodenhamer and James W. Ely, Jr., eds., *The Bill of Rights in Modern America*, revised and expanded (Bloomington: Indiana University Press, 2008), 88-107; and Cramer, *For the Defense of Themselves and the State*, 74, 83-85, 97-140.

⁵⁵ Kates, “Toward a History of Handgun Prohibition,” 7-30; and Jordan, *Frontier Law and Order*, 17-22. These sources identify laws that either banned concealed firearms or placed severe restrictions on their possession in every state except Vermont. However, Vermont also had such a law by the early twentieth century. *See* An Act Against Carrying Concealed Weapons, No. 85, § 1 (12th Biennial Session, General Assembly of the State of Vermont, Nov. 19, 1892) (“A person who shall carry a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.”).

⁵⁶ Roth, *American Homicide*, 297-300.

100,000 and in mountain communities in Georgia and Missouri from less than 5 per 100,000 adults per year to 60 per 100,000. And in the West, the rates reached 65 per 100,000 adults per year in California, 76 per 100,000 in Texas, 119 per 100,000 in mining towns in South Dakota, Nevada, and Montana, and 155 per 100,000 in cattle towns in Kansas. Americans, especially men, were more willing to kill friends, acquaintances, and strangers. And so, the United States became—and remains today—by far the most murderous affluent society in the world.⁵⁷

29. The increase occurred because America's heretofore largely successful effort at nation-building failed catastrophically at mid-century.⁵⁸ As the country struggled through the wrenching and divisive changes of the mid-nineteenth century—the crises over slavery and immigration, the decline in self-employment, and rise of industrialized cities—the patriotic faith in government that most Americans felt so strongly after the Revolution was undermined by anger and distrust.⁵⁹ Disillusioned by the course the nation was taking, people felt increasingly alienated from both their government and their neighbors.⁶⁰ They were losing the sense that they were participating in a great adventure with their fellow Americans.⁶¹ Instead, they were competing in a cutthroat economy and a combative political system against millions of strangers whose interests and values were antithetical to their own.⁶² And most ominously, law and order

⁵⁷ Ibid., 199, 297-300, 302, 337, 347; and Roth, Michael D. Maltz, and Douglas L. Eckberg, "Homicide Rates in the Old West," *Western Historical Quarterly* 42 (2011): 173-195 (https://www.jstor.org/stable/westhistquar.42.2.0173#metadata_info_tab_contents).

⁵⁸ Ibid., 299-302, 384-385; and Roth, "American Homicide: Theory, Methods, Body Counts," *Historical Methods* 43 (2010): 185-192.

⁵⁹ Roth, *American Homicide*, 299-302, 384-385. See also Roth, "Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide."

⁶⁰ Roth, *American Homicide*, 300.

⁶¹ Ibid.

⁶² Ibid.

broke down in the wake of the hostile military occupation of the Southwest, the political crisis of the 1850s, the Civil War, and Reconstruction.⁶³

30. The proportion of homicides committed with firearms increased as well from the Mexican War through Reconstruction, as it had during previous increases in nondomestic homicides during the Revolution, in the postrevolutionary South, and on contested frontiers.⁶⁴ Because the pistols, muskets, and rifles in use in the early years of the crisis of the mid-nineteenth century were still predominantly single-shot, muzzle-loading, black powder weapons, the proportion of homicides committed with guns stayed in the range of a third to two-fifths, except on the frontier.⁶⁵ Concealable fighting knives, together with concealable percussion-cap pistols, remained the primary murder weapons. But in time, new technologies added to the toll in lives, because of their lethality and the new ways in which they could be used.

31. Samuel Colt's cap-and-ball revolvers, invented in 1836, played a limited role in the early years of the homicide crisis, but they gained popularity quickly because of their association with frontiersmen, Indian fighters, Texas Rangers, and cavalrymen in the Mexican War.⁶⁶ They retained some of the limitations of earlier firearms, because their rotating cylinders—two of which came with each revolver—had to be loaded one chamber at a time. Users had to seat a percussion cap on a nipple at the rear of each chamber, pour powder into each chamber, secure the powder with wadding, and ram the bullet down the chamber with a rod or an attached loading lever. Thus cap-and-ball revolvers, like muzzle-loaders, could not be loaded

⁶³ Ibid., 299-302, 332, 337, 354.

⁶⁴ Roth, "Why Guns Are and Aren't the Problem," 116-117.

⁶⁵ Roth, "American Homicide Supplemental Volume: Weapons," Figures 25 through 46, and 51 through 57.

⁶⁶ Patricia Haag, *The Gunning of America: Business and the Making of American Gun Culture* (New York: Basic Books, 2016).

quickly, nor could they be kept loaded indefinitely without risk of damaging the charge or the gun. But they were deadlier than their predecessors, because they made it possible for a person to fire five or six shots in rapid succession and to reload quickly with the second cylinder.⁶⁷

32. Smith and Wesson's seven-shot, .22 caliber, breech-loading, Model 1 rimfire revolver, invented in 1857, appeared on the market when the homicide crisis was already well underway. But it had none of the limitations of percussion-cap pistols or cap-and-ball revolvers. It could be loaded quickly and easily because it did not require powder, wadding, and shot for each round; and it could be kept loaded indefinitely because its corrosive powder was encapsulated in the bullet.⁶⁸ And it did not require a new percussion cap for each chamber, because the primer was located in a rim around the base of the bullet, set to ignite as soon as it was hit by the hammer.⁶⁹ As Smith and Wesson noted in its advertisements,

Some of the advantages of an arm constructed on this plan are:

The convenience and safety with which both the arm and ammunition may be carried;

The facility with which it may be charged, (it requiring no ramrod, powder-flask, or percussion caps);

Certainty of fire in damp weather;

That no injury is caused to the arm or ammunition by allowing it to remain charged any length of time.⁷⁰

⁶⁷ Edward C. Ezell, *Handguns of the World: Military Revolvers and Self-Loaders from 1870 to 1945* (Harrisburg, Pennsylvania: Stackpole Books, 1981), 24-28; Julian S. Hatcher, *Pistols and Revolvers and Their Use* (Marshallton, Delaware: Small-Arms Technical Publishing Company, 1927), 8-11; and Charles T. Haven and Frank A. Belden, *A History of the Colt Revolver and the Other Arms Made by Colt's Patent Fire Arms Manufacturing Company from 1836 to 1940* (New York: Bonanza Books, 1940), 17-43.

⁶⁸ Roy G. Jinks, *History of Smith and Wesson* (North Hollywood: Beinfeld, 1977), 38-57.

⁶⁹ *Ibid.*, 38-57.

⁷⁰ *Ibid.*, 39.

33. Smith and Wesson had created a near-perfect murder weapon. It was lethal, reliable, easy to carry and conceal, capable of multiple shots, and ready to use at any time.⁷¹ Its only drawbacks were its small caliber and low muzzle velocity, which limited its ability to stop an armed or aggressive adversary on the first shot, and the difficulty and danger of reloading. The reloading problem was remedied by Colt's development in 1889 of the first double-action commercial revolver with a swing-out cylinder and Smith and Wesson's addition in 1896 of an ejector to push out spent cartridges.⁷²

34. These new weapons were not the primary cause of the surge in violence that occurred in the United States from the Mexican War through Reconstruction. But they did contribute to the later stages of the crisis, as they superseded knives and black powder handguns as the primary weapons used in interpersonal assaults, not only because of their greater lethality, but because they were used in novel ways.⁷³ Easily concealed, they became the weapons of choice for men who stalked and ambushed estranged spouses or romantic partners, for suspects who killed sheriffs, constables, or police officers, and for self-styled toughs who engaged in shootouts in bars, streets, and even churchyards.⁷⁴ And as modern, breech-loading firearms replaced the muzzle-loading and cap-and-ball gunstock from the late 1850s through World War I, the proportion of homicides committed with firearms continued to climb even when homicide

⁷¹ Ibid., 38-57.

⁷² Rick Sapp, *Standard Catalog of Colt Firearms* (Cincinnati: F+W Media, 2011), 96; Jeff Kinard, *Pistols: An Illustrated History of Their Impact* (Santa Barbara: ABC-CLIO, 2003), 163; and Jinks, *History of Smith and Wesson*, 104-170.

⁷³ Roth, "Why Guns Are and Aren't the Problem," 124-126 (recognizing that "Americans used the new firearms in ways they could never use muzzle-loading guns [. . .] The ownership of modern breech-loading [firearms] made the homicide rate worse in the United States than it would have been otherwise because it facilitated the use of *lethal* violence in a *wide variety of circumstances*."') (emphasis added).

⁷⁴ Ibid., 124-125.

rates fell for a short time, as they did at the end of Reconstruction. By the eve of World War I, rates had fallen in the New England states to 1 to 4 per 100,000 adults per year, to 2 to 5 per 100,000 in the Prairie states, and 3 to 8 per 100,000 in the industrial states. In the West, rates had fallen to 12 per 100,000 adults per year in California, 15 per 100,000 in Colorado, and approximately 20 to 30 per 100,000 in Arizona, Nevada, and New Mexico. Homicide rates whipsawed, however, in the South. They fell in the late 1870s and 1880s, only to rise in the 1890s and early twentieth century, to just under 20 per 100,000 adults in Florida, Kentucky, Louisiana, Missouri, and Tennessee, and 35 per 100,000 in Virginia and North Carolina.⁷⁵ Ominously, too, firearms invaded families and intimate relationships, so relatives, spouses, and lovers were as likely to be killed with guns as unrelated adults—something that had never happened before in America’s history.⁷⁶ That is why the proportion of homicides committed with firearms—overwhelmingly, concealed revolvers—reached today’s levels by the 1920s, ranging from a median of 56 percent in New England and over 70 percent in the South and West.⁷⁷ And that is why every state in the Union restricted the right to carrying certain concealable weapons.

35. It is important to note that state legislators experimented with various degrees of firearm regulation, as the nation became more and more violent. In Texas, where the homicide rate soared to at least 76 per 100,000 adults per year from June, 1865, to June, 1868,⁷⁸ the legislature passed a bill in 1870 to prohibit the open or concealed carry of a wide range of

⁷⁵ Ibid., 125-127, 388, 403-404; and Roth, “American Homicide Supplemental Volume: American Homicides in the Twentieth Century,” Figures 4a and 5a.

⁷⁶ Ibid., 125.

⁷⁷ Roth, “American Homicide Supplemental Volume: Weapons,” Figures 2 through 7.

⁷⁸ Roth, Maltz, and Eckberg, “Homicide Rates in the Old West,” 192.

weapons, including firearms, on social occasions;⁷⁹ and it followed in 1871 with a bill banning in most circumstances the carrying, open or concealed, of small deadly weapons, including pistols, that were not designed for hunting or militia service.⁸⁰ These laws were enforced with little or

⁷⁹ Brennan Gardner Rivas, “Enforcement of Public Carry Restrictions: Texas as a Case Study,” *UC Davis Law Review* 55 (2021): 2609-2610 (https://lawreview.law.ucdavis.edu/issues/55/5/articles/files/55-5_Rivas.pdf). “Be it enacted by the Legislature of the State of Texas, That if any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk or butcher-knife, or fire-arms, whether known as a six-shooter, gun or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same; provided, that nothing contained in this section shall apply to locations subject to Indian depredations; and provided further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.” An Act Regulating the Right to Keep and Bear Arms, 12th Leg., 1st Called Sess., ch. XLVI, § 1, 1870 Tex. Gen. Laws 63. See also Brennan Gardner Rivas, “The Deadly Weapon Laws of Texas: Regulating Guns, Knives, and Knuckles in the Lone Star State, 1836-1930” (Ph.D. dissertation: Texas Christian University, 2019) (<https://repository.tcu.edu/handle/116099117/26778>).

⁸⁰ Rivas, “Enforcement of Public Carry Restrictions,” 2610-2611. Rivas, quoting the law, says that “The first section stated, ‘That any person carrying on or about his person, saddle, or in his saddle bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the State, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed; provided that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State from keeping or carrying arms with their baggage; provided, further, that members of the Legislature shall not be included under the term “civil officers” as used in this act.’ An Act to

no racial bias until the 1890s, when white supremacists disfranchised African Americans, legalized segregation, and took firm control of the courts and law enforcement.⁸¹

36. Tennessee and Arkansas went farther than Texas to stem the tide of post-Civil War interpersonal violence. In 1871, Tennessee flatly prohibited the carrying of pocket pistols and revolvers, openly or concealed, except for the large army and navy pistols commonly carried by members of the military, which could be carried openly, but not concealed.⁸² Arkansas

Regulate the Keeping and Bearing of Deadly Weapons, 12th Leg. Reg. Sess., ch. XXXIV, § 1, 1871 Tex. Gen. Laws 25. The third section of the act reads, ‘If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball room, social party, or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster, or to perform any other public duty, (except as may be required or permitted by law,) or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured and sold for the purposes of offense and defense, unless an officer of the peace, he shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than fifty, nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not more than ninety days.’ Id. § 3.” The law did not apply, however, ‘to a person’s home or business, and there were exemptions for “peace officers” as well as travelers; lawmakers and jurists spent considerable time fleshing out who qualified under these exemptions, and how to allow those fearing an imminent attack to carry these weapons in public spaces. Also, the deadly weapon law did not apply to all guns or firearms but just pistols. The time-place-manner restrictions, however, applied to any “fire-arms . . . gun or pistol of any kind” and later “pistol or other firearm,” as well as “any gun, pistol” See also Brennan Gardner Rivas, “The Deadly Weapon Laws of Texas: Regulating Guns, Knives, and Knuckles in the Lone Star State, 1836-1930 (Ph. D. dissertation: Texas Christian University, 2019), 72-83, 124-163 (<https://repository.tcu.edu/handle/116099117/26778>).

⁸¹ Rivas, “Enforcement of Public Carry Restrictions,” 2609-2620. The study draws on enforcement data from four Texas counties, 1870-1930: 3,256 total cases, of which 1,885 left a record of final adjudication. See also Rivas, “Deadly Weapon Laws of Texas,” 164-195.

⁸² 1871 Tenn. Pub. Acts 81, An Act to Preserve the Peace and to Prevent Homicide, ch. 90, § 1; *State v. Wilburn*, 66 Tenn. 57, 61 (1872) (“It shall not be lawful for any person to publicly carry a dirk, sword cane, Spanish stiletto, belt or pocket pistol, or revolver, other than an army pistol, or such as are commonly carried and used in the United States army, and in no case shall it be

followed suit in 1881.⁸³ Tennessee’s law withstood a court challenge, and Arkansas’s was never challenged.⁸⁴ And both states moved to prevent the sale or transfer of pocket pistols or ordinary revolvers. In 1879, Tennessee prohibited “any person to sell, or offer to sell, or bring into the State for the purpose of selling, giving away, or otherwise disposing of, belt or pocket pistols, or revolvers, or any other kind of pistol, except army or navy pistols.”⁸⁵ Arkansas passed a similar prohibition in 1881, but went even further by prohibiting the sale of pistol cartridges as well: “Any person who shall sell, barter, or exchange, or otherwise dispose of, or in any manner furnish to any person any dirk or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any pistol, of any kind of whatever, except as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep such arms or cartridges for sale, shall be guilty of a misdemeanor.”⁸⁶

lawful for any person to carry such army pistol publicly or privately about his person in any other manner than openly in his hands.”).

⁸³ 1881 Ark. Acts 191, An Act to Preserve the Public Peace and Prevent Crime, chap. XCVI, § 1-2 (“That any person who shall wear or carry, in any manner whatever, as a weapon, any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor. . . . Any person, excepting such officers or persons on a journey, and on his premises, as are mentioned in section one of this act, who shall wear or carry any such pistol as i[s] used in the army or navy of the United States, in any manner except uncovered, and in his hand, shall be guilty of a misdemeanor.”).

⁸⁴ See Brennan Gardner Rivas, “The Problem with Assumptions: Reassessing the Historical Gun Policies of Arkansas and Tennessee,” *Second Thoughts*, Duke Center for Firearms Law (Jan. 20, 2022), <https://firearmslaw.duke.edu/2022/01/the-problem-with-assumptions-reassessing-the-historical-gun-policies-of-arkansas-and-tennessee/>.

⁸⁵ 1879 Tenn. Pub. Act 135-36, An Act to Prevent the Sale of Pistols, chap. 96, § 1; *State v. Burgoyne*, 75 Tenn. 173, 173-74 (1881).

⁸⁶ Acts of the General Assembly of Arkansas, No. 96 § 3 (1881).

37. California's legislature, recognizing that the homicide rate had reached catastrophic levels (over 65 per 100,000 adults per year),⁸⁷ banned concealed weapons in 1863, because, as the editor of the *Daily Alta Californian* declared,

During the thirteen years that California has been a State, there have been more deaths occasioned by sudden assaults with weapons previously concealed about the person of the assailant or assailed, than by all other acts of violence which figure on the criminal calendar.... For many sessions prior to the last, ineffectual efforts were made to enact some statute which would effectually prohibit this practice of carrying concealed weapons. A radical change of public sentiment demanded it, but the desired law was not passed until the last Legislature, by a handsome majority.⁸⁸

38. But the legislature repealed the law in 1870, as public sentiment veered back toward the belief that the effort to make California less violent was hopeless, and that the only protection law-abiding citizens could hope for was to arm themselves. And the legislature once again had the enthusiastic support of the editor of the *Daily Alta Californian*, which then opined, "As the sovereignty resides in the people in America, they are to be permitted to keep firearms and other weapons and to carry them at their pleasure."⁸⁹ A number of counties dissented, however, and made it a misdemeanor to carry a concealed weapon without a permit—ordinances that they enforced.⁹⁰ In 1917, the state made it a misdemeanor to carry a concealed weapon in incorporated cities and required that gun dealers register handgun sales and send the Dealer's

⁸⁷ Roth, Maltz, and Eckberg, "Homicide Rates in the Old West," 183. On violence in California and across the Far West, see Roth, Maltz, and Eckberg, "Homicide Rates in the Old West," 173-195; Clare V. McKanna, Jr., *Homicide, Race, and Justice in the American West, 1880-1920* (Tucson: University of Arizona Press, 1997); McKanna, *Race and Homicide in Nineteenth-Century California* (Reno: University of Nevada Press, 2002); and John Mack Faragher, *Eternity Street: Violence and Justice in Frontier Los Angeles* (New York: W. W. Norton, 2016); and Roth, *American Homicide*, 354.

⁸⁸ Clayton E. Cramer and Joseph Olson, "The Racist Origins of California's Concealed Weapon Permit Law," Social Science Research Network, posted August 12, 2016, 6-7 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2599851).

⁸⁹ Cramer and Olson, "Racist Origins of California's Concealed Weapon Permit Law," 7-10.

⁹⁰ *Ibid.*, 11.

Record of Sale to local law enforcement.⁹¹ And in 1923, the state extended the licensing requirement to unincorporated areas and prohibited non-citizens from carrying concealed weapons.⁹²

39. Other states, like Ohio, tried to have it both ways. The Ohio legislature banned the carrying of concealable weapons in 1859, citing public safety. But it directed jurors, in the same law, to acquit persons who carried such weapons:

If it shall be proved to the jury, from the testimony on the trial of any case presented under the first section of this act, that the accused was, at the time of carrying any of the weapon or weapons aforesaid, engaged in the pursuit of any lawful business, calling, or employment, and that the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid for the defense of his person, property or family.⁹³

The burden of proof remained with the person who carried the concealed weapon.

40. It is important to remember, however, that even when states enacted different types of firearms restrictions, the fact remains that many jurisdictions enacted statutory restrictions at that time to ensure the safety of the public and law enforcement.

II. ADDRESSING THREATS TO THE REPUBLIC AND ITS CITIZENS FROM MASS MURDERERS FROM THE REVOLUTION INTO THE EARLY TWENTIETH CENTURY

41. The Republic faced threats not only from individual murderers, but from groups of murderers. Mass murder has been a fact of life in the United States since the mid-nineteenth century, when lethal and nonlethal violence of all kinds became more common. But mass murder was a group activity through the nineteenth century because of the limits of existing

⁹¹ Ibid., 11-13.

⁹² Ibid., 13-15. Note that the title of the Cramer and Olson essay is misleading. It does not refer to the origins of the laws discussed here or to the ways in which they were enforced. It refers instead to an unsuccessful effort in 1878 and a successful effort in 1923 to deny resident aliens the right to bear arms.

⁹³ Joseph R. Swan, *The Revised Statutes of the State of Ohio, of a General Nature, in Force August 1, 1860* (Cincinnati: Robert Clarke & Co., 1860), 452.

technologies.⁹⁴ The only way to kill a large number of people was to rally like-minded neighbors and go on a rampage with clubs, knives, nooses, pistols, shotguns, or rifles—weapons that were certainly lethal but did not provide individuals or small groups of people the means to inflict mass casualties on their own. Mass killings of this type were rare in the colonial, Revolutionary, and Early National eras, outside of massacres of Native Americans or irregular warfare among citizens seeking political power.⁹⁵ But from the 1830s into the early twentieth century, mass killings were common.

42. Examples include Nat Turner’s rebellion in Southampton County, Virginia, in 1831, which claimed sixty-nine lives; the murder of seventeen Mormons, perpetrated by militia men and vigilantes at Haun’s Mill, Missouri in 1838; Bloody Monday in Louisville, Kentucky, where an assault by nativist Protestants on Irish and German Catholics in 1855 left twenty-two people dead; and the murder of nineteen Chinese Americans by a racist mob in Los Angeles in 1871. Because these mass killings were almost always spontaneous and loosely organized, and because each involved scores of perpetrators, they were difficult for the government to prevent.

⁹⁴ On the history of mob violence, including riots and popular protests that led to mass casualties, see Paul A. Gilje, *Rioting in America* (Bloomington: Indiana University Press, 1996); and David Grimsted, *American Mobbing: Toward Civil War* (New York: Oxford University Press, 1996).

⁹⁵ For examples of massacres of unarmed Native Americans, see the murder in 1623 of six Massachusetts men by a party from Plymouth Colony, led by Captain Miles Standish [Roth, *American Homicide*, 42]; and the massacre in 1782 of 96 pacifist Moravian Delaware Indians at Gnadenhutten in present-day Ohio [Rob Harper, “Looking the Other Way: The Gnadenhutten Massacre and the Contextual Interpretation of Violence,” *William and Mary Quarterly* (2007) 64: 621-644 (https://www.jstor.org/stable/25096733#metadata_info_tab_contents)]. For examples of political conflict among colonists that led to mass killings, see the confrontation in 1655 at Severn River in Maryland between opposed factions in the English Civil War [Aubrey C. Land, *Colonial Maryland: A History* (Millwood, New York: Kato Press, 1981), 49-54] and the slaughter in 1782 of rebel prisoners at Cloud’s Creek, South Carolina, by Tory partisans under the leadership of William Cunningham [J. A. Chapman, *History of Edgefield County* (Newberry, South Carolina: Elbert H. Aull, 1897), 31-34]; see also Fox Butterfield, *All God’s Children: The Bosket Family and the American Tradition of Violence* (New York: Vintage, 2008), 5-6.

Worse, in some incidents, such as the Haun's Mill Massacre, state and local governments were complicit; and in others, state and local governments turned a blind eye to the slaughter, as was the case in the murder of Chinese farm workers in Chico, California, in 1877.⁹⁶

43. The Federal government did act during Reconstruction, however, to prevent mass murder when formally organized white supremacist organizations engaged in systematic efforts to deprive African Americans of their civil rights, which had been guaranteed by the Thirteenth, Fourteenth, and Fifteenth Amendments. The Ku Klux Klan Acts of 1870 and 1871, meant to prevent assassinations and mass shootings and lynchings by white supremacist terrorists, were effective when enforced by the federal government and the U.S. Army.⁹⁷ But when federal troops were withdrawn, white supremacist mass killings resumed. In New Orleans, for example, an ultimately successful effort by white-supremacist Democrats to seize control of the city's government by violent means left dozens of Republican officials and police officers shot dead and scores wounded.⁹⁸ And the Klan Acts did nothing to prevent mass murders by spontaneous

⁹⁶ David F. Almendinger, Jr., *Nat Turner and the Rising in Southampton County* (Baltimore: Johns Hopkins Press, 2014); Patrick H. Breen, *The Land Shall Be Deluged in Blood: A New History of the Nat Turner Revolt* (New York: Oxford University Press, 2015); Stephen B. Oates, *The Fires of Jubilee: Nat Turner's Fierce Rebellion* (New York: Harper and Row, 1975); Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia: University of Missouri Press, 1987), 162-168; Brandon G. Kinney, *The Mormon War: Zion and the Missouri Extermination Order of 1838* (Yardley, Pennsylvania: Westholme, 2011); Mary Alice Mairose, "Nativism on the Ohio: the Know Nothings in Cincinnati and Louisville, 1853-1855" (M.A. thesis, Ohio State University, 1993); W. Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974), 93-95; Faragher, *Eternity Street*, 463-480; and Sucheng Chan, *The Bitter-Sweet Soil: The Chinese in California Agriculture, 1860-1910* (Berkeley: University of California Press, 1986), 372.

⁹⁷ Alan Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1975).

⁹⁸ Dennis C. Rousey, *Policing the Southern City: New Orleans, 1805-1889* (Baton Rouge: Louisiana State University Press, 1996), 151-158. See also LeeAnna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008); and Gilles Vandal, *Rethinking Southern Violence: Homicides in Post-Civil War Louisiana, 1866-1884* (Columbus: Ohio State University Press,

mobs and loosely organized vigilantes. Rioters and vigilantes remained a threat well into the twentieth century. In 1921 more than three hundred African American citizens were murdered in the Tulsa Race Massacre in Oklahoma.⁹⁹

III. ADDRESSING THREATS TO THE REPUBLIC AND ITS CITIZENS FROM MASS MURDERERS FROM THE EARLY TWENTIETH CENTURY TO THE PRESENT

44. The character of mass murder began to change in the late nineteenth and early twentieth century with the invention and commercial availability of new technologies that gave individuals or small groups of people the power to kill large numbers of people in a short amount of time. These technologies proved useful to criminal gangs, anarchists, and factions of the labor movement intent on killing adversaries, public officials, and law enforcement officers. The technologies that were most widely used by criminals and terrorists were dynamite, invented by Alfred Nobel in 1866, and the Thompson submachine gun, invented in 1918 by General John T. Thompson, who improved upon a pioneering German design.

45. The advantage of dynamite over nitroglycerin and other explosives used in mining and construction was its power and its stability, which made accidental explosions rare. The advantages of submachine guns over existing machine guns as weapons of war were that they were light enough to be carried and operated by a single individual, and they were capable of firing .45 caliber bullets from 20-round clips or 50- or 100-round drum magazines at a rate of 600 to 725 rounds per minute.¹⁰⁰

2000), 67-109.

⁹⁹ On the deadly race riots of 1919-1921, see William M. Tuttle, Jr., *Race Riot: Chicago in the Red Summer of 1919* (New York: Atheneum, 1970); Scott Ellsworth, *Death in a Promised Land: The Tulsa Race Riot of 1921* (Baton Rouge: Louisiana State University Press, 1982); and Tim Madigan, *The Burning: Massacre, Destruction, and the Tulsa Race Riot of 1921* (New York: Thomas Dunne Books / St. Martin's Press, 2001).

¹⁰⁰ Herta E. Pauli, *Alfred Nobel: Dynamite King, Architect of Peace* (New York: L. B. Fisher, 1942); and Bill Yenne, *Tommy Gun: How General Thompson's Submachine Gun Wrote History* (New York: Thomas Dunne Books, 2009).

46. Criminals and terrorists quickly discovered how accessible and useful these new technologies were. They could be purchased legally by private citizens. In the 1920s, Thompson submachine guns were expensive. They sold for \$175 to \$225 each, at a time when a new Ford cost \$440 (the rough equivalent of \$2996 to \$3852 today, while now a base model of the AR-15 semiautomatic rifle can be purchased for less than \$400 and a 30-round magazine for as little as \$10).¹⁰¹ That is why Thompsons were favored by those with resources: law enforcement, the Irish Republican Army, Sandinista rebels in Nicaragua, and bank robbers. Dynamite, however, cost only 18 cents a pound (the rough equivalent of \$3.08 today), so it was favored by labor activists and anarchists.¹⁰² Federal, state, and local officials and law enforcement officers suddenly confronted novel threats to their personal safety. Submachine guns were used most notoriously in gangland slayings in Chicago during the Prohibition Era, such as the St. Valentine's Day Massacre and the Kansas City Massacre.¹⁰³ Dynamite was used in a string of anarchist bombings in 1919-1920. Those included the murder of 38 people and the

¹⁰¹ Yenne, *Tommy Gun*, 86. Estimates vary on the purchasing power of 1919 dollars in today's dollars, but \$1.00 in 1919 was worth roughly \$17.12 today. See the CPI Inflation Calculator (<https://bit.ly/3CS5UNI>), accessed October 4, 2022. The prices of AR-15 style rifles today are from guns.com (<https://www.guns.com/firearms/ar-15-rifles?priceRange=%24250%20-%20%24499>), accessed October 4, 2022. The prices of 30-round magazines of .233 caliber ammunition are from gunmagwarehouse.com (<https://gunmagwarehouse.com/all-magazines/rifles/magazines/ar-15-magazines>), accessed October 4, 2022.

¹⁰² Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States Manufactures: Explosives* (Washington, D.C.: Government Printing Office, 1922), 6. Note that a pound of dynamite would be far more expensive today—potentially hundreds of thousands of dollars—because it would require the purchase of a blasting license, a storage bunker, and an isolated plot of land for the storage bunker. See U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Enforcement Programs and Services, *ATF Federal Explosives Law and Regulations, 2012* (<https://www.atf.gov/explosives/docs/report/publication-federal-explosives-laws-and-regulations-atf-p-54007/download>), accessed December 20, 2022.

¹⁰³ William Helmer and Arthur J. Bilek, *The St. Valentine's Day Massacre: The Untold Story of the Bloodbath That Brought Down Al Capone* (Nashville: Cumberland House, 2004); and Yenne, *Tommy Gun*, 74-78, 91-93.

wounding of 143 in an attack on Wall Street, 36 dynamite bombs mailed to justice officials, newspaper editors, and businessmen (including John D. Rockefeller), and a failed attempt to kill Attorney General A. Mitchell Palmer and his family.¹⁰⁴ Dynamite was also used effectively for malicious, private ends. For example, Osage Indians were murdered by an individual in Oklahoma in an attempt to gain their headrights and profit from insurance policies on them.¹⁰⁵

47. Because of the threats these new technologies posed for public safety, public officials widened their regulatory focus beyond concealed and concealable weapons. Thirteen states restricted the capacity of ammunition magazines for semiautomatic and automatic firearms between 1927 and 1934,¹⁰⁶ and Congress passed the National Firearms Acts of 1934 and 1938, which restricted ownership of machine guns and submachine guns (known today as automatic weapons) because of their ability to fire rapidly from large-capacity magazines.¹⁰⁷ And the Organized Crime Control Act of 1970 restricted ownership of a wide range of explosives, building upon regulations that began in 1917 with the passage of the Federal Explosives Act,

¹⁰⁴ Paul Avrich, *Sacco and Vanzetti: The Anarchist Background* (Princeton: Princeton University Press, 1991), 140-156, 181-195; Beverly Gage, *The Day Wall Street Exploded: A Story of America in Its First Age of Terror* (New York: Oxford University Press, 2009); David Rapoport, *Waves of Global Terrorism: From 1879 to the Present* (New York: Columbia University Press, 2022), 65-110. Consider also the bombing of the office of the *Los Angeles Times* in 1910 by two union activists, which killed 21 persons and injured 100 more, in Louis Adamic, *Dynamite: The Story of Class Violence in America* (New York: Viking, 1931).

¹⁰⁵ For this and other murders of Osage people see David Grann, *Killers of the Flower Moon: The Osage Murders and the Birth of the FBI* (New York, Doubleday, 2017).

¹⁰⁶ Robert J. Spitzer, “Gun Accessories and the Second Amendment: Assault Weapons, Magazines, and Silencers,” *Law and Contemporary Problems* 83 (2020): 238 (<https://scholarship.law.duke.edu/lcp/vol83/iss3/13>). In the same period, five additional states restricted magazine capacity for fully automatic weapons, but not semiautomatic weapons.

¹⁰⁷ The National Firearms Act of 1934, 48 Statute 1236 (https://homicide.northwestern.edu/docs_fk/homicide/laws/national_firearms_act_of_1934.pdf); and the National Firearms Act of 1938, 52 Statute 1250 (https://homicide.northwestern.edu/docs_fk/homicide/laws/national_firearms_act_of_1938.pdf).

which restricted the distribution, storage, possession, and use of explosive materials during the time of war.¹⁰⁸

48. Since 1970, public officials have continued to reserve the right to regulate the sale, ownership, and control of new technologies that can be used by individuals or small groups to commit mass murder. The Homeland Security Act of 2002 improved security at airports and in cockpits to ensure that airplanes could not be used by terrorists to commit mass murder. The Secure Handling of Ammonium Nitrate Act of 2007 restricted access to large quantities of fertilizer to prevent terrorist attacks like the one that killed 165 people in Oklahoma City in 1995.¹⁰⁹ And in the wake of the massacre of 58 people and wounding of hundreds of others at a concert in Las Vegas in 2017, the Trump administration issued a regulation that banned the sale or possession of bump stocks. It gave owners 90 days to destroy their bump stocks or turn them in to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.¹¹⁰

49. In recent decades, criminal organizations, terrorists, and lone gunmen with an intent to commit mass murder have also discovered the effectiveness of rapid-fire semiautomatic weapons with large capacity magazines. These weapons, which were designed for offensive military applications rather than individual self-defense, emerged from technologies developed for military use during the Cold War, beginning with the Soviet AK-47 assault rifle, which was invented in 1947, adopted by the Soviet Army in 1949, and used in the 1950s by the Soviets or

¹⁰⁸ The Organized Crime Control Act of 1970, 84 Statute 922; and the Federal Explosives Act of 1917, 40 Statute 385.

¹⁰⁹ Public Law 107-296, November 25, 2002, “To Establish the Department of Homeland Security” (https://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf); and 6 U.S. Code § 488a - Regulation of the sale and transfer of ammonium nitrate (<https://www.law.cornell.edu/uscode/text/6/chapter-1/subchapter-VIII/part-J>). The ammonium nitrate regulations were to be enforced no later than 90 days after December 26, 2007. Accessed December 20, 2022.

¹¹⁰ *New York Times*, December 18, 2018 (<https://www.nytimes.com/2018/12/18/us/politics/trump-bump-stocks-ban.html>), accessed December 20, 2022.

their allies during the Hungarian Revolution, the Vietnam War, and the Laotian Civil War.¹¹¹

The signature U.S. military firearm of the Cold War era—the M-16 rifle, developed in 1959 with a 30-round magazine and a muzzle velocity of over 3,000 feet per second¹¹²—was capable of firing 750 to 900 rounds per minute when set on fully automatic.¹¹³ But the M-16 was used more often in combat—and more accurately, effectively, and sustainably as a weapon for inflicting mass casualties—when set on semiautomatic, which was standard military procedure. That is why the U.S. Army defines “rapid fire” as 45 rounds per minute (the rate of fire of an M-16 when set on semiautomatic), not 750 to 900.¹¹⁴ And that is why in 1998 the U.S. Marine Corps adopted the M-16A4, which replaced the “fully automatic” switch with a three-round burst (but is otherwise the same weapon as the M-16)—an alteration that slows the potential rate of fire, conserves ammunition, and improves accuracy.¹¹⁵ The civilian version of the M-16—the ArmaLite AR-15—has approximately the same muzzle velocity as the M-16 (3,300 feet per second) and the same rate of fire as the M-16 on semiautomatic: 45 rounds per minute.¹¹⁶

50. The muzzle velocity of semiautomatic handguns, like the Glock 17, is far lower than that of an M-16 or its civilian counterparts: around 1,350 feet per second. But technological advances have increased the speed at which semiautomatic handguns can be fired. An expert can

¹¹¹ Edward Ezell, *The AK-47 Story: Evolution of the Kalashnikov Weapons* (Harrisburg, Pennsylvania: Stackpole Books, 1986).

¹¹² Muzzle velocity is the speed at which a round exits the barrel of a firearm.

¹¹³ Edward Ezell, *The Great Rifle Controversy: Search for the Ultimate Infantry Weapon from World War II through Vietnam and Beyond* (Harrisburg, Pennsylvania: Stackpole Books, 1984).

¹¹⁴ Sections 8-17 through 8-22 (Rates of Fire), Sections 8-23 and 8-24 (Follow Through), and Sections B-16 through B22 (Soft Tissue Penetration), in *TC 3-22.9 Rifle and Carbine Manual*, Headquarters, Department of the Army (May 2016). Available at the Army Publishing Directorate Site (https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN19927_TC_3-22x9_C3_FINAL_WEB.pdf), accessed December 20, 2022.

¹¹⁵ See *military-today.com* (<http://www.military-today.com/firearms/m16.htm>), accessed December 20, 2022.

¹¹⁶ Ezell, *The Great Rifle Controversy*, 177-192.

fire an entire 30-round magazine from a Glock 17 handgun in five seconds.¹¹⁷ And they are affordable. A new semiautomatic handgun can be purchased for less than \$200 and equipped with a 33-round magazine for less than \$15.¹¹⁸

51. It did not take criminals, terrorists, and lone gunmen long to adopt the rapid-fire semiautomatic handguns and rifles with large capacity magazines that arrived in the domestic market in the 1970s and 1980s. These firearms can inflict mass casualties in a matter of seconds and maintain parity with law enforcement in a standoff, which is why many police and sheriff departments across the United States have purchased semiautomatic rifles and armored vehicles to defend themselves and decrease the likelihood that officers are killed or wounded.¹¹⁹

52. Manufacturers soon discovered ways to increase the rate of fire of these new semiautomatic weapons even further. Some innovations, such as bump stocks and modification kits, allowed owners to transform semiautomatic rifles into fully automatic rifles. And in response to the Trump administration’s regulatory ban on the production and sale of bump stocks and modification kits, the firearms industry has developed “binary” triggers that fire when pulled *and when released*—a modification that doubles the rate at which semiautomatic weapons can be fired.¹²⁰

¹¹⁷ See Jerry Miculek, “Dual Glock 17 Rapid Fire 60 Rounds in 5 Seconds! 660 RPM.” YouTube (<https://www.youtube.com/watch?v=1H5KsnoUBzs>), accessed December 20, 2022.

¹¹⁸ See guns.com for the price of semiautomatic handguns (<https://www.guns.com/firearms/handguns/semi-auto?priceRange=Less%20than%20%24250>) and bymymags.com for the price of large capacity magazines (<https://www.buymymags.com/>), accessed October 4, 2022.

¹¹⁹ Sam Bieler, “Police Militarization in the USA: The State of the Field,” Policing: An International Journal 39 (2016): 586-600, available at https://www.emerald.com/insight/content/doi/10.1108/PIJPSM-03-2016-0042/full/pdf?casa_token=TYUuIouUCc8AAAAA:IWXQRQOtW90KZ2AKwzHNMX2tfRix0zAxRRkjQSy3rA-uUpnylZrnp0Xolhj7UFI05WGZkr_92L_QGk_OAxnSH-3h26oxKC4e7vM79VCBpFl9_cHg.

¹²⁰ Bureau of Alcohol, Tobacco, Firearms, and Explosives, Office of Enforcement Programs and Services, Office of Field Operations, “Open Letter to All Federal Firearms Licensees,” March 22, 2022 (<https://www.atf.gov/firearms/docs/open-letter/all-fpls-mar-2022-open-letter-forced->

53. Just as dangerous, however, were modifications that helped users fire more rapidly with semiautomatic firearms. The modifications included “fixes” as simple as stretching a rubber band from the trigger to the trigger guard of an AR-15—the civilian version of the M-16, which differs from the military model only in its lack of a switch for fully automatic. The band pushes the trigger forward more rapidly after each round and enables users to fire rapid semiautomatic bursts with help of the weapon’s natural recoil. The rubber band method works because manufacturers have increased the fire rate of semiautomatic weapons by decreasing the pressure it takes to pull the trigger.¹²¹

54. The threat to public safety and law enforcement posed by semiautomatic rifles—with or without dangerous modifications—is a modern phenomenon that has a direct correlation with mass murder and mass shootings. The danger these firearms pose is intrinsically different from past weaponry. In the same way that the Colt cap-and-ball revolvers and breech-loaded firearms resulted in increased deaths by firearms, the development of semiautomatic rifles and handguns dramatically increased the number killed or wounded in mass shootings from 1966 to the present (see Figure 1, below).

Figure 1 – Mass Shootings (1966–2022): Firearm Type

Weapon Used By Shooter	Non-semiautomatic/non-automatic firearm	Semiautomatic handgun	Semiautomatic rifle	Automatic firearms
Average Killed	5.4	6.5	9.2	8.1

[reset-triggers-frts/download](#)), accessed December 20, 2022. The ATF has not banned the production, sale, or ownership of binary triggers, but the several states have done so, citing the threat they pose to the safety of the public and law enforcement. Those states include North Dakota, Hawaii, Connecticut, New Jersey, Maryland, Washington, California, D.C., Iowa, New York, Rhode Island, and Florida. (<https://lundestudio.com/are-binary-triggers-legal/>), accessed December 20, 2022. See also americanfirearms.org, “A Complete Guide to Binary Triggers,” (<https://www.americanfirearms.org/guide-to-binary-triggers/>), accessed December 20, 2022.

¹²¹ See “Rapid Manual Trigger Manipulation (Rubber Band Assisted),” YouTube (https://www.youtube.com/watch?v=PVfwFP_RwTQ), accessed December 20, 2022.

Average Wounded	3.9	5.8	11.0	8.1
Average Victims	9.3	12.3	20.2	16.2
Number of Mass Shootings	52	82	40	8

Note that mass shootings with semiautomatic rifles have been as deadly as mass shootings with fully automatic weapons.

55. And the threat posed by semiautomatic rifles is amplified when they are used in conjunction with extended magazines (more than 10 rounds) (see figure 2, below).

Figure 2 – Mass Shootings (1966–2022): Magazine Type

	No extended magazine	Extended magazine
Mass shootings with semiautomatic handgun	10.3	26.4
Mass shootings with semiautomatic rifle	13.0	37.1

56. Without extended magazines, semiautomatic rifles cause an average of 40 percent more deaths and injuries in mass shootings than regular firearms, and 26 percent more than semiautomatic handguns. But with extended magazines, semiautomatic rifles cause an average of 299 percent more deaths and injuries than regular firearms, and 41 percent more than semiautomatic handguns. And extended magazines are two-and-a-half times more likely to be used in mass shootings with semiautomatic rifles than with semiautomatic handguns: in 30 percent versus 12 percent of incidents. Semiautomatic rifles and extended magazines are deadly on their own. But in combination, they are extraordinarily lethal.

57. The data in Figures 1 and 2, and in the immediately above paragraph, are from the Violence Project.¹²² The Violence Project, which has compiled data on mass shootings from 1966 through 2021, defines a mass shooting as “a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and at least some of the murders occurred in a public location or locations in close geographical proximity (e.g., a workplace, school, restaurant, or other public settings), and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).” Other authorities have adopted similar definitions of “mass shootings” and “mass murder.” For example, the FBI has defined mass murder as “a number of murders (four or more) occurring during the same incident, with no distinctive time period between the murderers.”¹²³ Federal

¹²² The Violence Project (<https://www.theviolenceproject.org/mass-shooter-database/>), accessed October 4, 2022. The Violence Project database provides information on the weapons used in the shootings. It notes, for instance, that two shooters who possessed semiautomatic rifles at the times of their crimes did not use them, and that 8 shooters had illegal, fully automatic weapons. Those automatic weapons included 2 Uzi submachine guns, 3 machine pistols, 1 M-16, and 2 AK-47 rifles converted to automatic. I have not participated in Violence Project or in the collection of their data. In Figure 1, however, I have added the data from the six mass shootings that occurred from January through August, 2022, not yet included in the Violence Project’s data, that fit the Violence Project’s definition of a mass shooting: the Buffalo, New York, supermarket shooting on May 14; the Robb Elementary School shooting in Uvalde, Texas, on May 24; the Tulsa, Oklahoma medical center shooting on June 1; the concrete company shooting in Smithsburg, Maryland, on June 9; the Highland Park, Illinois, Fourth of July Parade shooting; and the Greenwood, Indiana, Park Mall shooting on July 17. Three were committed with semiautomatic rifles and three with semiautomatic handguns. The table in my declaration, unlike the tables in the Violence Project, does not include the Las Vegas shooting of 2017 (58 killed, 887 wounded). The Las Vegas shooting is an outlier in the number killed and wounded which would skew the results of my analysis.

¹²³ FBI, *Serial Murder: Multi-Disciplinary Perspectives for Investigators* at 8 (2005) (<https://www.fbi.gov/stats-services/publications/serial-murder#two>), accessed January 3, 2023.

legislation enacted in 2013 authorized the Attorney General to assist in the investigation of mass killings, defined to mean “3 or more killings in a single incident.”¹²⁴

58. In other recent litigation, researcher Clayton Cramer has opined that “individual mass murder,” as opposed to mass murders committed by groups, “is neither particularly modern no[r] dependent on technological advances.”¹²⁵ Clayton’s opinion is flawed because it is based on his decision to define “mass murder” to include “at least two murder victims committed in multiple locations within 24 hours.”¹²⁶ His definition is not accepted among criminologists. His opinion is also flawed because it fails to take into account many mass murders committed by groups of people before and during the early twentieth century, such as mass murders in connection with the draft riots in New York City in 1863 or the race riots of the early twentieth century, as well as others referenced above in paragraphs 42, 43, and 46.

59. What is remarkable about the mass shootings that have plagued the United States since 1965 is that all but four involved a lone shooter, and those that have involved more than one assailant have involved only two: in 1998 in Jonesboro, Kentucky; in 1999 in Littleton, Colorado; in 2015 in San Bernardino, California; and in 2019 in Jersey City, New Jersey. In the nineteenth and early twentieth centuries, it required scores of individuals to gather together as mobs, rioters, vigilantes, or terrorists to kill or wound dozens of people in a short space of time—generally because of their race, ethnicity, or faith.

60. Today, thanks especially to extended magazines and certain classes of semiautomatic firearms, it requires only one or two individuals to kill or wound that many

¹²⁴ 28 U.S.C. § 530C(b)(1)(M).

¹²⁵ See, e.g., *Bevis v. City of Naperville*, No. 22-cv-4775, Dkt. 35-1 (N.D. Ill. Dec. 23, 2022) (“Declaration of Clayton Cramer”) at ¶ 19.

¹²⁶ Declaration of Clayton Cramer at ¶ 4.

people. And because of these modern technologies, which were developed for warfare, angry, alienated individuals can commit mass murder for reasons that are simply personal. Mass murderers no longer require collaborators to rally to a cause. For example, they can kill large numbers of people simply because they feel slighted at school, because they don't get along with their coworkers, because they were rejected romantically, or because they simply want to make a name for themselves. And since it is impossible in our society—indeed, in any society—to ensure that no one is angry or alienated, restricting access to extended magazines and certain classes of semiautomatic firearms mitigates the risk to every American.

61. For these reasons, local governments have enacted bans on the sale of semiautomatic rifles with features that enhance their military utility, as the federal government did from 1994 to 2004. And local governments have banned the sale of large capacity magazines, because they allow mass murderers to prolong their attacks before citizens or law enforcement can intervene—usually when the shooter is reloading. For example, the shooter who wounded U.S. House Representative Gabby Giffords in Tucson, Arizona, in 2011 was able to fire 31 rounds with a Glock 19 semiautomatic handgun in a matter of seconds before bystanders could disarm him as he changed magazines. Every one of those rounds hit an individual, killing six and injuring twelve.¹²⁷

IV. CONCLUSION

62. From the Founding Generation to the present, the people of the United States and their elected representatives have recognized that there are instances in which the security of the republic and the safety of its citizens require government-imposed restrictions. That is why the

¹²⁷ “2011 Tucson Shooting,” Wikipedia (https://en.wikipedia.org/wiki/2011_Tucson_shooting), accessed December 20, 2022.

majority of states passed and enforced laws against the carrying of concealable weapons, why the federal government passed the Ku Klux Klan Acts during Reconstruction, and why states, municipalities, and the federal government have passed and enforced laws since World War I to restrict ownership or control of modern technologies that enable criminals, terrorists, and malicious or delusional individuals to commit mass murder. Public officials are not required to pass such laws, of course, but historically, they have always retained the ability to do so. There is no evidence in the historical record to suggest that they took their decisions lightly when they imposed these restrictions on weapons and armed voluntary organizations. And mass murders by individuals, including mass shootings, are a recent phenomenon, caused by changes in technology that emerged in the late nineteenth through the late twentieth century. Public officials today are confronting a criminological problem that did not exist in the Founding Era, nor during the first century of the nation's existence.

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

Executed on January 6, 2023 at Columbus, Ohio.

/s/ Randolph Roth

Exhibit A

Randolph Roth

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Curriculum Vitae

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Personal

Marital Status:	Married	Allison Sweeney
Children:	Alexander	

Education

1981, Ph.D. in History, Yale University (thesis, "Whence This Strange Fire? Religious and Reform Movements in Vermont, 1791-1843," David Brion Davis and Howard R. Lamar, advisors)

1973, B.A., with honors and distinction, in History, Stanford University (thesis, "Progressive Reform and Socialism in Berkeley, California, 1877-1924," Carl Degler and Barton Bernstein, advisors)

Academic Positions

1985-present, The Ohio State University: College of Arts and Sciences
Distinguished Professor of History and Sociology
1978-1985, Grinnell College: Assistant Professor of History
1978, University of Vermont: Instructor in History
1974-1977, Graduate Teaching Assistant, Yale University

Honorary Positions

2012, Wayne N. Aspinall Visiting Chair Professor, University of Colorado Mesa

Professional Honors and Awards for Scholarship

2022, Distinguished Scholar Award, Division of Historical Criminology, American Society of Criminology

2013-2016, Member, Roundtable on Crime Trends in America, National Research Council, National Academy of Sciences

2012, Fellow, American Association for the Advancement of Science

2011, Michael J. Hindelang Award, American Society of Criminology, for the outstanding contribution to criminology over the previous three years

2010, Allan Sharlin Memorial Award, Social Science History Association,

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for an outstanding book in social science history

2010, Outstanding Academic Books, *Choice*

1988, E. Harold Hugo Memorial Book Prize, Old Sturbridge Village Research Society, for distinguished work in the history of rural society

1982, Theron Rockwell Field Prize, Yale University, for the outstanding dissertation in the Humanities

1982, George Washington Eggleston Prize, Yale University, for the outstanding dissertation in American history

1973, James Birdsall Weter Prize, Stanford University, for the outstanding senior thesis in history

Professional Honors and Awards for Teaching

2017, Rodica C. Botoman Award for Distinguished Undergraduate Teaching and Mentoring, College of Arts and Humanities

2013, Outstanding Teaching Award, College of Arts and Sciences Student Council

2009, Ohio State University Alumni Award for Distinguished Teaching

2007, Distinguished Teaching Award, Ohio Academy of History

1995, Clio Award, Phi Alpha Theta Honor Society, for Distinguished Teaching in History at Ohio State University

Grants

2013-2014, Research Grant, Harry Frank Guggenheim Foundation

2012-2015, Research Grant, National Science Foundation (SES-1228406)

2000, Fellowship for University Teachers, National Endowment for the Humanities

1998-2000, Research Grant and Supplemental Research Grant, National Science Foundation (SBR-9808050)

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1992, Fellow, Workshop on the Rhetoric of Social History, University of Iowa

1989-1990, Research Fellowship, Harry Frank Guggenheim Foundation

1987, National Endowment for the Humanities, Summer Stipend

1983, Research Fellowship for Recent Recipients of the Ph.D., American Council of Learned Societies

1981, Fred Harris Daniels Fellowship, American Antiquarian Society

Bibliography and Research

Books

American Homicide (an interregional study of violent crime and violent death in America from colonial times to the present). The Belknap Press of Harvard University Press (2009), 655 pp.

The Democratic Dilemma: Religion, Reform, and the Social Order in the Connecticut River Valley of Vermont, 1791-1850. Cambridge University Press (1987), 399 pp.

Edited Volumes

Co-founder and co-director, Historical Violence Database (on-line database on violent crime, violent death, and collective violence). Web address:
www.sociology.ohio-state.edu/cjrc/hvd

American Homicide Supplementary Volume (on-line supplement to *American Homicide*, including detailed appendices on methods, supplemental tables, graphs, and statistical analyses), approx. 750 pp. Web address:
<http://cjrc.osu.edu/researchprojects/hvd/AHsup.html>

Essays on Historical Subjects

“Homicide and the Opioid Epidemic: A Longitudinal Analysis,” co-authored with Richard Rosenfeld and Joel Wallman. *Homicide Studies* (forthcoming).

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“The Opioid Epidemic and Homicide in the United States,” co-authored with Richard Rosenfeld and Joel Wallman. *Journal of Research in Crime and Delinquency* 58: 1 (2021): 1-46.

“Homicide-Suicide by Women against Intimate Partners,” co-authored with Wendy C. Regoeczi, in Todd Shackelford, ed., *Sage Handbook of Domestic Violence* (Newbury Park: Sage Publications, 2020), v 1, 318-329.

“Why Guns Are and Aren’t the Problem: The Relationship between Guns and Homicide in American History,” in Jennifer Tucker, Barton C. Hacker, and Margaret Vining, eds., *A Right to Bear Arms? The Contested Role of History in Contemporary Debates on the Second Amendment* (Washington, D.C.: Smithsonian Institution Scholarly Press, 2019), 113-133.

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"Getting Things Wrong Really Does Help, as Long as You Keep Trying to Get Things Right: Developing Theories About Why Homicide Rates Rise and Fall" in Michael D. Maltz and Stephen Rice, eds., *Envisioning Criminology: Researchers on Research as a Process of Discovery* (Springer Verlag, 2015), 143-150.

“Roundtable on History Meets Biology: Introduction,” *American Historical Review* (2014) 119: 1492-1499. Principal author and organizer of the Roundtable.

“Emotions, Facultative Adaptation, and the History of Homicide,” *American Historical Review* (2014) 119: 1529-1546.

“Gender, Sex, and Intimate-Partner Violence in Historical Perspective,” in Rosemary Gartner and William McCarthy, eds., *Oxford Handbook on Gender, Sex, and Crime* (Oxford University Press, 2014), 175-190.

“The Importance of Testing Criminological Theories in Historical Context: The Civilization Thesis versus the Nation-Building Hypothesis,” *Criminology* online: Presidential Session Papers from the American Society of Criminology (2014)

“Making Sense of Violence? Reflections on the History of Interpersonal Violence

in Europe,” *Crime, History, and Societies* (2013) 17: 5-26. Richard McMahon, Joachim Eibach, and Randolph Roth. Introduction to a special issue solicited by the Board of Editors of *Crime, History, and Societies*, co-edited with Joachim Eibach, University of Berne, and Richard McMahon, University of Liverpool.

“Scientific History and Experimental History,” *Journal of Interdisciplinary History* (2013) 43: 443-458.

“Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide,” *Homicide Studies* (2012) 16: 196-217.

“Yes We Can: Working Together toward a History of Homicide That Is Empirically, Mathematically, and Theoretically Sound,” *Crime, History, and Societies* (2011) 15: 131-145.

“Biology and the Deep History of Homicide,” *British Journal of Criminology* (2011) 51: 535-555.

“Homicide Rates in the Old West.” *Western Historical Quarterly*. Randolph Roth, Michael D. Maltz, and Douglas L. Eckberg (2011) 42: 173-195.

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"Rural Communities," in Feintuch, Burt and David H. Watters, eds., *Encyclopedia of New England*. Yale University Press (2005), 53-55.

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"Spousal Murder in Northern New England, 1791-1865," in Christine Daniels, ed., *Over the Threshold: Intimate Violence in Early America, 1640-1865*. Routledge Press (1999), 65-93.

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"The Other Masonic Outrage: The Death and Transfiguration of Joseph Burnham," *Journal of the Early Republic* (1994) 14: 35-69.

"The First Radical Abolitionists: The Reverend James Milligan and the Reformed Presbyterians of Vermont," *New England Quarterly* (1982) 55: 540-563.

Essays on Methods and Theory

"'To Err Is Human': Uniformly Reporting Medical Errors and Near Misses, a Naïve, Costly, and Misdirected Goal." *Journal of the American College of Surgeons*. Charles H. Andrus, Eduardo G. Villasenor, John B. Kettelle, Randolph Roth, Allison M. Sweeney, and Nathaniel M. Matolo (2003) 196: 911-918.

"Is There a Democratic Alternative to Republicanism? The Rhetoric and Politics of Synthesis in American History," in Jeffrey Cox and Sheldon Stromquist, eds., *Contesting the Master Narrative: Essays in Social History*. University of Iowa Press (1998), 210-256.

"Did Class Matter in American Politics? The Importance of Exploratory Data Analysis," *Historical Methods* (1998) 31: 5-25.

"Is History a Process? Revitalization Theory, Nonlinearity, and the Central

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Metaphor of Social Science History," *Social Science History* (1992) 16: 197-243.

"Ecological Regression and the Analysis of Voter Behavior," *Historical Methods* (1986) 19: 103-117.

Public History Essays

"Can Faith Change the World? Religion and Society in Vermont's Age of Reform," *Vermont History* (2001) 69: 7-18.

"Wayward Youths: Raising Adolescents in Vermont, 1777-1815," *Vermont History* (1991) 59: 85-96.

"Why Are We Still Vermonters? Vermont's Identity Crisis and the Founding of the Vermont Historical Society," *Vermont History* (1991) 59: 197-211.

Works in Progress

Child Murder in America. An interregional study of murders of and by children from colonial times to the present (in manuscript through early 20th century)

"How Scientific Is Environmentalist History? The Rhetoric and Politics of Speaking for Nature" (essay in manuscript)

Editorial Boards

2014-2017, *American Historical Review*
2012-2016, 1995-2005, *Historical Methods*
2011- , *Homicide Studies*
2004- , *Crime, History, and Societies*

Invited Lectures

"Trust, Legitimacy, and the Recent Rise in Homicide in the United States," Council on Criminal Justice, Washington, D.C., October 19, 2022.

"The History of Police Involved Homicides in the United States," Mary Immaculate College & the University of Limerick, Ireland, October 26, 2021.

"Firearms and Homicide in the United States: A History," British Crime Historians Symposium, Leeds University, Great Britain, Scheduled for September

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2-3, 2021.

“The History of Cross-National Homicide Rates: What We Can Learn from the Available Historical Data, and Why We Have to Worry about Learning the Wrong Lessons,” Bielefeld University, Germany, scheduled for April 29, 2020. Postponed.

“Inequality,” Ashland University, October 16, 2019.

“The History of Gun Violence in America,” Shasta Seminar, Wesleyan University, October 28, 2017.

“Why Guns Are and Aren’t the Problem,” Ashland University Center for the Study of Nonviolence, Ashland University, April 1, 2017.

“Firearms and Violence in American History,” Aspen Institute, September 15, 2016, Washington, D.C.

“Homicide in the United States: The Long History and Recent Trends,” The Donald and Margaret Sherman Violence Prevention Lecture, Jerry Lee Center of Criminology, University of Pennsylvania, April 10, 2015.

“The History of Child Murder,” Andrew Young School of Public Policy, Georgia State University, January 28, 2014.

“The Causes of Homicide,” National Institute of Justice, December 2, 2013.

“Biology, History, and the Causes of Homicide,” School of Law, University of Buffalo, October 10, 2013.

“Bio-Historical Co-Evolution and the Biology of Social Behavior: The Prospects for a New Institute on History and the Sciences,” Max Planck Institutes, Berlin, Germany, June 27, 2013.

“Deterrence, Judicial Tolerance, and the Homicide Problem in America,” Robina Institute of Criminal Law and Justice, University of Minnesota, April 26, 2013

“Child Murder in America: A History,” Population Studies Center and Department of History, University of Michigan, April 8, 2013

“America’s Homicide Problem,” Northwestern University School of Law, November 16, 2012

“American Homicide,” Aspinall Lecture, Colorado Mesa University, April 5, 2012

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“Quantitative Analysis of the History of Crime and Violence: Achievements and Prospects,” Keynote Address, Conference on “Making Sense of Violence,” University of Bern, September 8, 2011

“Can We Learn to Play Well with Others? Enlisting the Humanities, the Sciences, and the Social Sciences in the Study of Violence.” Conference on Emerging Disciplines, Humanities Research Center, Rice University, February 25, 2011

“American Homicide,” Washington Forum, Ohio University, Athens, Ohio, May 25, 2010

“Can We Learn to Play Well with Others? Enlisting the Humanities, the Sciences, and the Social Sciences in the Study of Violence.” Presidential Plenary Address, Southwestern Social Science Association, Houston, Texas, April 1, 2010

“Homicide on Florida’s Antebellum Frontier,” Robert and Rose Stahl Criminal Justice Lecture, Lawton M. Chiles Center for Florida History, Florida Southern College, Lakeland, Florida, March 25, 2010

“Homicide in the American Backcountry, 1717-1850,” Keynote Address at the “From Borderland to Backcountry Conference: Frontier Communities in Comparative Perspective” at the University of Dundee, Scotland, July 7, 2009

“Research Strategies for Studying the History of Crime and Violence,” Seminar on Crime and Criminal Justice, Northwestern University School of Law, Nov. 15, 2007

“American Homicide: Its History,” Ohio State University at Newark, Nov. 6, 2007

“American Homicide: A Political Hypothesis” and “The Case for Social Science History,” Northern Illinois University, April 4-5, 2007

“What Historians Can and Might Learn from Legal Sources.” Seminar in Early American History, Northwestern University, Jan. 31, 2007

“Why Is America a Homicidal Nation? A Political Hypothesis,” lecture in the Historical Approaches in the Social Sciences series, State University of New York at Binghamton, Oct. 12, 2006

“The History of American Homicide,” Winter College, Ohio State University, Sarasota, Florida, February 24, 2006

“The Role of Small Arms in American History,” Small Arms Working Group,

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Harry Frank Guggenheim Foundation, Columbia University, June 2005

"Why is the United States So Homicidal Compared to Other Western Democracies? A Political and Psychological Hypothesis," Center for Historical Research and Documentation on War and Contemporary Societies, Belgian Ministry of Scientific Research, Brussels, Belgium, December 2004

"The History of American Homicide," Center for Law, Policy, and Social Science, Moritz College of Law, Ohio State University, November 2004

"Peaceable Kingdoms? Harmony and Hostility in the Early American Family," Plenary Session, Society of Historians of the Early American Republic, July 22, 2004

"American Homicide," Department of History, Miami University, March, 2004

"Slavery, Freedom, and the History of African-American Homicide." School of Law and Department of History, University of Chicago, January, 2003

"American Homicide," School of Law, Stanford University, February, 2003

Workshop of the Study of the History of Homicide, Department of History, Stanford University, February, 2003

"American Homicide," Social Science Faculty Seminar, Stanford University, February, 2003

"American Homicide," School of Law, Northwestern University, September, 2003

"American Homicide," School of Law, University of Chicago, November, 2002

"Twin Evils?: The Relationship between Slavery and Homicide," Department of History, Yale University, May, 2002

"The Puzzle of American Homicide," School of Law, Northwestern University, November, 2001

"Why Northern New Englanders Seldom Commit Murder: An Interregional History of Homicide in America," and "The Historical Database Project on Crime and Violence in America," two lectures presented at the Charles Warren Center, Harvard University. May, 2000

"Understanding Homicide in America: An Interregional Approach," presentation to the Early American History Seminar, University of Pennsylvania, October,

Randolph Roth

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1999

"Can Faith Change the World?" Keynote address, Conference on Reform in Antebellum Vermont, Vermont Historical Society, September, 1999

"Why Northern New Englanders Seldom Commit Murder," presentation to the Center for Research on Vermont, the University of Vermont, and the Vermont Council on the Humanities. The presentation was televised in Vermont. It also made the evening news in Burlington and an AP wire story on my presentation was printed widely in newspapers in New Hampshire and Vermont, April, 1999

Papers Delivered at Professional Meetings (recent)

"The Social and Geographical Context of Child Homicides in the United States, 1989-2015," Homicide Research Working Group, June 2, 2022, Excelsior Springs, Missouri, and Social Science History Association, November 17, 2022, Chicago.

"The Difficulty of Counting the Number of Children Killed in Homicides in the United States, 1959-Present." Social Science History Association, November 23, 2019, Chicago.

"Police Involved Homicides in Ohio, 1959-1988," American Society of Criminology, November 13, 2019, San Francisco, with Wendy Regoczi and Rania Issa.

"Can Criminologists and Historians of Crime Work Together More Fruitfully in the Future?" Social Science History Association, November 3, 2017, Montreal.

"Comparing Data Sources on the Police Use of Lethal Force," American Society of Criminology, November 15, 2017, Philadelphia, with Wendy Regoczi and Rania Issa.

"The History of Mass Murder," American Historical Association, January 6, 2017, Denver.

"The Historians' Role in Criminal Justice Research," American Society of Criminology, November 16, 2016, New Orleans

"Police and Security Guard Involved Homicides in Ohio, 1959-1988," American Society of Criminology, November 18, 2016, New Orleans

"Why History and Biology Matter to One Another: The Epigenetics of Social Behavior," American Historical Association, New York City, January 4, 2015

Randolph Roth

Page 13

"The National Homicide Data Improvement Project, 1959-Present: Why Research in Multiple Sources Changes Dramatically Our Understanding of the Incidence and Character of Homicides in the United States," American Society of Criminology, San Francisco, November 19, 2014

"The Relationship between Guns, Homicides, and Suicide in American History," Organization of American Historians, Atlanta, April 4, 2014

"Situating Crime in Macro-Social and Historical Context," Presidential Panel, American Society of Criminology, Atlanta, November 22, 2013

"Has Violence Declined since the Middle Ages?" Presidential Panel, American Society of Criminology, Chicago, November 15, 2012

"The Sudden Appearance of Sexual Serial Killers in Late-Nineteenth Century America," Organization of American Historians, Houston, March 20, 2011

"The Biology of Social Behavior" at the annual conference of the Society of Historians of the Early American Republic, Philadelphia, July 15, 2011

"Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide," at the American Society of Criminology meeting in Washington, D.C., November 16, 2011

"Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide," at the Social Science History Association meeting in Boston, November 20, 2011

"Author Meets Critics" session on *American Homicide* at the European Social Science History conference in Ghent, Belgium, April 13, 2010. Discussants: Manuel Eisner, Peter King, and Pieter Spierenburg

"The Relationship between Guns and Homicide in American History," American Society of Criminology conference in San Francisco, November 18, 2010

"Author Meets Critics" session on American Homicide at the Social Science History Association conference in Chicago, November 20, 2010. Discussants: Richard McMahon, Douglas Eckberg, Donald Fyson, and John Carter Wood

"Does Honor Hold the Key to Understanding Violence in the Early Republic," Society for Historians of the Early American Republic, Springfield, Illinois, July 2009.

"The Difficulty of Reconciling the Homicide Counts in the National Center for Health Statistics Mortality Data and the FBI Supplementary Homicide Reports,"

Randolph Roth

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Social Science History Association, Long Beach, California, November, 2009

"Homicide in American History," Ohio Academy of History, Dayton, Ohio, April 12, 2008

"Quantification and Social Theory in the Study of Crime and Violence," in the Presidential Panel on "History in the Social Science History of Association: Disciplinary Developments," Social Science History Association, Chicago, Nov. 15-18, 2007

"Are Modern and Early Modern Homicide Rates Comparable? The Impact of Non-Emergency Medicine," Social Science History Association, Chicago, Nov. 15-18, 2007

"How Homicidal Was Antebellum Florida?" Gulf South History and Humanities Conference, Pensacola, Florida, Oct. 6, 2006

"Probability and Homicide Rates: Why We Can Be Certain the Nineteenth-Century West Was Violent." Social Science History Association convention in Minneapolis, Nov. 2-5, 2006

"The Historical Violence Database: A Collaborative Research Project on the History of Violent Crime and Violent Death." Social Science History Association convention in Minneapolis, Nov. 2-5, 2006

"Big Social Science: What Could We Learn about Violent Crime If We Had Enough Money to Study It Properly? Possibilities for Collaborative Research Projects," Social Science History Association, Portland, Oregon, November 3-6, 2005

Reviews

T. Cole Jones, *Captives of Liberty: Prisoners of War and the Politics of Vengeance in the American Revolution* (American Historical Review, 2021).

Chris Murphy, *The Violence Inside Us: A Brief History of an Ongoing American Tragedy* (Criminal Law and Criminal Justice Books, 2020).

Jeffrey S. Adler, *Murder in New Orleans: The Creation of Jim Crow Policing*. (Punishment and Society, 2020).

Heidi J. Osselaer, *Arizona's Deadliest Gunfight: Draft Resistance and Tragedy at the Power Cabin, 1918*. (Western Historical Quarterly, 2020).

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Heather Cox Richardson, *Wounded Knee: Party Politics and the Road to an American Massacre*. (Journal of the Civil War Era, 2011).

Bill Neal, *Sex, Murder, and the Unwritten Law: Gender and Judicial Mayhem, Texas Style*. (New Mexico Historical Quarterly, 2010).

Gordon Morris Bakken and Brenda Farrington, *Women Who Kill Men: California Courts, Gender, and the Press*. (Pacific Northwest Quarterly, 2010).

Jack D. Marietta and Gail S. Rowe, *Troubled Experiment: Crime, Justice, and Society in Pennsylvania, 1682-1800*. (William and Mary Quarterly, 2010).

Mark R. Pogrebin, Paul B. Stretesky, and N. Prabha Unnithan, *Guns, Violence, and Criminal Behavior: The Offender's Perspective*. (Criminal Justice Review, 2010)

Nicole Rafter, *The Criminal Brain: Understanding Biological Theories of Crime*. (Journal of Interdisciplinary History, 2009.)

Laura Browder, *Her Best Shot: Women and Guns in America* (Winterthur Portfolio 2007).

Paul M. Searls, *Two Vermonts: Geography and Identity, 1865-1910* (Vermont History, 2006).

Anu Koskivirta, *The Enemy Within: Homicide and Control in Eastern Finland in the Final Years of Swedish Rule, 1748-1808* (English Historical Review 2005).

Irene Quenzler Brown and Richard D. Brown, *The Hanging of Ephraim Wheeler: A Story of Rape, Incest, and Justice in Early American* (H-SHEAR, 2003).

T. D. S. Bassett, *The Gods of the Hills* (New England Quarterly, 2001).

Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (H-SHEAR, 1999).

Charles E. Clark, *The Meetinghouse Disaster* (Journal of American History, 1999).

Nicholas N. Kittrie and Eldon D. Wedlock, Jr., *The Tree of Liberty: A Documentary History of Rebellion and Political Crime in America* (Journal of the Early Republic, 1998).

Robert E. Shalhope, *Bennington and the Green Mountain Boys: The Emergence of Liberal Democracy in Vermont, 1790-1850* (Reviews in American History, 1997).

Daniel Doan, *Indian Stream Republic: Settling a New England Frontier* (Journal of the Early Republic, 1997).

Thomas H. Jeavons, *When the Bottom Line is Faithfulness: Management of Christian Service Organizations* (American Historical Review, 1996).

N. Prabha Unnithan, *The Currents of Lethal Violence: an Integrated Model of Suicide & Homicide* (Justice Quarterly, 1995).

Edward Jarvis, *Traditions and Reminiscences of Concord, Massachusetts, 1779-1878* (Journal of the Early Republic, 1995).

Charles Hoffman and Tess Hoffman, *Brotherly Love: Murder and the Politics of Prejudice in Nineteenth-Century Rhode Island* (American Historical Review, 1994).

Richard Bushman, *The Refinement of America: Persons, Houses, Cities* (Pennsylvania History, 1994).

Michael Bellisiles, *Revolutionary Outlaws: Ethan Allen and Vermont's Struggle for Independence* (William and Mary Quarterly, 1994).

David G. Hackett, *The Rude Hand of Innovation: Religion and Social Order in Albany, New York, 1652-1836* (American Historical Review, 1992).

Nat Brandt, *The Congressman Who Got Away With Murder* (New York History, 1992).

Tamara Plakins Thornton, *Cultivating Gentlemen: The Meaning of Country Life Among the Boston Elite, 1785-1860* (American Historical Review, 1991).

George M. Thomas, *Revivalism and Cultural Change: Christianity, Nation Building, and the Market in the Nineteenth-Century United States* (Pennsylvania History, 1991).

Richard D. Brown, *Knowledge is Power: The Diffusion of Information in Early America, 1700-1865* (The History of Education Quarterly, 1990).

William J. Gilmore, *Reading Becomes a Necessity of Life: Material and Cultural Life in Rural New England, 1780-1865* (Vermont History, 1990).

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Ruth Alden Doan, *The Miller Heresy, Millennialism, and American Culture* (Journal of the Early Republic, 1988).

William Lynwood Montell, *Killings: Folk Justice in the Upper South* (International Journal of Oral History, 1987).

David R. Kasserman, *Fall River Outrage: Life, Murder, and Justice in Early Industrial New England* (Journal of American History, 1987).

Robert J. Wilson III, *The Benevolent Diety: Ebenezer Gay and the Rise of Rational Religion in New England* (New England Quarterly, 1985).

Languages

German
Spanish
French (reading)

Quantitative Skills

Probability and Statistics (including econometric techniques of political analysis, exploratory data analysis, and log-linear and logit analysis)
Calculus and Analytical Geometry
Linear Algebra and Nonlinear Dynamics
Differential and Series Equations
Abstract Algebra

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Teaching

Graduate

History 7000	Topics in American History to 1877
History 7003	Readings in the Early Republic and Antebellum America
History 7650	Studies in World History
History 7900	Colloquium in the Philosophy of History, Historiography, and the Historian's Skills
History 8000	Seminar in Early American History

Undergraduate

History 2001	American Civilization, 1607-1877 (and Honors)
History 2015	History of American Criminal Justice
History 2650	World History since 1914
History 2800	Introduction to Historical
History 3164	World History since 1914: Readings
History 3193	Individual Studies / Research Internships in History
History 3700	American Environmental History
History 4650	History of Violence: Readings in World / Global / Transnational History
History 4675	Global History of Violence: Research Seminar
History 5900	Introduction to Quantitative Methods in History
History 598	Religious and Reform Movements (Senior Colloquium)
History 598	Research Seminar on Violent Crime and Death in the U.S.
History 557.02	Jeffersonian and Jacksonian Democracy, 1800-1840 Thought
History 282	American Religious History

Publications on Teaching

Founder and contributor to *Retrieving the American Past*, Department of History and Pearson Publishing, a flexible, problem-oriented publication for teaching classes in American History. Author of modules on “Violent Crime in Early America,” “Marriage in Colonial America,” and “Growing Up in Nineteenth-Century America.”

Ph.D Students Supervised

Daniel Vandersommers, “Laboratories, Lyceums, and Lords: Zoos, Zoology, and the Transformation of Humanism in Nineteenth-Century America,” August 2014. Recipient of a Presidential Fellowship, 2013-2014, the most prestigious

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University fellowship for senior graduate students. Assistant Professor of History, University of Dayton.

Michael Alarid, ““Caudillo Justice: Intercultural Conflict and Social Change in Santa Fe, New Mexico, 1837-1853,” June 2012. Assistant Professor of History, University of Nevada at Las Vegas.

Matthew Foulds, “Enemies of the State: Methodists, Secession and Civil War in Western Virginia, 1844-1865,” December 2011. Former Assistant Professor of History, Shepherd University

Jeanette Davis Mantilla, “Hush, Hush Miss Charlotte: Twenty-Five Years of Civil Rights Struggles in San Francisco, 1850-1875,” April 2000. Administrator in Charter School Division of the Department of Education, State of Ohio

Ken Wheeler, “The Antebellum College in the Old Northwest: Higher Education and the Defining of the Midwest,” January 1999. Professor of History, Reinhardt College. Author of *Cultivating Regionalism: Higher Education and the Making of the American Midwest* (Northern Illinois University Press, 2011)

Ross Bagby, “The Randolph Slave Saga.” July 1998. Librarian and independent scholar

Marianne Holdzkom, “Parody and Pastiche Images of the American Revolution in Popular Culture, 1765-1820,” May 1995. Professor of Social and International Studies, Southern Polytechnic State University

David Thomas, “Religion in the Far West: Oregon’s Willamette Valley, 1830-1850,” November 1993. Professor of History, Union College

Recent Senior Honors Thesis Students Supervised (recently)

Maggie Seikel, “The Great Depression in More Ways than One: Why Do Americans Commit Suicide More Often during Economic Crises?” (Anticipated 2021).

Margo Hertzner, “Police Involved Homicides in Ohio, 1959-1988.” (Anticipated 2021).

Laura Janosik, “Homicides Involving Women in Ohio, 1959-1988.” (2020). Prospective applicant to graduate school in history.

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Ben St. Angelo, “How Labor Disputes Led to Violence: Personalities, Paternalism, and Power at Republic Steel in Youngstown, Ohio: 1937.” (2017). Ph.D. student in History at Ohio State University.

Sarah Paxton, “The Bloody Ould Sixth Ward: Crime and Society in Five Points, New York” (2012). Ph.D. candidate in criminal justice history J.D. candidate at the Moritz School of Law at Ohio State University (twin degree program).

Kristen Gaston, “Restoration of the Cuyahoga River” (2012). Ph.D. candidate in Environmental History at the University of Cincinnati.

Alexandra Finley, “Founding Chestnut Ridge: The Origins of Central West Virginia’s Multiracial Community” (2010). Ph.D. candidate in early American history at the College of William and Mary. Recipient of the first Annual Prize at Ohio State for the outstanding senior honors thesis in the Department of History.

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Service

Service in Professional Organizations

2018-present, Allen Sharlin Book Prize Committee, Social Science History Association

2013-present, Grant Review Board, Harry Frank Guggenheim Foundation

2008-present, Editorial Board, *Crime, History, and Societies*.

2011-present, Editorial Board, *Homicide Studies*.

2014-2017, Board of Editors, *American Historical Review*

2014-15, 2016-17, Program Committee, American Society of Criminology

2014-2017, Research Awards Committee, Ohio Academy of History.

2011-2014, Chair, Distinguish Teaching Award Committee, Ohio Academy of History

2010-2011, Allan Sharlin Memorial Prize Committee, Social Science History Association

2010- ,Ohio Violent Death Reporting System Advisory Board

2010-2013, Advisory Board, Society for Historians of the Early American Republic

2008- , Society for the Scientific Detection of Crime, Columbus, Ohio

2009-2011, Youth Violence Prevention Advisory Board (Columbus)

2003, Nominating Committee, Social Science History Association

2002- , Co-founder and co-director, Historical Violence Database

1995-1997, ABC-Clio America: History and Life Award Committee, Organization of American Historians

1987-1993, Chair, Methods and Theory Network, Social Science History Association

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1987, Program Committee, Social Science History Association

Reviews of Manuscripts

American Historical Review
Journal of American History
William and Mary Quarterly
Journal of the Early Republic
Social Science History
Journal of Interdisciplinary History
Historical Methods
Journal of Women's History
Journal of the Family
Crime, History, and Societies
European Journal of Criminology
American Journal of Sociology
Sociological Quarterly
Criminology
Criminal Justice Review
Journal of Criminal Law and Criminology
Law and Social Inquiry
Homicide Studies
International Criminal Justice Review
International Journal of Law, Crime, and Justice
Law and Society Review
City and Community
Eras Review
Western Historical Quarterly
Canadian Journal of Sociology
Journal of the Gilded Age

Memberships in Professional Organizations (current)

American Historical Association
Organization of American Historians
Social Science History Association
European Social Science History Association
American Society of Criminology
Homicide Studies Working Group
American Association for the Advancement of Science

Service at Ohio State University

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Department

2006-2010, 2018-present, Undergraduate Placement / Enhancement Officer

1994-2015, 2018-present, Undergraduate Teaching Committee

2017-2018, Chair of Grievance Committee

2015-2017, 1991-1993, Chair of Graduate Studies

2012-2013, Chair of Undergraduate Studies

2011-2013, Advisory Committee and Salary Committee

1987-1991, History Department Promotion & Tenure Committee

College of Humanities

2007-2009, Curriculum Committee, College of Humanities

2002-2005, College of Humanities Computing Advisory Committee

1996-1997, College of Humanities Committee on the Center for the Study and Teaching of Writing, 1996-7; Affiliated Faculty Member, 2000-

College of Arts and Sciences

2006-2009, Alternate, Arts and Sciences Faculty Senate

2006- , Advisory Board, Criminal Justice Research Center, Department of Criminology and Sociology

2004- , Fellow, Center for Law, Policy, and Social Science, Moritz College of Law

2000- , Fellow, Criminal Justice Research Center, College of Social and Behavior Sciences

Graduate School

2018- , Graduate Awards Review Committee

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Ohio Department of Higher Education

2020- , Transfer Assurance Guide Review Panel, Ohio Articulation and Transfer Network

Service at Grinnell College

Chairman, African-American Studies Committee

Rosenfield Program on Public Affairs Committee

Faculty-Trustee Committee

Community Service

2001-2008, Chair, Community Services Advisory Commission, City of Dublin: advises City Council on all matters concerning utilities, policing, transportation, parks, recreation, waste management, etc.,

2004-present, Green Team, environmental projects volunteer organization, City of Dublin

2003-12, Committee to create an Indian burial mound and pioneer historic park at the Wright-Holder earthworks, City of Dublin

1997-present, Assistant Scoutmaster, Troop 299, Dublin / Citizenship Merit Badge Counselor / Eagle Scout Association / Philmont Staff Association / Distinguished Service Award, 2014 / Meritorious Service Award, 2006 / Bridge Builder Award, 2002

1997-2003, Good Schools Committee, Dublin City Schools, campaign committee for school bond and levy issues

1995-2005, President, Citizens for Dublin, city-wide association of civic association officers and city commission members

1995-1998, Vice-Chair, Transportation Task Force, City of Dublin

1995-1997, Community Plan Steering Committee, City of Dublin

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1988-present, President / Vice President / Trustee, East Dublin Civic Association

1987-present, Nature Conservancy / Volunteer Service Awards / Volunteer Crew Leader

Outreach / Media Appearances

Testimony to Oversight Committee of the Ohio Senate, December 22, 2020, on so-called “Stand Your Ground” laws.

B.R.E.A.D. (an interfaith organization dedicated to Building Responsibility Equality and Dignity), January 13, 2020, on gun violence in central Ohio.

Testimony to Federalism Committee of the Ohio House of Representatives, June 12, 2019, on concealed carry laws.

Worthington Senior Citizen Center, Inequality in the U.S., April 15, 2019

Canfield Residence Hall, Discussion of History of Criminal Enterprise in the U.S. with Undergraduate Students, April 10, 2019

“Gun Ownership in Decline,” *Columbus Dispatch*, December 11, 2017.

“How the Erosion of Trust Leads to Murders and Mass Shootings,” invited editorial, *Washington Post*, October 6, 2017

“Mass Murder in American History,” CSpan-3, April 2, 2017

All Sides with Ann Fisher, WOSU Radio, “Mass Murder and Terrorism,” December 9, 2015 and June 13, 2106; “The Recent Rise in Homicide in the United States,” March 14, 2017.

Consultant for the TLC Channel, “Who Do You Think You Are Anyway?” 2013-2014

Appeared on the CSPAN Book Channel on September 1, 2012 (<http://www.c-span.org/LocalContent/Columbus/>)

Appeared on the History Channel, “Seven Deadly Sins,” January 3, 2009 (A&E Home Video)

“It’s No Mystery: Why Homicide Declined in American Cities during the First Six Months of 2009,” History News Network, November 22, 2009

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(<http://cjrc.osu.edu/researchprojects/hvd/AHSV/It's%20No%20Mystery%2011-22-2009%205-2010.pdf> and <http://cjrc.osu.edu/researchprojects/hvd/AHSV/It's%20No%20Mystery%20Further%20Thoughts%201-1-2010%205-2010.pdf>)

Radley Balko, editor of reason.com, named *American Homicide* the best book of 2009 (<http://reason.com/archives/2009/12/30/the-year-in-books>)

“American Homicide,” address to Columbus Rotary Club, October 24, 2011

Radio interviews: Execution Watch with Ray Hill on KPFT Houston, Texas, and WPFW Washington, D.C., Nov. 10, 2009; Focus 580 with David Inge, WILL, Champaign-Urbana, Illinois, December 7, 2009; RadioWest with Doug Fabrizio, KUER and XM Public Radio Channel 133, Salt Lake City, Utah, Dec. 17, 2009; The Mark Johnson Show of the Radio Vermont Group, WDEV, Waterbury, Vermont, Dec. 30, 2009; The Current with Anna Maria Tremonti on the CBC, Toronto, Canada, January 6, 2010; The Marc Steiner Show on WEAA in Baltimore, January 26, 2010; by ABC Radio, Sydney, Australia, interviewed on March 3, 2010 for broadcast the week of March 8, 2010; by the Extension with Dr. Milt Rosenberg on WGN Radio 720 AM Chicago, broadcast December 9, 2010; the Gil Gross Show, KKSF Radio 910 AM, San Francisco, July 27, 2012; and The Marc Steiner Show on WEAA in Baltimore, December 17, 2012; *American Homicide* was the subject of an editorial by op-ed writer Gregory Rodriguez in the *Los Angeles Times*, Sunday, April 12, 2010 (<http://www.latimes.com/news/opinion/commentary/la-oe-rodriguez12-2010apr12,0,3217212.column>)

American Homicide was the subject of an editorial by Raina Kelley in *Newsweek*, Nov. 5, 2009 (<http://www.newsweek.com/id/221271>).

American Homicide was cited favorably in the *New York Times Sunday Magazine* in an article by Jeffrey Rosen, "Prisoners of Parole," January 10, 2010; and in the *Washington Post*, Nov. 22, 2009

Newspaper articles: quoted and/or reviewed in the *Washington Post*, the *Washington Times*, the *National Review*, the *Economist*, the *Wall Street Journal*, the *Boston Globe*, the *Chicago Tribune*, the *San Francisco Chronicle*, the *Los Angeles Times*, the *New York Times*, *New York Newsday*, the *Chronicle of Higher Education*, and the *Columbus Dispatch*, which ran a front-page article on Roth's work in a Sunday edition

Exhibit B

Appendix A

Text of the Laws

Concealed weapon statutes adopted before 1846, in chronological sequence.

KENTUCKY (1813)

CHAP. LXXXIX.

AN ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases.

Approved, February 3, 1813.

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky, That any person in this commonwealth, who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, shall be fined in any sum, not less than one hundred dollars; which may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury — and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of the commonwealth.*

This act shall commence and be in force, from and after the first day of June.¹

LOUISIANA (1813)

AN ACT

Against carrying concealed weapons, and going armed in public places in an unnecessary manner.

Preamble. Whereas assassination and attempts to commit the same, have of late been of such frequent occurrence as to become a subject of serious alarm to the peaceable and well disposed inhabitants of this state; and whereas the same is in a great measure to be attributed to the dangerous and wicked practice of carrying about in public places concealed and deadly weapons, or going to the same armed in an unnecessary manner, therefore;

Sect. 1. *Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened*, That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol or any other deadly weapon concealed in his bosom, coat or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine not to exceed fifty dollars nor less than twenty dollars, one half to the use of the state, and the balance to the informer, and should any person be convicted of being guilty of a second offence before any court of competent jurisdiction, shall pay a fine of not less than one hundred dollars to be applied as aforesaid, and be imprisoned for a time not exceeding six months.

Sect. 2. *And be it further enacted*, That should any person stab or shoot, or in any way disable another by such concealed weapons, or should take the life of any person, shall on conviction before any competent court suffer death, or

1. *Acts Passed at the First Session of the Twenty First General Assembly for the Commonwealth of Kentucky* (Frankfort: Gerard & Berry, 1813), 100-101.

such other punishment as in the opinion of a jury shall be just.

Sect. 3. *And be it further enacted*, That when any officer has good reason to believe that any person or persons have weapons concealed about them, for the purpose of committing murder, or in any other way armed in such a concealed manner, on proof thereof being made to any justice of the peace, by the oath of one or more credible witnesses, it shall be the duty of such judge and justice to issue a warrant against such offender and have him searched, and should he be found with such weapons, to fine him in any sum not exceeding fifty dollars nor less than twenty dollars, and to bind over to keep the peace of the state, with such security as may appear necessary for one year; and on such offender failing to give good and sufficient security as aforesaid; the said justice of the peace shall be authorized to commit said offender to prison for any time not exceeding twenty days.²

INDIANA (1820)

CHAPTER XXIII.

AN ACT to prohibit the wearing of concealed weapons.

Approved, January 14, 1820.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, That any person wearing any dirk, pistol, sword in cane, or any other unlawful weapon, concealed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, for the use of county seminaries: *Provided however*, that this act shall not be so construed as to affect travellers.³

INDIANA (1831)

Sec. 58. That every person, not being a traveller, who shall wear or carry any dirk, pistol, sword in a cane, or other

2. *Acts Passed at the Second Session of the First Legislature of the State of Louisiana* (New Orleans: Baird and Wagner, 1813), 172-175.

3. *Laws of the State of Indiana, Passed at the Fourth Session of the General Assembly* (Jeffersonville: Isaac Cox, 1820), 39.

dangerous weapon concealed, shall upon conviction thereof, be fined in any sum not exceeding one hundred dollars.⁴

ALABAMA (1837)

AN ACT

To suppress the use of Bowie Knives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any person carrying any knife or weapon, known as Bowie Knives or Arkansas Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie-Knife or Arkansasaw [sic] Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

Sec. 2. *And be it further enacted,* That for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same to his list of taxable property, he shall be subject to the pains and penalties of perjury.

Approved June 30, 1837.⁵

GEORGIA (1837)

AN ACT to guard and protect the citizens of this State, against the unwarrantable and too prevalent use of deadly weapons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met,*

4. *Revised Laws of Indiana, in Which Are Comprised All Such Acts of a General Nature as Are in Force in Said State; Adopted and Enacted by the General Assembly at Their Fifteenth Session* (Indianapolis: Douglass & Maguire, 1831), 192.

5. *Acts Passed at the Called Session of the General Assembly of the State of Alabama* (Tuscaloosa: Ferguson & Eaton, 1837), chap. 11, 7.

and it is hereby enacted by the authority of the same. That from and after the passage of this act, it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defence, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used, as horseman's pistols, &c.

Sec. 2. *And be it further enacted by the authority aforesaid,* That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

Sec. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all civil officers, to be vigilant [sic] in carrying the provisions of this act into full effect, as well also as Grand Jurors, to make presentments of each and every offence under this act, which shall come under their knowledge.

Sec. 4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures arising under this act, shall be paid into the county Treasury, to be appropriated to county purposes: *Provided, nevertheless,* that the provisions of this act shall not extend to Sheriffs, Deputy Sheriffs, Marshals, Constables, Overseers or Patrols, in actual discharge of their respective duties, but not otherwise: *Provided, also,* that no person or persons, shall be found guilty of violating the before recited act, who shall openly wear, externally, Bowie Knives, Dirks, Tooth Picks, Spears, and which shall be exposed plainly to view: *And provided, nevertheless,* that

the provisions of this act shall not extend to prevent venders, or any other persons who now own and have for sale, any of the aforesaid weapons, before the first day of March next.

Sec. 5. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act, be, and the same are, hereby repealed.⁶

TENNESSEE (1838)

CHAPTER CXXXVII.

An Act to suppress the sale and use of Bowie Knives and Arkansas Tooth Picks in this State.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons whatsoever, shall sell or offer to sell, or shall bring into this State, for the purpose of selling, giving or disposing of in any other manner whatsoever, any Bowie knife or knives, or Arkansas tooth picks, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or any Arkansas tooth pick, such merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons for every such Bowie knife or knives, or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick so sold, given or otherwise disposed of, shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a person not less than one month nor more than six months.

Sec. 2. That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick under his clothes, or keep the same concealed about his person, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum

6. *Acts of the General Assembly of the State of Georgia Passed in Milledgeville at an Annual Session in November and December, 1837* (Milledgeville: P. L. Robinson, 1838), 90-91.

not less than two hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.

Sec. 3. That if any person shall maliciously draw or attempt to draw any Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick, from under his clothes or from any place of concealment about his person, for the purpose of sticking, cutting, awing, or intimidating any other person, such person so drawing or attempting to draw, shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State for a period of time not less than three years, nor more than five years.

Sec. 4. That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden rencounter, shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State, for a period of time not less than three years, nor more than fifteen years.

Sec. 5. That this act shall be in force from and after the first day of March next. And it shall be the duty of the several judges of the circuit courts in this State to give the same in charge to the grand jury every term of the respective courts, and any civil officer who shall arrest and prosecute to conviction and punishment any person guilty of any of the offences enumerated in this act, shall be entitled to the sum of fifty dollars, to be taxed in the bill of costs, and the attorney general shall be entitled to a tax fee of twenty dollars in each case, when a defendant shall be convicted, and no prosecutor required on any presentment or indictment for any of the offences enumerated in this act.⁷

7. *Acts Passed at the First Session of the Twenty-Second General Assembly of the State of Tennessee: 1837-8* (Nashville: S. Nye & Co., 1838), 200-201.

ARKANSAS (1838)

Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor, and upon conviction thereof, in the county in which the said offence shall have been committed, shall be fined in any sum not less than twentyfive dollars, nor more than one hundred dollars, one half to be paid into the county treasury, the other half to the informer, and shall also be imprisoned not less than one, nor more than six months.⁸

VIRGINIA (1838)

Chap. 101.—An ACT to prevent the carrying of concealed weapons.

[Passed February 2, 1838.]

1. *Be it enacted by the general assembly.* That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from the use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offence forfeit and pay the sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and for each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

2. *And be it further enacted,* That if any person shall hereafter be examined in any county or corporation court upon a charge of murder or felony, perpetrated by shooting, stabbing, maiming, cutting or wounding, and it shall appear that the offence charged was in fact committed by any such weapon as is above mentioned, and that the same was hidden or concealed from or kept out of the view of the person

8. *Revised Statutes of the State of Arkansas, Adopted at the October Session of the General Assembly of Said State, A.D. 1837* (Boston: Weeks, Jordan and Co., 1838), Div. VIII, Art. I, § 13, p. 280.

against whom it was used, until within the space of one half hour next preceding the commission of the act, or the infliction of the wound, which shall be charged to have caused the death, or constituted the felony, it shall be the duty of the examining court to state that the fact did so appear from the evidence; and if the court shall discharge or acquit the accused, such discharge or acquittal shall be no bar to an indictment for the same offence in the superior court having jurisdiction thereof, provided the same be found within one year thereafter. And whether the accused shall be by such court sent on for further trial or discharged, it shall be lawful to charge in the indictment that the offence was committed in any of the modes herein before described; and upon the trial it shall be the duty of the jury (if they find the accused not guilty of the murder or felony) to find also whether the act charged was in fact committed by the accused, though not feloniously, and whether the same was committed or done with or by means of any pistol, dirk, bowie knife, or other dangerous weapon, which was concealed from or kept out of the view of the person on or against whom it was used, for the space before mentioned, next preceding such use thereof; and if the jury find that the act was so committed, they shall assess a fine against the accused, and it shall be lawful for the court to pronounce judgment as in cases of misdemeanor.

3. This act shall be in force from and after the first day of June next.⁹

ALABAMA (1839)**AN ACT**

To suppress the evil practice of carrying weapons secretly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any person shall carry concealed about his person any species of fire arms, or any bowie knife, Arkansas [sic] tooth-pick, or any other knife of the like kind, dirk, or any other deadly weapon, the person so offending, shall on conviction thereof, before any court having competent ju-

9. *Acts of the General Assembly of Virginia, Passed at the Session of 1838* (Richmond: Thomas Ritchie, 1838), 76-77.

risdiction, pay a fine not less than fifty nor more than five hundred dollars, to be assessed by the jury trying the case; and be imprisoned for a term not exceeding three months, at the discretion of the Judge of said court.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Judges of the several Circuit Courts of this State to give this act specially in charge of the Grand Juries, at the commencement of each term of said Courts.

Sec. 3. *And be it further enacted*, That the Secretary of State shall cause this act to be published for three months in the papers of Mobile, Montgomery, Tuscumbia, Huntsville, Wetumpka and Tuscaloosa, which publishers shall be paid out of any money in the Treasury not otherwise appropriated.

Approved Feb. 1, 1839.¹⁰

10. *Acts Passed at the Annual Session of the General Assembly of the State of Alabama* (Tuscaloosa: Hale & Eaton, 1838 [1839]), chap. 77, 67-68.

Exhibit I

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

**DECLARATION OF DR. MARTIN A. SCHREIBER,
MD, FACS, FCCM, COL, MC, USAR**

DECLARATION OF DR. MARTIN A. SCHREIBER

I, Dr. Martin A. Schreiber, MD, FACS, FCCM, COL, MC, USAR, declare under penalty of perjury that the following is true and correct:

1. This declaration is based on my personal knowledge and experience, and if I am called as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

2. I hold my opinions to a reasonable degree of medical and scientific certainty, based on my education, training, research and clinical experience, as well as my knowledge of relevant medical literature and the application of scientific principles to wounding ballistics.

3. Also relevant to the formation of my opinions is my knowledge of accepted standards of medical practice as they apply to emergency medicine.

4. I further base my opinions on my experience as a trauma surgeon both for military and civilian patients and as a soldier who has received weapons training and is required to carry weapons on deployment, which I discuss in more detail below. My curriculum vitae, which is attached as **Exhibit A**, documents my educational and professional experience in detail.

5. I am being compensated at a rate of \$250/hour.

6. During the past four years, I have participated as an expert witness in 30 cases, the vast majority of which were malpractice cases involving trauma and emergency general surgery patients. I have attached a list of cases for which I have provided expert testimony in the last four years as **Exhibit B**.

7. Prior to forming my opinions, I reviewed the complaint filed in this case, *National Association for Gun Rights v. City of Highland Park, Illinois*, Case No. 1:22-cv-04774 (N.D. Ill.), and the Highland Park ordinance challenged in this lawsuit, Highland Park Ord. No. 68-13.

BACKGROUND AND QUALIFICATIONS

8. I am board-certified in general surgery and surgical critical care and a Colonel in the United States Army Reserve. I have been a soldier for nearly 40 years. I joined the United States Army Reserves in 1984, completing my Army Officer Basic Training Course at the Silas B. Hays Army Hospital in 1985.

9. I have been a surgeon in a number of military settings, including Chief of Surgery for the 31st Combat Support Hospital and a general surgeon and Medical Director of the Surgical Intensive Care Unit at William Beaumont Army Medical Center.

10. When the United States went to war in Afghanistan and Iraq, I volunteered for active duty and deployment. I was deployed three times, serving in Iraq in 2005 and Afghanistan in 2010 and 2014.

11. During my deployment to Iraq, I was the Chief of Surgery for the 228th Combat Support Hospital in Tikrit, Iraq.

12. During my deployments to Afghanistan, I was Director of the Joint Theater Trauma System, United States Central Command in Bagram, Afghanistan, and a surgeon with the 932nd Forward Surgical Team in Shank, Afghanistan.

13. While deployed, I have cared for countless casualties (in the hundreds), including casualties to U.S. service men and women, soldiers of our allies, residents of host nations, and soldiers of our enemies.

14. As a soldier, I have been required to qualify with a 9mm Baretta handgun on a targeted shooting range on numerous occasions. I have also qualified with the M-16 assault rifle, which bears a close resemblance to an AR-15, on a targeted shooting range. I have also fired an

M2 50-caliber machine gun on training exercises at Shank, Afghanistan with a special forces unit while on deployment in 2014.

15. I am also the Chief of the Division of Trauma, Critical Care & Acute Care Surgery and Professor of Surgery at Oregon Health & Science University (“OHSU”) as well as the trauma medical director. OHSU has the only academic Level 1 trauma center in Oregon. It is internationally recognized in trauma research, named among the nation’s best programs by the American College of Surgeons. OHSU cares for approximately 4,000 trauma patients per year, approximately 8% of whom suffer penetrating injuries. 163 patients injured by gunshot wounds were treated at OHSU last year alone.

16. As a trauma surgeon at OHSU, I am personally involved in the care of trauma patients, including those who have suffered from gunshot wounds, throughout their in-hospital care and recovery. I am present at their arrival and accompany them to the intensive care unit or operating room as appropriate. I also care for trauma patients on the ward and in clinic, and in their late care as needed.

17. I received my Bachelor of Arts in Chemistry from the University of Chicago in 1984 and my Medical Degree from Case Western Reserve University in 1988. I completed a surgical internship at the Madigan Army Medical Center in Fort Lewis, Washington and a surgical residency at the University of Washington Seattle in Seattle, Washington. I completed a fellowship in Trauma and Critical Care at the University of Washington Seattle, as well. I am a Fellow in the American College of Surgeons and a Fellow of Critical Care Medicine.

18. In light of the fact that I have cared for hundreds of patients injured by handguns and assault rifles, I am very familiar with how wounds from these weapons differ and their relative killing capacity.

OPINIONS

I. The Killing Potential Of Assault Weapons.

19. During each of my three deployments, I was deployed as a surgeon with the United States Army. For deployment, the Army required me to qualify on a targeted shooting range and carry a 9mm Baretta essentially at all times for self-defense. While I received training on other weapons, such as an M-16, my Army-issued weapon was a handgun because I was a surgeon and needed a weapon for self-defense. The deployed warfighter, by contrast, carried, at a minimum, an M-4 assault weapon, with the capacity to kill numerous enemy combatants rapidly, because the warfighter's job, unlike the surgeon's, is to kill the enemy. The U.S. military's judgment that handguns, not assault rifles, are the right weapon for self-defense, while assault rifles, not handguns, are the right weapon for killing enemy combatants speaks volumes.

20. The killing capacity of a weapon is primarily determined by the kinetic energy imparted by the bullet, its effective range, and the rate at which the weapon fires projectiles. Kinetic energy is determined by the following equation:¹

$$E = \frac{1}{2} mass \times velocity^2$$

21. The muzzle velocity of an AR-15 is approximately 3200 feet per second² compared to 1200 feet per second for a 9mm Baretta.³

¹ Stefanopoulos PK, Mikros G, Pinialidis DE, et al. Wound Ballistics of Military Rifle Bullets: An Update on Controversial Issues and Associated Misconceptions. Journal of Trauma and Acute Care Surgery. 2019;87:696.

² "ArmaLite/Colt AR-15," Military Factory (May 22, 2018), https://www.militaryfactory.com/smallarms/detail.php?smallarms_id=383.

³ "M9 9mm Beretta Pistol," FAS Military Analysis Network (Jan. 20, 1999), <https://man.fas.org/dod-101/sys/land/m9.htm>.

22. The kinetic energy of a 9mm Baretta is estimated to be approximately 400 foot pounds⁴ compared to 1303 foot pounds for an AR-15.⁵

23. When a projectile fired from a firearm penetrates the human body, it creates a temporary and, eventually, permanent cavity. Holding all else equal, the larger the cavity, the more severe the injury.

24. The large kinetic energy and force produced from an AR-15-style weapon means that a round fired by such a weapon typically creates a relatively large temporary cavity in a human body, with devastating effects to tissue and surrounding organs.⁶

25. Assault weapons, especially when equipped with large-capacity magazines, can also fire more shots faster than other types of weapons, causing more victims and injuries per event. Assault weapons can fire hundreds of rounds per minute in automatic mode. Even in semi-automatic mode, the self-loading feature of the weapon allows it to fire dozens of shots per minute. For example, unlike a bolt-action hunting rifle, which requires the shooter to pull the bolt back before firing each round, an assault weapon allows the shooter to fire each round without manually cycling the weapon. When combined with a large-capacity magazine, an assault weapon can fire more rounds per minute than a handgun, shotgun, or hunting rifle.

26. Assault weapons are also highly accurate at great distances. The effective range of an AR-15 is approximately 400–500 yards compared to up to 50 yards for a typical handgun.

⁴ A foot pound is a unit of energy equal to the amount required to raise one pound a distance of one foot.

⁵ Rhee PM, Moore EE, Joseph B, et al. Gunshot Wounds: A Review of Ballistics, Bullets, Weapons and Myths. *Journal of Trauma and Acute Care Surgery*. 2016;80:856.

⁶ See Stefanopoulos PK et al., *supra*, n.1 at 692.

I have personally witnessed a soldier instantly killed by an assault weapon fired from hundreds of yards away by a single bullet that penetrated his mouth and spinal cord.

27. Assault weapons also tend to be lightweight and highly maneuverable, and have low recoil, which allows people intent on inflicting mass casualties to move around easily before, during, and after shooting the weapon. In addition, due to their low recoil, assault weapons allow the shooter to continue firing without having to re-sight (i.e., re-aim) the weapon at the target. Rather, the shooter is able to keep the assault weapon still and produce a consistently straight line of fire.

28. The combination of high kinetic energy, the ability to fire rounds rapidly, deadly accuracy at great distance, a high degree of maneuverability, and low recoil results in maximum killing potential.

29. This is exemplified by the 2017 Las Vegas shooting, during which a single individual was able to fire hundreds of rounds each minute for 10 minutes, killing 58 people and wounding over 800 from a 32nd floor suite at a local hotel firing into a crowd at an open-air concert at a distance of more than 1,000 feet.⁷ The weapons utilized were primarily assault weapons utilizing bump stocks allowing them to fire at a rate similar to automatic weapons.⁸ This was the most lethal mass shooting in U.S. history. Many of the doctors, including multiple military surgeons, described the injuries as “injuries you would see in a war zone.”⁹

⁷ Federal Emergency Management Agency. 1 October After-Action Report of August 24, 2018 events; Thomas L. Las Vegas Shooting: Answering 4 Common Questions. The Spectrum. October 5, 2017.

⁸ Alex Horton. *The Las Vegas Shooter Modified a Dozen Rifles to Shoot Like Automatic Weapons*, The Washington Post (Oct. 3, 2017), <https://www.washingtonpost.com/news/checkpoint/wp/2017/10/02/video-from-las-vegas-suggests-automatic-gunfire-heres-what-makes-machine-guns-different/>.

⁹ Tim Craig, *‘Something we would see in a war zone’: Military surgeons on the wounds they*

30. While Las Vegas was especially lethal, there are numerous other mass shootings that have had devastating effects on communities in mere seconds. For example, in Highland Park, Illinois, a single mass shooter armed with a Smith & Wesson M&P15, climbed on a roof and killed seven people and injured another 48 with 83 shots fired in only a very short period of time.¹⁰ Doctors who were on the scene to enjoy the parade with their families, ran toward the victims, encountering a scene that looked like a “war zone.” For example, according to press reports and interviews, a local doctor, who provided assistance to some of the victims, commented that he saw those killed with “horrific injuries,” the kind that “happen when bullets can blow bodies up.”¹¹ He also saw a horrific traumatic head injury, performed CPR on a young child who was severely injured, and described the injuries he encountered as those that one would see in war.¹² Doctors, including a trauma surgeon, and nurses at the Highland Park

treated in Las Vegas, The Washington Post (Oct. 5, 2017), <https://www.washingtonpost.com/news/post-nation/wp/2017/10/05/something-we-would-see-in-a-war-zone-military-surgeons-on-the-wounds-they-treated-in-las-vegas/>.

¹⁰ Dakin Andone, Steve Almasy, & Curt Devine, *What we know about the Highland Park shooting suspect*, CNN (July 7, 2022), <https://www.cnn.com/2022/07/05/us/robert-e-crimo-highland-park-suspect/index.html>; see also *The Highland Park shooting suspect is indicted on 117 charges*, NPR (July 28, 2022) <https://www.npr.org/2022/07/28/1114207587/the-highland-park-shooting-suspect-is-indicted-on-117-charges>.

¹¹ Phil Rogers, ‘Bodies were down’: Witness breaks down scene of mass shooting at Illinois Fourth of July parade, NBC News (July 4, 2022) <https://www.nbcnews.com/video/illinois-doctor-recalls-moments-he-saw-bodies-down-at-fourth-of-july-parade-shooting-143393349888>; see also Jason Hanna, ‘Those are wartime injuries’: Doctor describes the horrific scene at the Highland Park shooting, CNN (July 5, 2022), <https://www.cnn.com/2022/07/05/us/illinois-highland-park-shooting-doctor/index.html>.

¹² *Id.*; see also Brett Chase, *At Highland Park Parade Mass Shooting, Doctors Went From Watching to Treating the Wounded*, Chicago Sun Times (July 8, 2022), <https://chicago.suntimes.com/2022/7/8/23196922/highland-park-parade-mass-shooting-fourth-july-doctors-loren-schechter-dave-baum>.

Hospital, where victims arrived in the emergency room after the shooting, likewise described the wounds they saw on the patients they treated as “war wounds” and “devastating.”¹³

II. Treating Wounds From Assault Rifles.

31. The descriptions of the injuries observed during the Las Vegas and Highland Park shootings are consistent with my own experience treating wounds caused by assault weapons.

32. As a trauma surgeon in both the civilian and military context, I have personally treated hundreds of patients suffering from handgun wounds and assault weapon wounds.

33. The assault weapon wounds that I have seen in a civilian context are virtually identical in nature to the wounds that I saw in combat. These wounds differ substantially from those caused by other firearms, notably handguns, both in impact on the body and their relative fatality and complication rates.

34. In my experience, assault weapon blasts to the head, neck, or trunk are usually lethal, especially in the absence of personal protective equipment like a Kevlar helmet and body armor.

35. Assault weapon blasts to the abdomen tend to cause greater damage to the muscles, bones, soft tissue, and vital organs than handguns. Inside a human body, one assault weapon round can destroy organs in a way that looks like an explosion has happened. Bones may also be shattered and soft tissue shredded. For example, during my time in Afghanistan I treated civilians that were injured when terrorists fired assault weapons at them while waiting in line to

¹³ Czink & Bair, ‘*They Just Kept Coming*’: Highland Park Medical Staff Recalls Parade Shooting, WGN TV (July 12, 2022), <https://wgntv.com/news/highland-park-parade-shooting/they-just-kept-coming-highland-park-medical-staff-recalls-parade-shooting/>; see also Lisa Schencker, *Highland Park Hospital Doesn’t See Many Victims of Gun Violence. Then July Fourth Happened. Here’s How the Day Unfolded*, Chicago Tribune (Aug. 14, 2022), <https://www.chicagotribune.com/business/ct-biz-highland-park-hospital-july-4-shooting-20220814-3pclhoiv3zcp7itrd2riy6g6wq-story.html>.

vote. One civilian had their entire upper left quadrant exploded with a single bullet, destroying the pancreas, spleen, and kidney and necessitating partial removal of the pancreas, and the entire spleen and kidney.

36. Not only do patients with assault weapon injuries frequently have multiple organs injured, they also often have major blood vessels or arteries severely damaged. They frequently require massive blood transfusions due to tremendous blood loss, and they often require a series of operations instead of just one, unlike with handguns. When they do survive, they typically require prolonged hospitalizations and follow-up, face higher complication rates, and suffer much greater disability, which frequently persists for the rest of their shortened lives.

37. Assault weapon blasts to the extremities frequently result in amputations.

38. Due to lower kinetic energy, handgun injuries produce much less harm to the human body and are generally survivable unless the bullet penetrates a critical organ or major blood vessel. Most lethal injuries from handguns occur from very short distances and in the civilian setting are suicidal in nature.

39. Additionally, a handgun wound is much more likely to affect only one organ as compared to multiple organs, unlike with wounds caused by assault weapons.

40. In my experience, many patients with handgun injuries have minor injuries that do not require any surgery, and they are discharged from the emergency department. Patients with handgun injuries who require operative therapy have a very high survival rate.

41. Assault weapons are designed for the purpose of maximum killing in wartime settings. They are deadly accurate weapons with enormous destructive capacity and can be fired at a rate of hundreds of rounds per minute. The mass casualties produced by assault weapons

frequently exceed the capacity of civilian trauma systems and trauma surgeons to treat and have a very high mortality rate, as in the case of the Las Vegas shooting.

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

Executed on January 18, 2023 at Orlando, Florida.



/s/

EXHIBIT A

**CURRICULUM VITAE
MARTIN A. SCHREIBER, MD FACS FCCM
UPDATED 01/04/22**

Personal Information

Home Address:	11 Garibaldi Street Lake Oswego, OR 97035
Business Phone:	(503) 494-6518
Business Fax:	(503) 494-6519
Business Address:	Trauma, Critical Care and Acute Care Surgery Division Oregon Health & Science University 3181 SW Sam Jackson Park Road Mail Code L611 Portland, OR 97239
Birthdate:	4/24/62
Birthplace:	Cleveland, OH

EDUCATION

University of Chicago - Chicago, Illinois 1980-1984
Bachelor of Arts - Chemistry

Case Western Reserve University - Cleveland, OH 1984-1988
Medical Degree

RESIDENCY TRAINING

Surgical Internship - Madigan Army Medical Center Fort Lewis, WA 1988-1989
Surgical Residency - University of Washington Seattle, WA 1989 - 1993
Chief Residency - University of Washington Seattle, WA 1993 - 1994

FELLOWSHIPS

Trauma and Critical Care - University of Washington Seattle, WA 1994- 1995

BOARD CERTIFICATION

Federal Licensure Examination - 1989
Qualifying Examination of the American Board of Surgery - 10/94
Certifying Examination of the American Board of Surgery - 6/95
Examination for Certification of Added Qualifications in Surgical Critical Care -
10/96

APPOINTMENTS

Acting Instructor - Dept of Surgery, University of Washington, 7/94-6/95
Assistant Professor of Surgery - Texas Tech University Health Science Center, 3/96-10/99
Clinical Assistant Professor of Surgery - Uniformed Services University of the Health Sciences, 2/96-Present
Assistant Professor of Surgery – Baylor College of Medicine, 10/99-11/01
Professor of Surgery – Oregon Health & Science University, 7/08-Present
Major United States Army Reserve 2004 – 2007
Lieutenant Colonel United States Army Reserve 2007- 2012
Colonel United States Army Reserve 2012 – Present
Professor Physiology and Pharmacology – Oregon Health & Science University, 2014 – Present
Senior Scientist in the OHSU Center for Regenerative Medicine under the Senior Vice President for Research, 2014 – Present
Adjunct Professor of Surgery, Uniformed Services of the Health Sciences, 2021 - Present

LICENSURE

To Practice Medicine in the State of Oregon – MD23540

MILITARY TRAINING

Army Officer Basic Course - Silas B. Hays Army Hospital Fort Ord, California 1985
US ARMY Airborne Course - Fort Benning, GA 1986
ATLS - Fort Sam Houston, TX 1989
ATLS Instructor - Fort Carson, CO 1996
ATLS Director - Fort Sam Houston, TX 1997
ATLS State Faculty – WBAMC 1999
Armed Forces Combat Casualty Care Course - Fort Sam Houston, TX 1989
Instructor Bushmaster Course - Camp Bullis, TX 1996
Combat Trauma Surgical Team - Ben Taub General Hospital September 1998
Commander Combat Trauma Surgical Team – Ben Taub General Hospital February 1999
Director Army Military Civilian Trauma Team Training Program (AMCT3)– Oregon Health & Science University 2018 - Present

PROFESSIONAL SOCIETY MEMBERSHIPS

Alpha Omega Alpha Honor Society
American College of Surgeons - Fellow
Washington State Chapter of the American College of Surgeons 1994-1995
The Henry N. Harkins Surgical Society
Associate Member of the American College of Surgeons Washington

Committee on Trauma 1994-1995
Member of Harborview Medical Center Trauma Council 1994-1995
Eastern Association for the Surgery of Trauma
American Association for the Surgery of Trauma
American Trauma Society
Association for Academic Surgery – Active Member
Society of Critical Care Medicine
The Shock Society
Oregon State Chapter of the American College of Surgeons
President – Oregon Chapter of the Society of Critical Care Medicine 2003 – 2004
Western Trauma Association
Society of University Surgeons
Secretary - Treasurer Portland Surgical Society 2004 - 2008
Pacific Coast Surgical Association
North Pacific Surgical Association
President - Portland Surgical Society 2008 – 2009
Society of Clinical Surgeons
American Surgical Association
Western Surgical Association
International Surgical Society
International Association for Trauma Surgery and Critical Care

COMMITTEE MEMBERSHIPS

Special Care Line Action Team - William Beaumont Army Medical Center 1995-1999
Chief, Trauma Committee – William Beaumont Army Medical Center 1997-1999
Human Use Subcommittee - William Beaumont Army Medical Center 1995-1999
Institutional Animal Care and Use Committee – William Beaumont Army Medical Center 1995-1999
Breast Cancer Prevention and Detection Action Team, Military Region VII 1995-1996
Trauma Research Program - William Beaumont Army Medical Center 1996-1999
Far West Texas and Southern New Mexico Regional Area Council on Trauma 1996-1999
Chairman Hospital Audit Committee of the Far West Texas and Southern New Mexico Regional Area Council on Trauma 1997-1999
Executive Board of the Far West Texas and Southern New Mexico Regional Area Council on Trauma 1997-1999
Research Committee - R. E. Thomason General Hospital 1997-1999
Military Combat Trauma Surgical Committee 1997-1999
Publication Committee for Gary P. Wratten Surgical Symposium 1999

Chairman, Trauma Morbidity and Mortality Committee Ben Taub General Hospital 1999 – 2001
Trauma Executive Committee Ben Taub General Hospital 1999 – 2001
Pharmacy and Therapeutic Committee Harris County Hospital District 1999 – 2001
Southeast Texas Regional Advisory Committee 1999 – 2001
Process Improvement Subcommittee of the Southeast Texas Trauma Regional Advisory Committee 1999 – 2001
Chairman of the Grants Committee of the Southeast Texas Trauma Regional Advisory Committee 2000 – 2001
Trauma Center Grant Steering Committee – Baylor College of Medicine 2000 – 2001
Baylor College of Medicine’s Graduate Medical Education Committee 2000 – 2001
American College of Surgeons South Texas Committee on Trauma 2001
Member of the Policy on House Staff Review Subcommittee of the Baylor College of Graduate Medical Education Committee 2001
Residency Internal Review Subcommittee of the Baylor College of Medicine’s Graduate Medical Education Committee 2001
Eastern Association for the Surgery of Trauma Practice Guideline Committee on Endpoints of Resuscitation 2001 – 2003
Trauma Committee – Oregon Health & Science University 2002 – Present
Trauma Peer Review Subcommittee - Oregon Health & Science University 2002 – Present
Department of Surgery Peer Review Committee – Oregon Health & Science University 2002 - Present
Eastern Association for the Surgery of Trauma Practice Guideline Committee on Hypothermia 2002 – 2004
Oregon Committee on Trauma 2002 – Present
Restraint and Seclusion Committee – Oregon Health & Science University 2002 – 2004
ICU Executive Management Committee – Oregon Health & Science University 2002 – 2014
Radiology Task Force Committee – Oregon Health & Science University 2003
Faculty Senate – Oregon Health & Science University 2003 - 2006
Data Safety Monitoring Board - Dr. Eileen Bulger, The Effect of Hypertonic Resuscitation for Blunt Trauma. IND Number: 10292 2003 - 2005
Area Trauma Advisory Board One in Oregon 2003 - 2005
Oregon State Trauma Advisory Board 2004 – Present
Research Committee – Oregon Health & Science University 2004 – Present
Sedation Oversight Committee - Oregon Health & Science University 2005 – 2007
Eastern Association for the Surgery of Trauma Publications Committee 2005 – 2007
Publications Committee - Western Trauma Association 2005 - 2007

Steering Committee for the U.S. Army Institute of Surgical Research Clinical Trials Program, U.S. Army Medical Research and Materiel Command, Fort Detrick, Maryland 2005 - Present
Eastern Association for the Surgery of Trauma Taskforce on Research Related Issues 2006 –2010
State Chair for the Oregon Committee on Trauma 2006 – 2012
American College of Surgeons Committee on Trauma 2006 – 2018
Transfusion Committee – Oregon Health & Science University 2006 – 2008
American College of Surgeons Subcommittee on ATLS 2006 – Present
Clinical Resource Management Committee – Oregon Health & Science University 2010 - Present
American College of Surgeons Ad Hoc Committee on Trauma System Evaluation and Planning 2006 – Present
8CSI Best Practice Committee – Oregon Health & Science University 2006 – 2009
Oregon State Trauma Advisory Board Legislative Subcommittee 2006 - Present
Trauma Audit Group, Area Trauma Advisory Board 1 2006 – Present
Dean’s Pathology Advisory Group – Oregon Health & Science University 2007
Eastern Association for the Surgery of Trauma Military Committee 2007 – Present
Chairman of the Eastern Association for the Surgery of Trauma Task Force on Research Related Issues 2008 – 2011
American Association for the Surgery of Trauma Acute Care Surgery Committee 2009 – Present
Western Trauma Association Program Committee 2009 – 2010
OHSU Department of Surgery Promotion and Tenure Committee 2009 – Present
Department of Surgery Quality Executive Committee 2008 – Present
Eastern Association of Trauma Practice Management Guidelines Committee 2010 – 2011
Promotion and Tenure Committee, Department of Surgery – Oregon Health & Science University 2010 – Present
Clinical Resource Management Committee – Oregon Health & Science University 2010 - Present
Eastern Association for the Surgery of Trauma – Nominations Committee 2011
Chairman of the ICU Management Committee – Oregon Health & Science University 2011 – 2013
American Association for the Surgery of Trauma Ad Hoc Educational Development/MOC Committee 2011 – 2013
Chief, Region X Committee on Trauma 2012 – Present
Western Trauma Association Board of Directors 2013 - 2016
Trauma Center Association of America Board of Directors 2013 – Present
Oregon District #1 Committee on Applicants of the American College of Surgeons 2014 – Present
Board of Governors of the American College of Surgeons 2014 – 2020
Shock Society – Publications Committee, 2015 – Present

Patient Blood Management Standards Committee, American Association of Blood Banks, 2016 – 2019
Committee on Surgical Combat Casualty Care, 2016 – Present
Vice-Chair Grassroots Advocacy Engagement Workgroup, American College of Surgeons, Board of Governors, 2016 – 2017
Chair Grassroots Advocacy Engagement Workgroup, American College of Surgeons, Board of Governors, 2017 – 2019
Chairman Military-Civilian Subcommittee, Trauma Center Association of America, 2017 – 2019
Chairman Advocacy Committee, Board of Governors, American College of Surgeons, 2019 - 2020
Member Blood Product Advisory Council, FDA, 2018 – Present
Member Tactical Combat Casualty Care Subject Matter Expert Panel, 2018 – Present
Chairman, Research Committee, Committee on Surgical Combat Casualty Care 2019 - Present
Chairman Trauma Center Association of America, 2020 – 2022
Chairman Donald D. Trunkey Center for Civilian and Combat Casualty Care Executive Committee, 2020 – Present
Committee on Accelerating Progress in TBI Research and Care, National Academy of Science, Engineering and Medicine, 2020 – 2021
Clotting Anticoagulation Transfusion Committee, OHSU, 2022 – Current

POSITIONS HELD

Chief, Dept of Surgery, Joint Task Force – Bravo Honduras, C.A. 1997
Chief of Surgery 31st Combat Support Hospital 1998 - 1999
General Surgery Staff- William Beaumont Army Medical Center, Medical Director of the Surgical Intensive Care Unit and Chief of Trauma William Beaumont Army Medical Center 1995-1999
General Surgery Staff – Ben Taub General Hospital 1999 - 2001
Trauma Medical Director, Ben Taub General Hospital 1999 – 2001
General Surgery Staff – Oregon Health & Science University 2002 - 2003
Director of Surgical Critical Care, Oregon Health & Science University 2002 – 2007
Program Director of the Surgical Critical Care Fellowship, Oregon Health & Science University 2003 - 2010
Surgeon - International Medical Surgical Team West 2004 - Present
Chief of Trauma, 228th Combat Support Hospital – Tikrit, Iraq 2005
Chief of Trauma and Surgical Critical Care, Oregon Health & Science University 2007 – 2009
Chief and Founder Division of Trauma, Critical Care and Acute Care Surgery, Oregon Health & Science University 2009 – Present
Director of Adult ICUs, Oregon Health & Science University 2010 – 2014

Director of the Joint Theater Trauma System, United States Central Command in Iraq and Afghanistan stationed in Bagram, Afghanistan 2010
Surgeon, 932nd Forward Surgical Team, Shank, Afghanistan 2014
Director Donald D. Trunkey Center for Civilian and Combat Casualty Care 2020
– Present
Chair, Division Chief search for Transplant Surgery at OHSU 2022

HONORS AND AWARDS

High School - National Honor Society
Undergraduate - Dean's List 1980 - 1984
Graduated from University of Chicago With Honors 1984
Effects of IL - 2 and IFN on Hepatic Metastases - American Cancer Society
Student Fellowship 1988
Lubrizol Award for Excellence in Patient Care - Case Western 1988
Henry N. Harkins Award for Excellence in Preparation of the Annual Residents' Paper - Washington State Chapter of the ACS 1989
Bulldog Award - Children's Hospital 1992
Joint Service Commendation Award - Honduras 1997
Army Achievement Medal - For being WBAMC's Project Officer for the Ben Taub Combat Trauma Surgical Training Program 1999
Army Achievement Medal - Quality Improvement Award 1999
Army Achievement Medal - For Patient Care 1999
Meritorious Service Medal – For Establishing a Verified and Designated Level 2 Trauma Center at William Beaumont Army Medical Center 1999
National Leadership Award – Honorary Co-Chairman of The Physician's Advisory Board 2001
Army Commendation Medal – For Service as Chief of Trauma of the 228th CSH Tikrit, Iraq 2005
Iraqi Campaign Medal – For Service in Operation Iraqi Freedom 2005
Army Reserve Medal with M device – For 10 years of service in the Army Reserves with Mobilization to Iraq 2005
American Association for the Surgery of Trauma Honorary Medal for Combat Surgical Care 2005
Meritorious Unit Commendation Award – For Meritorious Service of the 228th Combat Support Hospital During Operation Iraqi Freedom III 2006
Oregon Health & Science University Faculty Senate Certificate of Appreciation, In recognition of vision, leadership and support of the faculty 2006
Veterans of Oregon Honorable Service Medal 2006
Distinguished Faculty Award – Oregon Health & Science University Dept of Surgery 2007
World Journal of Surgery Best Paper of 2007 – Coagulopathy: Its Pathophysiology and Treatment in the Injured Patient
Portland Monthly Magazine Top Doctors 2010, 2012, 2013
Non-Article 5 NATO Medal for Service with NATO in Relation to International Security Afghanistan Forces August 2010

Afghanistan Campaign Medal in Recognition of Service in the Country of Afghanistan in Direct Support of Operation Enduring Freedom August 2010
Global War on Terrorism Service Medal-For support of the Global War on Terrorism August 2010
Joint Service Commendation Medal-For Meritorious Service Rendered During Operation Enduring Freedom August 2010
Certificate of Achievement-Task Force 62 Medical-For Outstanding Performance while Serving as Director, Joint Theater Trauma System, United States Central Command in Iraq and Afghanistan August 2010
The “A” Proficiency Designator in recognition of outstanding qualification in the field of General Surgery and continued demonstration of exceptional professional ability June 2011
Marquam Hill Faculty Teaching Award – Oregon Health & Science University, Department of Surgery 2011
Professional Staff Chair’s Award for Outstanding Contributions to Development of Interdisciplinary Teams – Oregon Health & Science University 2011
Inducted into The Order of Military Medical Merit for Distinguished Military Service September 2012
Army Achievement Medal for meritorious service while serving as a Burn Surgeon at the US Army Institute of Surgical Research 2013
Army Commendation Medal for exceptionally meritorious service as a General Surgeon while deployed in support of Operation Enduring Freedom June 2014
Afghanistan Campaign Medal in Recognition of Service in the Country of Afghanistan in Direct Support of Operation Enduring Freedom June 2014
Technology Transfer & Business Development Award for Oregon Procedure Quality Reporting System (OPQRS) and Healthcare Team Learning Management Platform October 2015
Asmund S. Laerdal Memorial Lecture Award for Extensive Involvement in Resuscitation Research and Publishing. Society of Critical Care Medicine February 2016
Journal of Trauma – Outstanding Reviewer Award, 2016
Marquam Hill Distinguished Service Award – Oregon Health & Science University Dept of Surgery 2017
2018 Lifetime Achievement Award in Trauma Resuscitation Science – American Heart Association
Meritorious Service Medal for Creating the Army Military Civilian Trauma Training Team at OHSU 2019
OHSU Continuing Professional Development Clinical Star Award 2018 – 2019, Awarded 2020
Robert Danis Prize – Given to the **surgeon**, author of the most important and personal work in connection with surgical treatment of fractures (orthopedic treatment excluded) and in connection with techniques, clinics or experimentation of fracture treatment and with the pathophysiology of trauma in general 2022

EDITORIAL BOARD MEMBERSHIPS

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PLOS Medicine

AD HOC REVIEWER FOR JOURNALS

Critical Care Medicine
Pediatric Blood and Cancer
World Journal of Surgery
Anesthesiology
Journal of the American College of Surgeons
Journal of Thrombosis and Hemostasis
New England Journal of Medicine
Resuscitation
Critical Care
Annals of Surgery
American Journal of Surgery
Transfusion
Injury
Plos One

INSTRUCTOR COURSES

Advanced Trauma Life Support – National Faculty
Definitive Surgical Trauma Care Course – Course Director
Stop the Bleed
Fundamental Critical Care Support

REVIEWER FOR GRANTS

American Institute of Biological Sciences
NIH Surgery, Anesthesia, Trauma Review Section, Special Member
ZRG1 ETTN-U 82 S, Special Topics: USU Intramural High Priority Research
Awards, National Institutes of Health, Bethesda, MD

MEMBER DATA SAFETY MONITORING BOARD

The Effect of Hypertonic Resuscitation for Blunt Trauma, Primary Investigator -
Dr. Eileen Bulger, IND Number: 10292.

Chair DSMB, Control of Major Bleeding after Trauma (COMBAT) Study: A
Prospective Randomized Comparison of Fresh Frozen Plasma Versus Standard
Crystalloid Intravenous Fluid for Initial Resuscitation. Primary Investigator – Dr.
Eugene Moore.

ONGOING RESEARCH SUPPORT

US Army Medical Research Acquisition Activity W81XWH-14-2-0003 Gregory (PI)
Armed Forces Institute for Regenerative Medicine (AFIRM) II Program

The goal of this study is determine the efficacy of infused bone marrow derived stem cells on regeneration of muscle tissue in patients with compartment syndrome.

Role on Project: Co-investigator (2014 – 2023)

BA150560 US Army Medical Research Acquisition Activity

Mesenchymal Stem Cells for the Prevention of Acute Respiratory Distress Syndrome after Pulmonary Contusion and Hemorrhagic Shock.

The goal of this research is to determine if mesenchymal stem cells infused intravenously can prevent ARDS in a model of hemorrhagic shock and unilateral pulmonary contusion.

Role on Project: Principal Investigator (2016 – 2023)

DM160342 US Army Medical Research Acquisition Activity

Prothrombin Complex Concentrate for Prolonged Field Care of War Casualties

The purpose of this research is to determine of prothrombin complex concentrate can prevent ARDS in a swine model of hemorrhagic shock and pulmonary contusion.

Role on Project: Principal Investigator (2017 – 2024)

W81XWH-16-R-0033 Department of Defense, Joint Program Committee-6 Combat Casualty Care.

Linking Investigations in Trauma and Emergency Services (LITES)

The purpose of this research is to create a network of trauma centers to execute trauma research of interest to the Department of Defense.

Role on Project: Co-Principal Investigator (2016 – 2023)

RFA-NS-16-016 NIH

Network for Emergency Care Clinical trials: Strategies to Innovate Emergency Care Clinical Trials Network (SIREN) – Network Clinical Center (HUB) (U24)

This is a network of major medical centers designed to execute NIH funded trials in the areas of emergency medicine and trauma.

Role on Project: Trauma Principal Investigator (2017 – 2023)

W81XWH-17-1631 US Army Medical Research and Materiel Command

Mesenchymal Stem Cells for Treatment of ARDS Following Trauma

This is a multicenter randomized trials comparing mesenchymal stem cells to placebo for the treatment of ARDS in critical care patients.

Role on Project: Site Principal Investigator (2017 – 2020)

CSL Behring

Prothrombin Complex for the Treatment of Prehospital Traumatic Hemorrhagic Shock

This is an investigator initiated multicenter trial comparing prothrombin complex concentrate to placebo for the prehospital care of patients with traumatic hemorrhagic shock. Role on Project: Principal Investigator (2017 – 2021)

COMPLETED RESEARCH SUPPORT

US Army Medical Research and Materiel Command DAMD17-01-1-0693
1999-2001

The Effect of Recombinant Factor VIIa and Fibrinogen on Bleeding from Grade V Liver Injuries in Coagulopathic Swine

This study is designed to evaluate the efficacy of Factor VIIa in swine models of hemorrhagic shock.

Role on Project: Principal Investigator (1999 – 2001)

5 M01 RR00334 (GCRC-772)

Coagulation Parameters after Splenectomy in Trauma Patients

This study is designed to determine the effects of splenectomy on coagulation parameters both early after injury and at 6 weeks.

Role on Project: Principal Investigator (2005 – 2008)

Office of Naval Research

The Characterization of a Novel Fibrinogen Hemostatic Agent in Animal Models

This study is designed to test the efficacy of a novel fibrinogen agent in stopping bleeding from a rat liver injury.

Role on Project: Co-Investigator (2006 – 2008)

Entek Manufacturing, Inc.

The Efficacy of a Novel Hemostatic Bandage for Control of Hemorrhage from a Severe Grade V Liver Injury in Swine.

The purpose of this study is to test the efficacy of a new highly porous, silica based dressing in stopping bleeding from a Grade V Liver Injury in Swine

Role on Project: Primary Investigator (2006 – 2008)

SAM Medical

2009

A Comparison of Hemostatic Dressings in a Severe Groin Injury Model in Swine

The purpose of the proposed study is to perform a randomized controlled trial comparing Combat Gauze to Celox-Gauze to Celox-D to standard gauze for hemorrhage control of a severe groin injury created in Yorkshire crossbred swine

Role on Project: Principal Investigator (2009)

U. S. Army Medical Research and Materiel Command W81XWH-04-1-0104

The Effect of Hypotensive Resuscitation and Fluid Type on Mortality, Bleeding, Coagulation and Dysfunctional Inflammation in a Swine Grade V Liver Injury Model

The purpose of this study is to determine the optimal resuscitation strategy in terms of resuscitation endpoints and fluids in an uncontrolled hemorrhage model in swine.

Role on Project: Principal Investigator (2003 – 2011)

5 M01 RR00334 (GCRC-946)

Can TEG be used in place of anti-factor Xa levels to assess enoxaparin levels in patients with co-morbidities?

This project is designed to determine if thrombelastograms can be used to determine the effect of lovenox in a diverse patient population to include patients with renal failure and obesity

Role on Project: Principal Investigator (2005 – 2011)

U.S. Army Medical Research Acquisition Act W81XWH-08-C-0712 (subcontract)

Prospective Observational Multicenter Massive Transfusion Study (PROMMTT)

The purpose of this study is to observe and document clinical practice for major trauma patients admitted to the ED who are at risk of massive transfusion.

Role of project: Site Principal Investigator, Chairman of the Publication Committee (2009 – 2012)

US Air Force Material Command/AFMC FA8650-09-2-6047

Efficacy and Safety of Frozen Blood for Transfusion in Trauma Patients

The purpose of this study is to evaluate tissue oxygenation, nitric oxide, and morbidity and mortality with use of cryopreserved blood compared to standard blood.

Role of project: Principal Investigator (2009 – 2012)

Medical Research Foundation of Oregon

Thrombelastography-Based Dosing of Enoxaparin for Thromboprophylaxis: A Prospective Randomized Trial

This project is designed to determine if thrombelastograms can be used to determine the effect of lovenox in a diverse patient population to include patients with renal failure and obesity.

Role on project: Co-Investigator (2005 – 2012)

US Air Force Material Command/AFMC FA8650-10-2-6143

Efficacy and Safety of Frozen Blood for Transfusion in Trauma Patients – A Multi-Center Trial

The purpose of this study is to evaluate tissue oxygenation, nitric oxide, and morbidity and mortality with use of cryopreserved blood compared to standard blood at 6 clinical sites.

Role of project: Principal Investigator (2010 – 2014)

CORA/MED

Trauma Equivalency Study of the CORA® and TEG® 5000 Systems

The purpose of this study is to compare the novel CORA (Coagulation Resonance Analyzer) system with the standard commercially available TEG 5000 system in trauma patients with a broad variety of coagulopathies.

Role on Project: Primary Investigator (2015)

Thrombelastography (TEG) Based Dosing of Enoxaparin for Thromboprophylaxis: A Prospective Randomized Trial This is a multicenter prospective randomized trial designed to determine if TEG based dosing of enoxaparin is superior to standard dosing with respect to a reduction of thromboembolic complications without an increase in bleeding complications. Role on Project: Principal Investigator (2011-2015)

U01 HL077863-06S2 National Institute of Health Lung and Blood Institute (NIHLBI) Holcomb (PI)

Prospective, Randomized Optimal Platelet and Plasma Ratios (PROPPR)

This is a multi-center project being performed in a prospective randomized format comparing the efficacy and safety of plasma, platelets and packed red blood cells given in a 1:1:1 ratio versus a 1:1:2 ratio.

Role on Project: Primary Investigator, OHSU (2011 – 2016)

1549586 National Science Foundation (NSF)

Tissue Factor-Impregnated Dressing for Hemorrhage Control

The goal of this research is to determine if the utilization of tissue factor as a procoagulant on gauze is superior to dressings currently in use for hemorrhage control.

Role on Project: Principal Investigator (2016)

HL-04-001, National Heart, Lung and Blood Institute (NHLBI) Daya (PI)

Portland Emergency Prehospital Investigative Consortium (EPIC)

This is a multicenter trial designed to conduct a series of studies related to the initial management of trauma and cardiac arrest patients.

Role on Project: Trauma Primary Investigator (2004 – 2018)

U10 National Institutes of Neurological Disorders and Stroke (NINDS) Barsan (PI)

Brain Research/Acute Interventions: Neurological Emergencies Treatment Trial

This is a multicenter project designed to perform pivotal trials evaluating therapeutics with the potential to improve outcomes after neurological emergencies.

Role on project: Co-Investigator (2009 – 2018)

US Army Medical Research Acquisition Activity ERMS #1333504

Prehospital Tranexamic acid Use for Traumatic Brain Injury

This is a multi-center project designed to determine the efficacy of tranexamic acid in improving outcomes after traumatic brain injury.

Role on Project: Clinical Principle Investigator (2013 – 2018)

HHSN263210300003C National Institutes of Health (NIH)

Predictors of Post-Traumatic Stress Disorder

This is a multi-center study that is designed to identify patients who are at risk for developing PTSD. This study includes an epigenetic component seeking to find biochemical markers predictive of the development of PTSD.

Role on Project: Primary Investigator (2013 – 2018)

U01 HL077863 National Heart Lung and Blood Institute (NHLBI) May (PI)

Prehospital Resuscitation on Helicopter Study

This is a prospective, observational, multi-center trial designed to determine the benefits of delivering blood products in the pre-hospital setting during air transport. Air ambulances that carry blood products will be compared to those that do not.

Role on Project: Primary Investigator, OHSU (2014 – 2018)

Grifols Investigator Sponsored research

Is Anti-Thrombin III Deficiency Associated with Deep Vein Thrombosis in Surgical and Trauma Patients?

This is a prospective observational study designed to determine if anti-thrombin III is associated with deep vein thrombosis in trauma patients.

Role on Project: Primary Investigator (2015 – 2018)

Trauma/Critical Care Fellows Trained

1. Samuel Rob Todd, MD 2002 - 2003
2. Danetta Sue Slone, MD 2002 - 2003
3. Jennifer Watters, MD 2004 - 2005
4. Miko Enomoto, MD 2004 – 2005
5. Bruce Ham, MD 2005 – 2006
6. Nicole Vanderhayden, MD PhD 2005 – 2006
7. Susan Rowell, MD 2006 – 2007
8. Laszlo Kiraly, MD 2006 – 2007
9. Arvin Gee, MD 2007 – 2008
10. David Shapiro, MD 2007 – 2008
11. Richard Nahouraii, MD 2008-2009
12. Stephanie Gordy, MD 2008-2009
13. Carrie Allison, MD 2008-2009
14. Michael Englehart, MD 2009-2010
15. Dan Anderson, MD 2009-2010
16. Mary Claire Sarff, MD 2009-2010

Laboratory Residents Mentored

1. Jennifer Watters, MD 2003 - 2004
2. Rebecca Sawai, MD 2004 - 2005
3. Tracy Wiesberg, MD 2004 – 2005
4. Laszlo Kiraly, MD 2005 – 2006
5. Brandon Tieu, MD 2005 – 2007
6. Michael Englehart, MD 2005 – 2007
7. Arvin Gee, MD 2006 – 2007
8. Melanie Morris, MD 2006 – 2007
9. David Cho, MD 2006 – 2008
10. Carrie Hink, MD 2007 – 2008
11. Karen Zink, MD 2007 – 2008
12. Chitra Sambasivan, MD 2008 – 2009
13. Nicholas Spoerke, MD 2008 – 2009
14. Philbert Van, MD 2008 – 2010
15. Modjgan Keyghobadi, MD 2009 – 2010
16. Gordon Riha, MD 2010 – 2011

17. Nicholas Kunio, MD 2010 – 2011
18. Tim Lee, MD 2011 – 2013
19. Jeffrey Barton, MD 2011 – 2012
20. Loic Fabricant, MD 2011 – 2012
21. David Hampton, MD 2012 – 2013
22. Sean McCully, MD 2012 – 2014
23. Scott Louis, MD 2012 – 2013
24. Alexis Moren, MD 2013 – 2014
25. Kelly Fair, MD 2013 – 2014
26. David Martin, MD 2013 – 2015
27. Mackenzie Cook, MD 2013 – 2014
28. Vicente Undurraga, MD 2013 – 2015
29. Christopher Connelly, MD 2014 – 2015
30. Davis Yonge, MD 2014 – 2015
31. Justin Watson, MD 2014 - 2015
32. Aravind Bommiasamy, MD 2015 – 2016
33. Brandon Behrens, MD 2016 – 2017
34. Sawyer Smith, MD 2016 – 2018
35. Alix Dixon, MD 2018 – 2019
36. Sarayu Subramania 2019 – 2021
37. Marissa Beiling, MD 2021 – 2022
38. Samantha Durbin, MD 2022 - 2023

Laboratory Fellows and Post-Docs Mentored

1. Modjgan Keyghobadi, MD 2004 – 2006
2. Ayhan Karahan, MD 2006 – 2007
3. Gopal Singh, MD 2007 – 2008
4. Igor Kremenevskiy, MD, PhD 2008-2012
5. Dinh-Tuan Le, MD 2012
6. Belinda McCully, PhD 2012 – 2018
7. Amonpon Kanlerd, MD 2018 – 2019

PUBLICATIONS

1. Samuels, R. **Schreiber MA**, Patel, N, Hemobilia After a Gunshot Injury to the Liver. American Journal of Radiology 1996; 166:1304.
2. **Schreiber MA**, Gentilello LM, Rhee P, Jurkovich GJ, Maier RV, Limiting Computed Tomography to Patients With Peritoneal Lavage Positive Results Reduces Cost and Unnecessary Celiotomies in Blunt Trauma. Arch Surg 1996; 131:954-959.
3. **Schreiber MA**, Gentilello LM, Rhee P, Jurkovich GJ, Maier RV, Blunt Trauma: Limiting CT to Patients with Peritoneal Lavage, Reducing Costs and Unnecessary Celiotomies. Chirurgia International 1997;4:14-16.

4. **Schreiber MA**, Pusateri AE, Veit BC, Smiley RA, Morrison CA, Harris A, Timing of Vaccination Does not Affect Antibody Response or Survival Following Pneumococcal Challenge in Splenectomized Rats. *The Journal of Trauma* 1998; 45:692-699.
5. Morrison CA, **Schreiber MA**, Olsen SB, Hetz SP, Acosta MM, Femoral Venous Flow Dynamics During Intraperitoneal and Preperitoneal Laparoscopic Insufflation. *Surgical Endoscopy* 1998; 12: 1213-1216.
6. Nessen S, Holcomb JB, Tonkinson B, Hetz SP, **Schreiber MA**, Early Laparoscopic Nissen Fundoplication for Recurrent Reflux Esophagitis: A Cost Effective Alternative to Omeprazole. *Journal of the Society of Laparoscopic Surgery* 1999; 3: 103-106.
7. Gerhardt RT, Stewart T, De Lorenzo RA, Gourley EJ, **Schreiber MA**, McGhee JS. Air Medical Transport by a US Army Air Ambulance Unit Under the Military Assistance to Safety and Traffic (MAST) Program in El Paso, Texas: A Cross-sectional Study and Program Review. *Prehospital Emergency Care* 2000;4:136-143.
8. Taylor SF, Kopchinski B, **Schreiber MA**, Singleton L,. Trauma Patient Outcome in an Army Deployable Medical Systems Environment Compared with a Medical Center. *Military Medicine*; 2000; 165:867-869.
9. Gourley EJ, **Schreiber MA**, Gerhardt RT, Stewart TR. Military Assistance to Safety and Traffic (MAST) Services in El Paso: A Retrospective Analysis. *Military Medicine*; 2000; 165:870-874.
10. Granchi TS, Schmittling ZC, Vasquez J, **Schreiber MA**, Wall MJ. Prolonged Use of Intraluminal Arterial Shunts Without Systemic Anticoagulation. *The American Journal of Surgery*; 2000; 180:493-497.
11. Aoiki N, Wall MJ, Demsar J, Zupan B, Granchi T, **Schreiber MA**, Holcomb JB, Byrne M, Liscum K, Goodwin G, Beck JR, Mattox K. Predictive Model for Survival at the Conclusion of a Damage Control Laparotomy. *The American Journal of Surgery*; 2000; 180:540-545.
12. **Schreiber MA**, Coburn M, Penetrating Pellet Injury of the Kidney Presenting with Complete Urinary Obstruction. *The Journal of Trauma*. 2001;50:1144-1146.
13. Gerhardt RT, Stewart T, De Lorenzo RA, McGhee JS, Gourley EJ, **Schreiber MA**. US Army Air Ambulance Operations in El Paso, Texas: A Descriptive Study and System Review. *Military Medicine*; 2001; 166:102-107.

14. **Schreiber MA**, Holcomb JB, Hedner U, Brundage SI, Macaitis JM, Hoots K. The Effect of Recombinant Factor VIIa on Coagulopathic Pigs with Grade V Liver Injuries. *Journal of Trauma*. 2002;53:252-259.
15. Brill SA, Stewart TR, Brundage SI, **Schreiber MA**. Base Deficit Does not Predict Mortality When it is Secondary to Hyperchloremic Acidosis. *Shock*. 2002;17:459-62.
16. **Schreiber MA**, Holcomb JB, Conaway CW, Campbell KD, Wall M, Mattox KL. Military Trauma Training Performed in a Civilian Trauma Center. *Journal of Surgical Research*. 2002;104:8-14.
17. **Schreiber MA**, Aoki N, Scott BG, Beck JR. Determinants of Mortality in Patients with Severe Blunt Head Injury. *Archives of Surgery*. 2002; 137:285-290.
18. Tyroch AH, Kaups KL, Lorenzo Manuel, Solis D, **Schreiber MA**. Routine Chest Radiograph is not Indicated After Open Tracheostomy: A Multi-center Perspective. *The American Surgeon*. 2002; 68:80-82.
19. **Schreiber MA**, Holcomb JB, Hedner U, Brundage SI, Macaitis JM, Aoki N, Meng ZH, Tweardy DJ, Hoots K. The Effect of Recombinant Factor VIIa on Non-Coagulopathic Pigs with Grade V Liver Injuries. *Journal of the American College of Surgeons*. 2003; 196:691-697.
20. Brundage SI, **Schreiber MA**, Holcomb JB, Zautke N, Mastrangelo MA, Xu XQ, Macaitis JM, Tweardy DJ. Amplification of the Pro-Inflammatory Transcription Factor Cascade Increases with Severity of Uncontrolled Hemorrhage in Swine. *Journal of Surgical Research*. 2003; 113:74-80.
21. **Schreiber MA**. Damage Control Surgery. *Critical Care Clinics*. 2004; 20:101-118.
22. Watters JM, Brundage SI, Todd SR, Zautke NA, Stefater JA, Lam JC, Muller PJ, Malinoski D, **Schreiber MA**. Resuscitation with Lactated Ringer's Does Not Increase Inflammatory Response in a Swine Model of Uncontrolled Hemorrhagic Shock. *Shock*. 2004; 22:283-287.
23. Brundage SI, Zautke NA, Watters JM, Stefater JA, Todd SR, Lam JC, **Schreiber MA**. Lactated Ringer's Does Not Increase Inflammation after Shock. 6th World Congress on Trauma, Shock, Inflammation and Sepsis. 2004; EC302C0210:151-155.
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25. **Schreiber MA**, Differding J, Thorborg P, Mayberry JC, Mullins RJ. Hypercoagulability is Most Prevalent Early After Injury and in Female Patients. *Journal of Trauma*. 2005; 58:475-481.
26. Dorlac WC, Debaek ME, Holcomb JB, Fagan SP, Kwong KL, Dorlac GR, **Schreiber MA**, Persse DE, Moore FA, Mattox KL. Mortality from Isolated Civilian Penetrating Extremity Injury. *Journal of Trauma*. 2005;59:217-222.
27. Macht M, Rizvi A, **Schreiber MA**, Wilson WS. Impalement with Spinal Cord Injury Requiring Intraoperative Division of a Reinforced Steel Bar. *European Journal of Trauma*. 2005;31:503-507.
28. Malinoski DJ, Todd SR, Slone S, Mullins RJ, **Schreiber MA**. Correlation of Central Venous and Arterial Blood Gas Measurement in mechanically Ventilated Trauma patients. *Archives of Surgery*. 2005;140:1122-1125.
29. **Schreiber MA**. Coagulopathy in the Trauma Patient. *Current Opinions in Critical Care*. 2005;11:590-597.
30. **Schreiber MA**, Holcomb JB, Rojckjaer R. Preclinical Trauma Studies of Recombinant Factor VIIa. *Critical Care*. 2005; 9 Supplement 5:S25-S28.
31. Todd SR, Malinoski DJ, Muller PJ, **Schreiber MA**. Hextend Attenuates Hypercoagulability Following Severe Injury in Swine. *Journal of Trauma*. 2005;59:589-594.
32. McHenry TP, Mirza SK, Wang J, Wade CE, O'keefe GE, Dailey AT, **Schreiber MA**, Chapman JR. Risk factors for respiratory failure following operative stabilization of thoracic and lumbar spine fractures. *Journal of Bone and Joint Surgery of America*. 2006;88:997-1005.
33. Kiraly LN, Differding JA, Enomoto TM, Sawai RS, Muller PJ, Diggs B, Tieu BH, Englehart MS, Underwood S, Wiesberg TT, **Schreiber MA**. Resuscitation with Normal Saline (NS) vs. Lactated Ringers Modulates Hypercoagulability and Leads to Increased Blood Loss in an Uncontrolled Hemorrhagic Shock Swine Model. *Journal of Trauma*. 2006;61:57-65.
34. Watters JM, Tieu BH, Differding JA, Muller PJ, **Schreiber MA**. A Single Bolus of 3% Hypertonic Saline with 6% Dextran Provides Optimal Initial Resuscitation after Uncontrolled Hemorrhagic Shock. *Journal of Trauma*. 2006;61:75-81.
35. Watters JM, Tieu BH, Todd SR, Jackson T, Muller PJ, Malinoski DJ, **Schreiber MA**. Fluid Resuscitation Increases Inflammatory Gene Transcription Following Traumatic Injury. *Journal of Trauma*. 2006;61:300-309.

36. Malinoski DJ, Mullins RJ, **Schreiber MA**. Venous Blood Oxygen Saturation – Reply. Archives of Surgery. 2006;141:716.
37. Rizvi AZ, Slone DS, **Schreiber MA**. Modulation of the Coagulation Cascade Using Recombinant Factor VIIa and Activated Protein C in a Severely Injured Trauma Patient. European Journal of Trauma. 2006;32:399-403.
38. **Schreiber MA**. Invited Commentary, “Re: A Brief Overview of the Acute Respiratory Distress Syndrome”. World Journal of Surgery. 2006;30:1835.
39. Englehart M, **Schreiber MA**. Measurement of Acid Base Resuscitation Endpoints: Lactate, Base Deficit, Bicarbonate or What? Current Opinion in Critical Care. 2006;12:569-574.
40. Karmy-Jones R, Jurkovich GJ, Velmahos GC, Burdick T, Spaniolas K, Stodd SR, McNally M, Jacoby RC, Link D, Janczyk RJ, Ivascu FA, McCann M, Obeid F, Hoff WS, McQuay N Jr, Tieu BH, **Schreiber MA**, Nirula R, Brasel K, Dunn JA, Gambrell D, Huckfeldt R, Harper J, Schaffer KB, Tominaga GT, Vences FY, Sperling D, Hoyt D, Coimbra R, Rosengart MR, Forsyth R, Cothren C, Moore EE, Haut ER, Hayanga AJ, Hird L, White C, Grossman J, Nagy K, Livaudais W, Wood R, Zengerink I, Korthbeek JB. Practice Patterns and Outcomes of Retrievable Vena Cava Filters in Trauma Patients. An AAST Multicenter Study. Journal of Trauma. 2007;62:17-25.
41. Holcomb JB, Jenkins D, Rhee P, Johannigman J, Mahoney P, Mehta S, Cox ED, Gehrke MJ, Beilman GJ, **Schreiber MA**, Flaherty SF, Grathwohl KW, Spinella PC, Perkins JG, Beekley AC, McMullin NR, Park MS, Gonzales EA, Wade CE, Dubick MA, Schwab W, Moore FA, Champion HR, Hoyt DB, Hess JR. Damage Control Resuscitation: Directly Addressing the Early Coagulopathy of Trauma. Journal of Trauma 2007;62:307-310.
42. Todd SR, Malinoski DJ, Muller PJ, **Schreiber MA**. Lactated Ringer's is Superior to Normal Saline in the Resuscitation of Hemorrhagic Shock. Journal of Trauma. 2007;62:636-639.
43. Tieu BH, Holcomb JB, **Schreiber MA**. Coagulopathy: Its Pathophysiology and Treatment in the Injured Patient. World Journal of Surgery. 2007;31:1055-1065.
44. Teh SH, Sheppard BC, Mullins RJ, **Schreiber MA**, Mayberry JC. Diagnosis and Management of Blunt Pancreatic Ductal Injury in the Era of High-Resolution Computed Axial Tomography. American Journal of Surgery. 2007;193:641-643.
45. Perkins JG, **Schreiber MA**, Wade CE, Holcomb JB. Early Versus Late Recombinant Factor VIIa in Combat Trauma Patients Requiring Massive Transfusion. Journal of Trauma. 2007;62:1095-1101.

46. **Schreiber MA**, Perkins J, Kiraly L, Underwood S, Wade C, Holcomb JB. Early Predictors of Massive Transfusion in Combat Casualties. *Journal of the American College of Surgeons*. 2007;205:541-545.
47. **Schreiber MA**, Tieu B. Hemostasis in Operation Iraqi Freedom III. *Surgery*. 2007;142:S61-S66.
48. **Schreiber MA**, Zink K, Underwood SA, Sullenberger L, Kelly M, Holcomb JB. A Comparison Between Patients Treated at a Combat Support Hospital in Iraq and a Level 1 Trauma Center in the United States. *Journal of Trauma*. 2008;64:S118-122.
49. Gee AC, Sawai RS, Differding J, Muller P, Underwood S, **Schreiber MA**. The Influence of Sex Hormones on Coagulation and Inflammation in the Trauma Patient. *Shock*. 2008;29:334-341.
50. **Schreiber MA**, Differding J, Esposito TJ. Research: Questions and Answers from Academic Trauma Surgeons. *Journal of Trauma*. 2008;64:1113-1118.
51. Morris MS, Gee AC, Cho SD, Limbaugh K, Underwood S, Ham B, **Schreiber MA**. Management and Outcome of Pneumatosis Intestinalis. *American Journal of Surgery*. 2008;195:679-683.
52. Kortbeck JB, Al Turki SA, Ali J, Antoine JA, Bouillon B, Brasel K, Brennen F, Brink PR, Brohi K, Burris D, Burton RA, Chapleau W, Cioffi W, Collet e Silva Fde S, Cooper A, Cortes JA, Eskesen V, Fildes J, Gautam S, Gruen RL, Gross R, Hansen KS, Henny W, Hollands MJ, Hunt RC, Jover Navalon JM, Kaufmann CR, Knudson P, Koestner A, Kosir R, Larsen CF, Livaudais W, Luchette F, Mao P, McVicker JH, Meredith JW, Mock C, Mori ND, Morrow C, Park SN, Pereira PM, Pogetti RS, Ravn J, Rhee P, Salamone JP, Schipper IB, Schoettker P, **Schreiber MA**, Smith RS, Svendsen LB, Taha W, van Wijnagaarden-Stephens M, Varga E, Voiglio EJ, Williams D, Winchell RJ, Winter R. Advanced Trauma Life Support, 8th Edition, The Evidence for Change. *Journal of Trauma*. 2008;64:1638-1650.
53. Holcomb JB, Wade CE, Michalek JE, Chisholm GB, Zarzabal LA, **Schreiber MA**, Gonzalez EA, Pomper GJ, Perkins JG, Spinella PC, Williams KL, Park MS. Increased Plasma and Platelet to Red Blood Cell Ratios Improves Outcome in 466 Massively Transfused Civilian Trauma Patients. *Annals of Surgery*. 2008;248:447-458.
54. Englehart MS, Allison CE, Tieu BH, Kiraly LN, Underwood SA, Muller PJ, Differding JA, Sawai RS, Karahan A, **Schreiber MA**. Ketamine-based Total Intravenous Anesthesia Versus Isoflurane Anesthesia in a Swine Model of Hemorrhagic Shock. *Journal of Trauma*. 2008;65:901-908.

55. Englehart MS, Cho SD, Tieu BH, Morris MS, Underwood SA, Karahan A, Muller PJ, Differding JA, Farrell DH, **Schreiber MA**. A Novel Highly Porous Silica and Chitosan-based Hemostatic Dressing is Superior to HemCon and Gauze Sponges. *Journal of Trauma*. 2008;65:884-890.
56. Tieu BH, ChoSD, Luem N, Riha G, Mayberry J, **Schreiber MA**. The use of the Wittmann Patch Facilitates a High Rate of Fascial Closure in Severely Injured Trauma Patients and Critically Ill Emergency Surgery Patients. *Journal of Trauma*. 2008;65:865-870.
57. Shuja F, Shults C, Duggan M, Tabbara M, Butt MU, Fischer TH, **Schreiber MA**, Tieu B, Holcomb JB, Sondeen JL, Demoya M, Velmahos GC, Alam HB. Development and Testing of Freeze-dried Plasma for the Treatment of Trauma-associated Coagulopathy. *Journal of Trauma*. 2008;65:975-985.
58. Cho SD, Holcomb JB, Tieu BH, Englehart MS, Morris MS, Karahan ZA, Underwood SA, Muller PJ, Prince MD, Medina L, Sondeen J, Shults C, Duggan M, Tabbara M, Alam HB, **Schreiber MA**. Reproducibility of an Animal Model Simulating Complex Combat-Related Injury in a Multiple-Institution Format. *Shock*. 2009;31:87-96.
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CHAPTERS

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31. Nair AB, **Schreiber MA**, Pati, S. Defining and Assessing the Endotheliopathy of Trauma and its Implications on Trauma-Induced Coagulopathy and Trauma-Related Outcomes. In: Moore HB, Moore EE, Neal MD. Trauma Induced Coagulopathy. Springer. Cham, Switzerland. pp 117 – 133. 2020.
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33. Subramanian S, **Schreiber MA**. Resuscitation of Hemorrhagic Shock. In: Liu H, Kaye AD, Jahr JS. Blood Substitutes and Oxygen Biotherapeutics. Springer. Cham, Switzerland. pp 409 – 420. 2022.
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INVITED COMMENTARY

1. **Schreiber MA**. War Surgery: Working with Limited Resources in Armed Conflict and Other Situations of Violence, by Christos Giannouand and Marco Baldan. World Journal of Surgery. 2010;34:197.

2. **Schreiber MA.** Commentary on “Multicenter, Randomized, Controlled Clinical Trial of Transfusion Requirements in Critical Care. In: Cohn SM, Feinstein AJ. 50 Landmark Papers Every Trauma Surgeon Should Know. CRC Press, Taylor and Francis Group. Boca Raton, London, New York. Chapter 45; 2019.

AUDIO PUBLICATIONS

1. **Schreiber MA.** Frozen Blood. Audio-Digest General Surgery (Program Title: Transfusion/Vascular Surgery/Coagulation). Volume 60, Issue 14, July 21, 2013. ISSN 1047-6954.
2. **Schreiber MA.** Debate: Is Prehospital Tranexamic Acid Essential to Patient Well-being? AudioDigest General Surgery 67:03 (February 7) 2020.
3. **Schreiber MA.** DVT Prophylaxis in TBI, Spine and Solid Organ Injuries. AudioDigest General Surgery 68:15 (August 7) 2021.
4. **Schreiber M.** An Overview of Walking Blood Banks. AudioDigest General Surgery 68:20 (October 21) 2021.
5. **Schreiber M.** To Transfer or to Operate: Decisions in Rural Trauma Care. Audio Digest General Surgery 68:21 (November 7) 2021.

POSTER PRESENTATIONS

1. Watters JM, Muller PJ, Differding JA, **Schreiber MA**, A Single Bolus of 3.5% Hypertonic Saline with Dextran Provides Optimal Resuscitation after Uncontrolled Hemorrhagic Shock - Presented at 2004 Advanced Technology Applications for Combat Casualty Care 2004
2. Malinoski DJ, Slater MS, **Schreiber MA**, Mullins RS. A CPK of 20,000 is a Sensitive Predictor of Myoglobinuric Renal Failure after Traumatic Rhabdomyolysis - Presented at the 62nd meeting of The American Association for the Surgery of Trauma. 2003
3. Brundage SI, **Schreiber MA**, Holcomb JB, Zautke NA, Mastrangelo MA, Xu XQ, Macaitis JM, Tweardy DJ. Recombinant Activated VII for Adjunctive Hemorrhage Control Reduces Nuclear Factor Kappa Beta Activation in a Hypothermic Coagulopathic Swine Model of Uncontrolled Hemorrhagic Shock – Presented at the Twenty-Fifth Annual Conference on Shock. 2003
4. Todd SR, Malinoski D, **Schreiber MA.** Lactated Ringer’s is Superior to Normal Saline in Uncontrolled Hemorrhagic Shock - Presented at the Twenty-Fifth Annual Conference on Shock. 2003

5. Brundage SI, **Schreiber MA**, Mastrangelo MA, Holcomb JB, Macaitis JM, Moreno CE, Tweardy DJ, Increased Magnitude of Shock in a Swine Model of Uncontrolled Hemorrhage Results in Increased Liver Damage and Local IL-6 and G-CSF Production – Presented at the Twenty-Fifth Annual Conference on Shock 2002
6. Scott BG, Holcomb JB, Hess JR, **Schreiber MA**, Hudson KL, Wall MJ, Age of Packed Red Blood Cells did not Affect Mortality of Trauma Patients – Presented at The Southwest Surgical Congress May, 2001
7. Dorlac WC, Holcomb JB, Fagan SP, Kwong KL, **Schreiber MA**, Moore FA, Mattox KL, Exsanguination from Isolated Civilian Extremity Injuries – Presented at The Southwest Surgical Congress May, 2001
8. Aoki N, Scott BG, Holcomb JB, Zupan B, Demsar J, **Schreiber MA**, Brundage SI, Persse D, Beck JR, Wall MJ, Mattox KL, Prehospital Prognostic Factors for Patients with Penetrating Injury. Presented at The Southwest Surgical Congress May, 2001
9. **Schreiber MA**, Holcomb JB, Brundage SI, Maciatis JM, Tweardy D, Hedner U, Hoots K. The Effect of rFVIIa on Coagulopathic Pigs with Grade V Liver Injuries. Presented at the 6th Novo Nordisk Symposium on the Treatment of Bleeding and Thrombotic Disorders Copenhagen, Denmark May, 2001
10. **Schreiber MA**, Charles NC, Kopchinski B, Stewart T, Aoki N. The Effect of Urokinase on Bleeding and the Coagulation Cascade in a Pig Liver Injury Model.
11. Presented at the 2001 International Society of Thrombosis and Haemostasis Paris, France July, 2001
12. **Schreiber MA**, Brill S, Stewart TR, Base Deficit is a Poor Predictor of Lactic Acidosis and Mortality in Critically Ill Patients – Presented at the Michael E. DeBakey International Surgical Society 2000
13. Tyroch A, Kaups K, Lorenzo M, Solis D, **Schreiber M**, Routine Chest Radiographs are Not Indicated After Open Tracheostomy: A Multi-Center Perspective – Presented at the American Association for the Surgery of Trauma 2000
14. **Schreiber MA**, Charles NC, Kopchinski B, Stewart T, The Effect of Urokinase on Bleeding and the Coagulation Cascade in a Pig Liver Injury Model - Presented at the American Association for the Surgery of Trauma 1999
15. Hardaway RM, Kwong KL, **Schreiber MA**, William C, A New Treatment for Acute Respiratory Failure - Presented at The American College of Surgeons Fall Meeting 1998

16. **Schreiber MA**, Pusateri AE, Veit BC, Smiley RA, Morrison CA, Harris RA, Timing of Vaccination Does not Affect Antibody Response or Survival Following Pneumococcal Challenge in Splenectomized Rats – Presented at the American Association for the Surgery of Trauma 1997

CLINICAL PRESENTATIONS

1. Hemorrhagic Complications of Central Venous Catheterization - Presented at the 10th Annual Gary P. Written Surgical Symposium Tacoma, WA 1988
2. Penetrating Neck Trauma on Mount Rainier-Seattle Surgical Society 1995
3. Complimentary Use of Peritoneal Lavage and CT in the Management of Blunt Abdominal Trauma - Presented at the Pacific Coast Surgical Association Scientific Program 1996
4. Effect of Pre-peritoneal and Intra-peritoneal Insufflation on Femoral Venous Flow - Presented at the Washington State Chapter Meeting of the ACS 1996
5. Abdominal Compartment Syndrome - R. E. Thomason Hospital Trauma Grand Rounds, El Paso, Texas 1998
6. Penetrating Neck Trauma - Providence Memorial Hospital Trauma Grand Rounds, El Paso, Texas 1998
7. Cost Effective Evaluation of the Abdomen in Blunt Trauma - 4th Annual Army Symposium on Trauma, San Antonio, TX 1998
8. Cost Effective Evaluation of the Abdomen in Blunt Trauma - Ben Taub General Hospital Grand Rounds 1998
9. MAST Services in El Paso: A Retrospective Analysis and Comparison to the Major Trauma Outcome Study, Current - Winner Army Trauma Competition at Gary Wratten Symposium 1998
10. Hyperchloremic Metabolic Acidosis in the Critically Ill Trauma Patient, Current - Presented At Gary Wratten Symposium 1998
11. The Effect of Tricare on a Surgical Residency Program - Presented at Gary Wratten Symposium 1998
12. Substernal Goiter: Is Operative Management Mandatory? -Winner 3rd Place in Resident Competition at the 1998 Southern Medical Association Meeting The Effect of Urokinase on Bleeding and the Coagulation Cascade in a Pig Liver

- Injury Model - 2nd Place Army Trauma Competition, Gary Wratten Symposium 1999
13. Cost Effective Evaluation of the Abdomen in Blunt Trauma - University of Utah Trauma Conference 1999
 14. Damage Control Surgery, Physiologic Considerations - Baylor College of Medicine Anesthesia Grand Rounds 1999
 15. Damage Control Surgery, Physiologic Considerations - William Beaumont Army Medical Center Multidisciplinary Trauma Conference 1999
 16. Damage Control Surgery, Physiologic Considerations – Baylor College of Medicine Surgery Grand Rounds 2000
 17. Trauma at Ben Taub – Hermann Hospital Trauma Development Day 2000
 18. Abdominal Compartment Syndrome – William Beaumont Army Medical Center Multidisciplinary Trauma Conference 2000
 19. Abdominal Compartment Syndrome – Ben Taub General Hospital Multidisciplinary Trauma Conference 2000
 20. Tackling Trauma Transfers – Trauma Care 2000, Warwick Hotel, Houston, TX September 2000
 21. Recombinant Factor VIIa: A Novel Approach to Hemorrhage Control, Advanced Technology Applications to Combat Casualty Care, Ft Walton Beach, FL September 2000
 22. Damage Control Surgery, Physiologic Considerations – University of California San Francisco at Fresno Surgical Grand Rounds, Fresno, CA November 2000
 23. Determinants of Mortality in Patients with Severe Blunt Head Injury – Michael E. DeBakey International Surgical Society, Houston, TX. November 2000
 24. The Effects of Urokinase on Bleeding and the Coagulation Cascade in a Pig Liver Injury Model – Michael E. DeBakey International Surgical Society, Houston, TX. November 2000
 25. Determinants of Mortality in Patients with Severe Blunt Head Injury – Eastern Association for the Surgery of Trauma, Tampa Bay, FL January 2001. Firearms in the US and at Ben Taub – Million Moms March, Greater Houston Area Chapter, Houston, TX March 2001

26. Modulation of the Coagulation Cascade in Trauma Patients – Oregon Health Sciences University Surgical Grand Rounds, Portland, OR May 2001
27. Base Deficit Does not Predict Mortality when it Secondary to Hyperchloremic Acidosis – The Shock Society, Marco Island, FL June 2001
28. The Effect of Recombinant Factor VIIa on Non-Coagulopathic Pigs with Grade V Liver Injuries – International Society on Thrombosis and Haemostasis, Paris, France July 2001
29. The Effect of Recombinant Factor VIIa on Coagulopathic Pigs with Grade V Liver Injuries – Advanced Technology Applications to Combat Casualty Care, Ft Walton Beach, FL September 2001
30. Diversion: A Necessity for Survival – The Harris County Hospital District Annual Trauma Workshop, Houston, TX October 2001
31. Adult Respiratory Distress Syndrome – Rio Grande Trauma Conference & Pediatric Trauma Update III, El Paso, TX November 2001
32. Military Trauma Training Performed in a Civilian Trauma Center – Association for Academic Surgery, Milwaukee, WI November 2001
33. The Effect of Recombinant Factor VIIa on Coagulopathic Pigs with Grade V Liver Injuries - Eastern Association for the Surgery of Trauma, Orlando, FL January 2002
34. Modulation of the Coagulation Cascade in Trauma Patients – 13th Annual Northwest states Trauma Conference, Bend, OR April 2002
35. Adult Respiratory Distress Syndrome – Oregon Health Sciences University Surgical Grand Rounds, Portland, OR October 2002
36. Modulation of the Coagulation Cascade in ICU Patients – 29th Annual Oregon Chapter of the Society of Critical Care Medicine Critical Care Symposium, Portland, OR November 2002
37. Management of the Severely Injured – 34th Annual Family Practice Review, Portland, OR February 2003
38. Modulation of the Coagulation Cascade in Trauma Patients - Grand Rounds, Brooke Army Medical Center, San Antonio, TX June 2003
39. Future Directions: Managing Anemia in the Surgical Patient - 39th Annual Meeting Oregon Chapter American College of Surgeons, Sunriver, OR September 2003

40. Modulation of the Coagulation Cascade - Grand Rounds, University of California San Francisco - East Bay, Oakland, CA October 2003
41. Abdominal Compartment Syndrome - 30th Annual Critical Care Symposium, Portland, OR October 2003
42. Resuscitation of Uncontrolled Hemorrhagic Shock - Anesthesia Grand Rounds, Oregon Health & Science University, Portland, OR January 2004
43. Management of the Severely Injured - 35th Annual Family Practice Review, Portland, OR February 2004
44. Recombinant Factor VIIa, Uses in Trauma - 33rd Critical Care Congress of the Society of Critical Care Medicine, Orlando, FL February 2004
45. Initial Resuscitation of the Trauma Patient, Hemoglobin Substitutes - 15th Annual Trauma Conference Harborview Medical Center, Seattle, WA March 2004
46. Resuscitation Pearls – 15th Annual Northwest States Trauma Conference, Sunriver, OR April 2004
47. Novel Methods of Hemorrhage Control – 15th Annual Northwest States Trauma, Conference, Sunriver, OR April 2004
48. Modulation of the Coagulation Cascade - Grand Rounds, University of Texas Houston, TX May 2004
49. Hypercoagulability is Most Prevalent Early after Injury and in Females - American Association for the Surgery of Trauma Maui, Hawaii October 2004
50. Resuscitation in 2004: Are We Doing it the Right Way? 2nd Annual Directors' Forum Maui, Hawaii October 2004
51. Catastrophic Bleeding. The American Red Cross Portland, OR October 2004
52. What's New in Resuscitation?, Novel Methods of Hemorrhage Control and Adult Respiratory Distress Syndrome in the Trauma Patient. Portneuf Trauma and Emergency Care Conference Pocatello, Idaho October 2004
53. Lactated Ringer's is Superior to Normal Saline for the Resuscitation of Hemorrhagic Shock - Grand Rounds, Oregon Health & Science University December 2004
54. Modulation of the Coagulation Cascade in Trauma Patients. St. Charles Medical Center Trauma Conference. Bend, Oregon January 2005.

55. Management of the Severely Injured - 36th Annual Family Practice Review, Portland, OR February 2005
56. Modulation of the Coagulation Cascade. Marin General Hospital Trauma Conference. Marin, California March 2005
57. An OHSU Surgeon Goes To War. 23rd Annual Northwest Winter Conference in Emergency Medicine. Sunriver, Oregon January 2006
58. Hemoglobin-Based Oxygen Carrier (HBOC) Use in Neurotrauma Care. Invited Discussant. Eastern Association for the Surgery of Trauma. Orlando, Florida January 2006
59. Control of Hemorrhage: It Pays to be Aggressive. 17th Annual Northwest States Trauma Conference. Sunriver, Oregon April 2006
60. The Iraqi Experience. 17th Annual Northwest States Trauma Conference. Sunriver, Oregon April 2006
61. Medical Care in Operation Iraqi Freedom III. Trauma Conference. Santa Rosa, CA June 2006
62. Medical Care in Operation Iraqi Freedom III. Surgical grand Rounds, Providence St. Vincent Medical Center. Portland, Oregon August 2006
63. Potential Benefits of Ketamine as a Battlefield Anesthetic. Advanced Technology Applications for Combat Casualty Care. St. Petersburg, Florida August 2006
64. Predictors of Massive Transfusion in Combat Casualties. Advanced Technology Applications for Combat Casualty Care. St. Petersburg, Florida August 2006
65. Airway Pressure Release Ventilation. Trends in Respiratory & Acute Care. Troutdale, Oregon September 2006.
66. Hemostasis in Military Casualties. Second Thrombin Symposium. Challenges in Surgical Hemostasis. Seattle, Washington September 2006.
67. Postmortem Computed Tomography (CATopsy) Predicts Cause of Death in Trauma Patients. Invited Discussant. American Association for the Surgery of Trauma. New Orleans, Louisiana September 2006.
68. Early vs. Late Recombinant Factor VIIa Usage in Trauma patients Requiring Massive Transfusion in Combat Support Hospitals. American Association for the Surgery of Trauma. New Orleans, Louisiana September 2006.

69. Early Coagulopathy after Traumatic Brain Injury: The Role of Hypoperfusion and the Protein C Pathway. Invited Discussant. American Association for the Surgery of Trauma. New Orleans, Louisiana September 2006.
70. Induction of Profound Hypothermia Improves Survival in a Swine Model of complex Vascular, Splenic, and coonic Injuries, without an Increase in Bleeding and Septic Complications. Invited Discussant. American College of Surgeons. Chicago, Illinois October 2006.
71. Comparison of Prolonged Hypotensive and Normotensive Resuscitation Strategies in a Porcine Model of Hemorrhagic Shock. Invited Discussant. American College of Surgeons. Chicago, Illinois October 2006.
72. Mesenteric Ischemia. American College of Surgeons. Chicago, Illinois October 2006.
73. Fluids and Their Effects on Hemostasis. American College of Surgeons. Chicago, Illinois October 2006.
74. Is Hypothermia after Major Injury Protective or Harmful? American College of Surgeons. Chicago, Illinois October 2006.
75. Medical Care in Operation Iraqi Freedom III. Portland Surgical Society. Portland, Oregon October 2006
76. Modulation of Coagulation. Trauma conference, Albany General Hospital. Albany, Oregon November 2006
77. Care of Patients in Operation Iraqi Freedom III. Thirty-third Annual Critical Care Symposium. Portland, Oregon November 2006
78. A Reserve Surgeon Goes to War. Annual Training Conference, 6th Medical Recruiting Battalion. Las Vegas, Nevada December 2006
79. Medical Care in Operation Iraqi Freedom III. Internal Medicine Grand Rounds, Oregon Health & Science University. Portland, Oregon January 2007
80. Endotoxin tolerance in Sepsis: Concentration Dependent Augmentation or Inhibition of LPWS-Stimulated Macrophage TNF Secretion by LPS Pretreatment. Invited Discussant. Eastern Association for the Surgery of Trauma. Fort Myers, Florida January 2007
81. Fibrin Sealants. Extremity War Injuries II. Washington DC, January 2007.
82. Novel Methods of Hemorrhage Control. 24th Annual Northwest Winter Conference in Emergency Medicine. Sunriver, OR, January 2007.

83. Novel Methods of Hemorrhage Control. Vascular Conference. Oregon Health & Science University, Portland, Oregon February 2007.
84. Resuscitation and Systemic Hemorrhage Control. 45th Critical Care, Trauma and Emergency Medicine Symposium, Las Vegas, NV February 2007.
85. Emergent Hemorrhage Control. 45th Critical Care, Trauma and Emergency Medicine Symposium, Las Vegas, NV February 2007.
86. Lessons Learned from Operation Iraqi Freedom III. 45th Critical Care, Trauma and Emergency Medicine Symposium, Las Vegas, NV February 2007.
87. The Abdominal Compartment Syndrome. 45th Critical Care, Trauma and Emergency Medicine Symposium, Las Vegas, NV February 2007.
88. Lessons Learned from Operation Iraqi Freedom III. Josephine County Medical Society Dinner, Grants Pass, Oregon May 2007.
89. Assessing the Medical Resource Needs of Combat Support Hospitals. Advanced Technology Applications for Combat Casualty Care, St. Petersburg, Florida August 2007.
90. Characterization of a novel Fibrinogen Hemostatic Agent in Animal Injury Models. Advanced Technology Applications for Combat Casualty Care, St. Petersburg, Florida August 2007.
91. Invited Discussant: Causes of Death and Injury Severity in Operation Iraqi Freedom and Operation Enduring Freedom: 2003-2004 vs. 2006. Advanced Technology Applications for Combat Casualty Care, St. Petersburg, Florida August 2007.
92. Invited Discussant: Blood Product Effect on Survival for Patients with Combat Related Injuries. Advanced Technology Applications for Combat Casualty Care, St. Petersburg, Florida August 2007.
93. Research: Questions and Answers from Academic Trauma Surgeons. American Association for the Surgery of Trauma, Las Vegas, NV September 2007.
94. Optimal Resuscitation Endpoints. American College of Surgeons. New Orleans, LA October 2007.
95. Invited Discussant: Induced Hypothermia is Associated with Improved Outcomes in Porcine Hemorrhagic Shock. American College of Surgeons. New Orleans, LA October 2007.

96. Closure of Paper. Management and Outcome of Pneumatosis Intestinalis. North Pacific Surgical Association. Victoria, British Columbia. November 2007.
97. Permissive Hypotension, Fluid Resuscitation and Coagulopathies in the Trauma Patient. Kadlec Hospital Grand Rounds. Richland, Washington. December 2007.
98. Lessons Learned in the War on Terror. East Bay Surgical Society. Walnut Creek, California. February 2008.
99. The Effect of Fluid on Coagulation. Highland Hospital Surgical Grand Rounds. Oakland, California February 2008.
100. The Use of Leukoreduced Blood does not Reduce Infection, Organ Failure, or Mortality Following Trauma. Senior Discussant. Pacific Coast Surgical Association, 79th Meeting. San Diego, California February 2008.
101. Is There a Role for Aggressive use of Fresh Frozen Plasma in Massive Transfusion of Civilian Trauma Patients? Invited Discussant. Southwestern Surgical Congress. Acapulco, Mexico April 2008.
102. Ongoing Medical Advances in the War on Terror. Northwest States Trauma Conference. Bend, Oregon April 2008.
103. Blood Transfusions: Kindness or Murder. Northwest States Trauma Conference. Bend, Oregon April 2008.
104. Good Drugs Gone Bad! Antithrombotic Agents and Their Reversal in Trauma. Adding Insult to Injury: The Role of Chronic Conditions in Acute Trauma Care. Billings, Montana May 2008.
105. Fluid Modulates Coagulation after Trauma. Adding Insult to Injury: The Role of Chronic Conditions in Acute Trauma Care. Billings, Montana May 2008.
106. Medical Advances Made in the War on Terror. Billings Clinic Grand Rounds. Billings, Montana May 2008.
107. Fibrin Sealants to Stop Bleeding in Surgery. American College of Surgeons 94th Annual Congress. San Francisco, California October 2008.
108. Modern Control of Hemorrhage. Balboa Naval Hospital Grand Rounds. San Diego, California January 2009.

109. The Use of Lyophilized Plasma for Resuscitation in a Swine Model of Resuscitation. 80th Annual Meeting of the Pacific Coast Surgical Association. San Francisco, California February 2009.
110. A Simplified Set of Trauma Triage Criteria Safely Reduces Over-Triage: A Prospective Study. Invited Discussant. 80th Annual Meeting of the Pacific Coast Surgical Association. San Francisco, California February 2009.
111. Admission Ionized Calcium Levels Predict the Need for Multiple Transfusions: A Prospective Study of 591 Critically-Ill Trauma Patients. Invited Discussant. American Association for the Surgery of Trauma. Pittsburgh, Pennsylvania October 2009.
112. Activated Recombinant Factor VIIa Reduces Repeated Operations for Hemorrhage Following Major Abdominal Surgery. Invited Discussant. 80th Annual Meeting of the Pacific Coast Surgical Association. San Francisco, California February 2009.
113. Progress with New Formulations of Lyophilized Plasma. Advanced Technology Applications for Combat Casualty Care, St. Petersburg, Florida August 2009.
114. New Hemostatic Agents to Control Bleeding; Meet the Expert Luncheon. American College of Surgeons, Chicago, Illinois October 2009
115. Surgical Resident Perceptions of Trauma Surgery as a Specialty. Invited Discussant. American College of Surgeons, Chicago, Illinois October 2009
116. Resuscitation of Hemorrhagic Shock in 2009. Detroit Trauma Symposium. Detroit, Michigan November 2009
117. Modern Methods of Hemorrhage Control. Detroit Trauma Symposium. Detroit, Michigan November 2009
118. Splenectomy May Lead to a Persistent Hypercoagulable State after Trauma. North Pacific Surgical Association. Portland, OR November 2009
119. How Bad is Blood? 36th Annual Critical Care Symposium. Portland, OR November 2009.
120. Normal Saline. Prehospital Fluid Conference. Dallas, Texas January 2010.
121. Ethanol Consumption Increases Serum Testosterone in Healthy Volunteers. Pacific Coast Surgical Association. Maui, Hawaii February 2010.

122. The Impact of ABO-Identical Versus ABO-Compatible, Nonidentical Plasma Transfusion in Trauma Patients. (Invited Discussant) Pacific Coast Surgical Association. Maui, Hawaii February 2010.
123. Indications for and Risks of Pre-thawed Fresh Frozen Plasma. 8th World Congress on Trauma, Shock, Inflammation and Sepsis. Munich, Germany March 2010.
124. The Use of the Wittmann Patch Facilitates a High Rate of Fascial Closure in Severely Injured Trauma Patients and Critically Ill Surgery Patients. 8th World Congress on Trauma, Shock, Inflammation and Sepsis. Munich, Germany March 2010.
125. Point of Care Diagnostics for Assessment of Acute Coagulopathy. 8th World Congress on Trauma, Shock, Inflammation and Sepsis. Munich, Germany March 2010.
126. Necrotizing Fasciitis. Trauma, Critical Care & Acute Care Surgery 2010. Las Vegas, Nevada March 2010.
127. Blood Volume Repletion is Optimally Performed in the ICU. Trauma, Critical Care & Acute Care Surgery 2010. Las Vegas, Nevada March 2010.
128. The Effects of Systemic Trauma on Coagulation. Trans Agency Coagulopathy in Trauma Workshop. National Institutes of Health. Bethesda, Maryland April 2010.
129. The Joint Theater Trauma System. CENTCOM Surgeon's Conference. Qatar June 2010.
130. Blood Transfusions, Kindness or Murder. Grand Rounds Craig Joint Theater Hospital. Bagram, Afghanistan July 2010.
131. Joint Theater Trauma System, Applications to Civilian Systems. 96th Annual Congress of the American College of Surgeons. Washington DC, October 2010.
132. The Joint Theater Trauma System. Vancouver General Hospital Trauma Rounds. Vancouver, Washington December 2010.
133. Systemic Hemostatic Agents – Non-FDA Approved Uses. Public Workshop: Product Development Program for Interventions in Severe Bleeding Due to Trauma or Other Causes. FDA, Bethesda, Maryland December 2010.
134. Acute Coagulopathy of Trauma. Combat Trauma Innovation. London, England January 2011.

135. Pro-Coagulant Hemostatic Agents. Combat Trauma Innovation. London, England January 2011.
136. Damage Control Resuscitation – Plasma and Plasma Products. London, England January 2011.
137. Colon Injuries, What Would Ogilvie Say in 2011. Eastern Association for the Surgery of Trauma. Naples, Florida January 2011.
138. Splenic Injuries – Is it Time for Conservative Management in Theater? Eastern Association for the Surgery of Trauma. Naples, Florida January 2011.
139. Point:Counter Point – Operative Fixation of Flail Chest and Rib Fractures. Western Trauma Association. Big Sky, Montana March 2011.
140. Joint Theater Trauma System and the Blood Bank – 39th Annual Meeting of the Society of Armed Forces Medical Laboratory Scientists, Armed Services Blood Program Update. New Orleans, Louisiana March 2011.
141. Make it Stick: Coagulopathy Management 2011 and the Future. Trauma, Critical Care & Acute Care Surgery 2011. Las Vegas, Nevada April 2011.
142. Norma Saline: Is it Safe? Trauma, Critical Care & Acute Care Surgery 2011. Las Vegas, Nevada April 2011.
143. Normal Saline Versus Lactated Ringer's: Would the FDA Approve Normal Saline for Use in 2011? University of Texas Grand Rounds. Houston, TX May 2011.
144. The Joint Theater Trauma System – Washington, Oregon American College of Surgeons Chapter Meeting. Chelan, Washington June 2011
145. The Joint Theater Trauma System and How 9/11 Influenced It. 9/11 Ten Years Later. What Have We Learned? New York University, New York, New York. September 2011.
146. Blast Injuries: From the Field to the ICU, What You Need to Know. 9/11 Ten Years Later. What Have We Learned? New York University, New York, New York. September 2011.
147. Controversies Concerning the Use of Fresh Whole Blood in the Military Setting. 22nd International Congress of the Israel Society of Anesthesiologists. Tel Aviv, Israel. September 2011.

148. Conflicts in Iraq and Afghanistan: Lessons Learned. 22nd International Congress of the Israel Society of Anesthesiologists. Tel Aviv, Israel. September 2011.
149. Blood Transfusions: The Rules Have Changed. 97th Annual American College of Surgeons Clinical Congress. San Francisco, California. October 2011.
150. What is Lyophilized Plasma? 97th Annual American College of Surgeons Clinical Congress. San Francisco, California. October 2011.
151. Novel Methods of Hemorrhage Control. 3rd Annual Southwest Trauma & Acute Care Symposium. Scottsdale, Arizona. November 2011.
152. Novel Blood Products for Treatment of Hemorrhagic Shock 3rd Annual Southwest Trauma & Acute Care Symposium. Scottsdale, Arizona. November 2011.
153. The Acute Coagulopathy of Trauma, Diagnosis and Treatment. Trauma Care 2011. Columbus, Ohio. November 2011.
154. What is the Difference Between Trauma Centers? Appropriate Triage of Trauma Patients. Trauma Care 2011. Columbus, Ohio. November 2011.
155. The Year in Combat. Eastern Association for the Surgery of Trauma. Orlando, FL. January 2012.
156. The Current Status of Hemostatic Dressings. Combat Trauma Innovation 2012. London, England. January 2012.
157. The Acute Coagulopathy of Trauma and its Treatment in 2012. Combat Trauma Innovation 2012. London, England. January 2012.
158. Lyophilized Plasma: Coming to a Hospital Near You. Combat Trauma Innovation 2012. London, England. January 2012.
159. Dilutional Coagulopathy, How to Measure and How to Correct. 41st Critical Care Congress. Houston, Texas. February 2012.
160. Low Volume Fluid Resuscitation. Prehospital Trauma Symposium. Harborview Medical Center. Seattle, Washington. February 2012.
161. The Acute Coagulopathy of Trauma: Pathophysiology, Diagnosis and Novel Treatments. University of Maryland, Department of Surgery and Division of Trauma Grand Rounds. Baltimore, Maryland. February 2012.

162. Disasters Lessons Learned in the War on Terror. Trauma, Critical Care & Acute Care Surgery 2012. Las Vegas, Nevada. March 2012.
163. Resuscitation Redefined. Trauma, Critical Care & Acute Care Surgery 2012. Las Vegas, Nevada. March 2012.
164. Blast Injuries from Battlefield to ICU. Trauma, Critical Care & Acute Care Surgery 2012. Las Vegas, Nevada. March 2012.
165. Lactaed Ringers versus Normal Saline for the Resuscitation of Hemorrhagic Shock. Current Topics in Trauma Care 2012. Midland, Texas, April 2012
166. The Use of Lyophilized Plasma in a Multi-injury Pig Model. Remote Damage Control Resuscitation. Bergen, Norway, June 2012.
167. Near Infrared Spectroscopy: Clinical and Research Uses. Remote Damage Control Resuscitation. Bergen, Norway, June 2012.
168. The Way Forward in Resuscitation Research. FDA Workshop on Benefits and Risks of Hydroxyethyl Starch for Resuscitation. Bethesda, Maryland. September 2012.
169. The Joint Theater Trauma System, The Greatest Trauma System Ever Created. Trauma Center Association of America. Charleston, South Carolina. October 2012.
170. Modern Methods of Hemorrhage Control, 2012 and Forward. Trauma Center Association of America. Charleston, South Carolina. October 2012.
171. Hypotensive Resuscitation; Death of Another Sacred Cow. American Heart Association. Los Angeles, CA. November 2012.
172. The Acute Coagulopathy of Trauma. West Virginia University Department of Surgery Grand Rounds. Morgantown, West Virginia. November 2012.
173. The Joint Theater Trauma System, The Greatest Trauma System Ever Created. OPALS Prehospital Research Group Meeting. Ottawa, Canada. November 2012.
174. Hypotensive Resuscitation, Progress Report from the Resuscitation Outcomes Consortium. OPALS Prehospital Group Meeting. Ottawa, Canada. November 2012.

175. Initial Management of the Trauma Patient. Trauma & Emergency Surgery. American Austrian Foundation. Salzburg, Austria. January 2013.
176. Considerations in Penetrating Trauma. Trauma & Emergency Surgery. American Austrian Foundation. Salzburg, Austria. January 2013.
177. Damage Control Surgery. Trauma & Emergency Surgery. American Austrian Foundation. Salzburg, Austria. January 2013.
178. The Joint Theater Trauma System, The Greatest Trauma System Ever Created. February in Phoenix Trauma Symposium. February 2013.
179. Blast Injury: What You Need to Know. February in Phoenix Trauma Symposium. Phoenix, Arizona February 2013.
180. Frozen Deglycerolized Red Blood Cells are Superior to Standard Liquid Red Blood Cells. Transfusion 2013. Phoenix, Arizona March 2013.
181. The Joint Theater Trauma System, The Greatest Trauma System Ever Created. Arkansas Trauma Conference. Little Rock, Arkansas April 2013
182. Modern Methods of Hemorrhage Control. Arkansas Trauma Conference. Little Rock, Arkansas April 2013
183. Major Venous Injuries Should Always be Repaired. Austin Trauma & Critical Care Conference. Austin, Texas May 2013
184. Topical Hemostatic Agents. Austin Trauma & Critical Care Conference. Austin, Texas May 2013
185. Novel Blood Transfusion Strategies. John Paul Pryor Oration, University of Pennsylvania. Philadelphia, Pennsylvania June 2013
186. Novel Methods of Hemorrhage Control. University of Pennsylvania Trauma Grand Rounds. Philadelphia, Pennsylvania June 2013
187. Resuscitation 2013. World Trauma Symposium. Las Vegas, Nevada September 2013
188. Modern Methods of Hemorrhage Control. World Trauma Symposium. Las Vegas, Nevada September 2013
189. Adjunctive Therapy for Coagulopathy is Superior. Trauma Quality Improvement Conference. Reno, Nevada November 2013

190. The Use of Thrombelastography to Guide Treatment of Coagulopathy. Thrombelastography Symposium. Moscow, Russia November 2013
191. Blood Transfusions 2014. Burlington Northern Visiting Lectureship in Trauma. University of Texas Southwestern Medical Center. Dallas, Texas. December 2013.
192. Enoxaparin “Tis is Better to Miss a Dose or Never to Have Started it at All?” Trauma, Critical Care & Acute Care Surgery 2014. Las Vegas, Nevada. March 2014. Presented from Shank, Afghanistan.
193. PCC and Fibrinogen, Better Than Plasma? Trauma, Critical Care & Acute Care Surgery 2014. Las Vegas, Nevada. March 2014. Presented from Shank, Afghanistan.
194. Management of Coagulopathy in Trauma – What Do We Know and What is in Store? Critical Care Summer Session. University of California San Diego. San Diego, California. July 2014.
195. Novel Blood Transfusion Strategies. 2nd Annual Richard B. Fratiante Endowed Lectureship in Trauma. MetroHealth Medical Center, Department of Surgery Case Western Reserve University. Cleveland, Ohio. July 2014.
196. A Controlled Resuscitation Strategy is Feasible and Safe in Hypotensive Trauma Patients: Results of a Prospective Randomized Pilot Trial. Military Health Systems Research Symposium. Fort Lauderdale, Florida. August 2014.
197. A Controlled Resuscitation Strategy is Feasible and Safe in Hypotensive Trauma Patients: Results of a Prospective Randomized Pilot Trial. American Association for the Surgery of Trauma. Philadelphia, Pennsylvania. September 2014.
198. Is There a TEM Parameter Cut Off That Could Be Used To Withhold Transfusion of Blood Product? Consensus Conference on TEM Based Transfusion Guidelines for Early Trauma Resuscitation. Philadelphia, Pennsylvania. September 2014.
199. Innovative Approaches to Hemorrhagic Shock. SEAHEC 26th Annual Trauma & Emergency Symposium. Wilmington, North Carolina. February 2015.
200. Damage Control Resuscitation. University of British Columbia Grand Rounds. Vancouver, British Columbia. February 2015.
201. Frozen Deglycerolized Red Blood Cells are Safe and Effective in Trauma Patients. American Surgical Association. San Diego, California, April 2015.

202. Frozen as Fresh Red Blood Cells for Remote Damage Control Resuscitation. Trauma, Hemostasis & Oxygenation Research Conference. Bergen, Norway. June 2015.
203. When and How Should Tranexamic Acid be Given in the Prehospital Environment? Resuscitation. Trauma, Hemostasis & Oxygenation Research Conference. Bergen, Norway. June 2015.
204. The Advantages of Dried Plasma for Use in Austere Conditions. International Plasma Fractionation Association. Stellenbosch, South Africa. December 2015.
205. Lessons from the Battlefield: How Military Trauma Care Transforms Civilian Care in the United States. Marquam Hill Lecture Series. Portland, OR. February 2016.
206. Blood Transfusions: A Frontier We Have Just Begun to Explore. Laerdahl Memorial Award Lecture. Society of Critical Care Medicine. Orlando, FL. February 2016.
207. Blood Transfusions 2016. Swiss Army Day. Bern, Switzerland. March 2016.
208. Blood Transfusions: An Old Therapy with Exciting New Frontiers. Duke University Department of Surgery Grand Rounds. October 2016.
209. Damage Control Resuscitation. International Society of Blood Therapies. Copenhagen, Denmark. June 2017.
210. Blood Component Therapy and Major Trauma Transfusion. Combined US Army and Qatari Military Trauma Casualty Care Seminar. Doha, Qatar. February 2018.
211. Novel Blood Products Now and Into the Future. R. Arnold Griswold MD Lectureship. Louisville, Kentucky. March 2019.
212. TXA Randomized Comparative Trial Data Review from OHSU. Trauma, Hemostasis & Oxygenation Research. Bergen, Norway. June 2019.
213. Prehospital Tranexamic Acid for Use in TBI. Tranexamic Acid in Trauma Symposium. Melbourne, Australia. July 2019.
214. Dosing of Enoxaparin, Do We Know What We Are Doing. International Association for Trauma and Intensive Care. Krakow, Poland. August 2019.

215. A Randomized Trial Comparing Two Doses of TXA to Placebo in Patients with Moderate to Severe Traumatic Brain Injury. Royal London Hospital Trauma Masters Course. London, England. September 2019.
216. The History of Blood Transfusion: Where Have We Been and Where are We Going? John Ryan Lectureship, Virginia Mason Hospital. Seattle, Washington. September 2019.
217. Whole Blood Transfusion in Trauma. Mae Fae Yung University. Chiang Rai Thailand. November 2019.
218. Blood Transfusion, Where Have We Been and Where are We Going. Royal Perth University Grand Rounds. Perth, Australia. November 2019
219. Stem Cells in Trauma. Western Australia Trauma Symposium. Perth, Australia. Perth Australia. November 2019.
220. Tranexamic Acid for Traumatic Brain Injury. Western Australia Trauma Symosium. Perth, Australia. November 2019.
221. Stem Cells in Trauma. 12th Annual Founders' Basic Science Lecture. Western Trauma Association. Sun Valley, Idaho February 2020.
222. Stem Cells in Trauma, the Dawn of a New Era. 3rd Annual Kenneth L. Mattox Annual Lecture. Baylor College of Medicine. Houston, TX February 2021.
223. Adjuncts to Massive Transfusion. Shock Society. Toronto, Canada May 2022.
224. Tranexamic Acid for Traumatic Brain Injury. Chichely Hall, England. July 2022.

SECTION EDITOR

1. Batig TS, Batig AL. Obstetric Trauma and Surgical Emergencies in the Military Operational Environment. Curr Trauma Rep. 2018; 4:1-8.
2. Bhattacharya, B., Pei, K., Lui, F. et al. Caring for the Geriatric Combat Veteran at the Veteran Affairs Hospital. Curr Trauma Rep 2017; 3: 62-68.
3. Eastridge BJ. Injuries to the Abdomen from Explosion. Curr Trauma Rep. 2017; 3: 69-74.
4. Plackett TP. Performance Improvement in Combat Casualty Care Curr Trauma Rep. 2018; 4: 71-76.

5. Kuckelman J, Cuadrado D, Martin M. Thoracic Trauma: a Combat and Military Perspective. Curr Trauma Rep. 2018; 4: 77-87.
6. Kuckelman J, Derickson M, Long, WB, et al. MASCAL Management from Baghdad to Boston: Top Ten Lessons Learned from Modern Military and Civilian MASCAL Events. Curr Trauma Rep. 2018; 4: 138
7. Gurney JM, Holcomb JB. Blood Transfusion from the Military's Standpoint: Making Last Century's Standard Possible Today. Curr Trauma Rep. 2017; 3: 144-155.
8. Walker P, Bozzay J, Bell R, et al. Traumatic Brain Injury in Combat Casualties. Curr Trauma Rep. 2018; 4: 149-159.
9. Davis BL, Martin, MJ, Schreiber M. Military Resuscitation: Lessons from Recent Battlefield Experience. Curr Trauma Rep. 2017; 3: 156-163.
10. Mendoza J, Mallari-Ramos P, Thoren K, et al. Interventional Radiology in the Combat Environment. Curr Trauma Rep. 2017; 3: 249-256.
11. Yun HC, Blyth DM, Murray CK. Infectious Complications After Battlefield Injuries: Epidemiology, Prevention, and Treatment. Curr Trauma Rep. 2017; 3: 315-323.

TEXTBOOK EDITOR

1. Feliciano DV, Mattox KL, Moore EE, Alam HB, Ball CG, Inaba K, Kozar R, Livingston DH, **Schreiber MA**. Trauma. McGraw Hill. NY, NY. 2020

EXHIBIT B



CASES IN WHICH DR. MARTIN SCHREIBER PARTICIPATED AS A WITNESS, 2019 - 2023

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Division of Trauma, Critical Care &
Acute Care Surgery

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2022

Cutberto Viramontes, et al. v. Cook County, et al
Court System: U.S. District Court for the Northern District of Illinois,
Eastern Division
Case Number: 21 CV 4595

Jones v The Regents of the University of California, et al.
Court System: Superior Court of California, County of Oregon
Case No: 30202201255972CUMMCJC

Jorge Mata, et al vs Kavita Kalra, et al
Court System: Circuit Court for Baltimore City - Civil System
Case No: 24C21000799

Durst, Lisa, et al. v Dimensions Health Corporation, et al
Court System: Circuit Court for Prince George's County - Civil System
Case No: CAL20-12015

Martin Mendoza v Dignity Health, et al
Court System: Superior Court of Arizona - Maricopa County
Case No: CV2021-002097

Linda Marie Bowen – Provided opinion

Chaston v. RCH Alexander
Court System: Multnomah County Circuit Court
Case No: 19CV01550

Jackson Memorial Hospital in Miami, FL – Asked by institution to review
quality of care

2021

Fritz – Did not go to trial

Babcock v. Legacy Emanuel Hospital & Health Center, et al.
Court System: Multnomah County Circuit Court
Case No: 21CV20733

Bauer v. Norfleet

Court System: Cook County Circuit Court – Illinois

Case No: 2017-L-010460

Williams – Did not go to trial

Roy Shaw vs. OSF Healthcare System d/b/a St. Francis Medical Center,
The Peoria Surgical Group, Ltd.

Court System: Peoria County Court – Illinois

Case No: 20-L-00171

Hulda Stebbins vs. OSF Healthcare System, Robin Alley, MD

Court System: Peoria County Court – Illinois

Case No: 20-L-00177

2020

Miller/Kristina M. Hull (closed case, no official case name available)

Court System: Clallam District Court II

Case No: 1A0509632

Martindale v Indiana University Health, et al

Court System: US District Court – Southern District of Indiana,
Indianapolis Division

Case No: 1:19-cv-00513-RLY-DML

Schiffbauer v OSF Healthcare System, et al

Court System: Cook County Circuit Court – Illinois

Case No: 2020L001298

John Sandstrom v Salem Health et al

Court System: Multnomah County Circuit Court

Case No: 19CV02923

Kelly White v Providence Health & Services – Oregon; et al

Court System: Multnomah County Circuit Court

Case No: 18CV19321

Nadrau v Bax MD

Court System: Spokane County Superior Court

Case No: 17-2-02562-8

2019

Gordon vs Reading Hospital and Medical Center, Wayne C Devos, MD,
Frank M Carter, MD, Berks Colorectal Surgical Associates
Court System: Berks County Court of Common Pleas
Case No: 12-17768

Welborn vs Sarah Bush Lincoln Health Center, et al
Court System: Coles County Circuit Court
Case No: 2016-L-8

Tatham vs Hualapai Mountain Medical Center LLC, Hualapai Emergency
Partners PLLC and Bruce K Adams, MD
Court System: Superior Court of Arizona - Maricopa County
Case No: CV2012-005215

Izenberg v. Scottsdale Hospital, et al
Court System: Superior Court of Arizona - Maricopa County
Case No: CV2010-000915

Vasily Kobel vs. City of Portland, James Botaitis, Steven Wuthrich, and
DOES 1-10
Court System: United States District Court for the District of Oregon
Case No: CV-08-986-KI

Hale v OSF Healthcare System, et al
Court System: Peoria County Court – Illinois
Case No: 17-L-7

Dametria Hartage vs Mark Zweban, MD and Delaware Cardiovascular
Associates and Wilmington Hospital/Christiana Care Health Services.
Court System: Superior Court of the State of Delaware – New Castle
County
Case No: N18C-06-005-CEB

Barbara Henry v PeaceHealth Southwest Medical Center – Did not go to
trial

Knutson v Erdman, et al
Court System: Superior Court of Washington – Kittitas County
Case No: 18-2-00115-6

Sharp v. OSF Healthcare System, et al
Court System: Peoria County Court – Illinois
Case No: 17-L-316

Exhibit J

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

DECLARATION OF ROBERT J. SPITZER

DECLARATION OF ROBERT J. SPITZER

I, Robert J. Spitzer, declare under penalty of perjury that the following is true and correct:

1. I have been asked to render an opinion on the history of firearms restrictions, including those enacted in the early twentieth century, addressing machine guns (fully automatic firearms), semiautomatic firearms, and ammunition feeding devices, and tracing those regulations back to earlier hardware and use restrictions on other types of weapons enacted in the nineteenth century and earlier.

2. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

3. I have been retained by the City of Highland Park, Illinois to render expert opinions in this case. I am being compensated at a rate of \$500 per hour.

BACKGROUND AND QUALIFICATIONS

4. I am a Distinguished Service Professor of Political Science Emeritus at the State University of New York at Cortland. I was also a visiting professor at Cornell University for thirty years. I earned my Ph.D. in Government from Cornell University. I reside in Williamsburg, Virginia. A copy of my curriculum vitae is attached as Exhibit A to this Declaration.

5. I have been studying, teaching, and writing about gun policy for over thirty years. My first publication on the subject appeared in 1985. Since then, I have published six books and over one hundred articles, papers, and essays on gun policy. My expertise includes the history of gun laws, gun policy in American politics, and related historical, legal, political, and criminological issues. My book, *The Politics of Gun Control*, has been in print since its initial publication in 1995. It examines firearms policy in the United States through the lenses of history, law, politics, and criminology. The eighth edition of the book was published in 2021 by Routledge Publishers. My two most recent books on gun policy, *Guns across America* (Oxford University Press, 2015) and *The Gun Dilemma* (Oxford University Press, 2023), both deal

extensively with the study of historical gun laws. I am frequently interviewed and quoted in the national and international media on gun-related matters. For over twenty years, I have been a member of the National Rifle Association and of Brady (formerly, the Brady Campaign to Prevent Gun Violence).

6. I have provided written testimony as an expert witness in *Worman v. Healey*, No. 1:17-10107-WGY (D. Mass.), which concerned the constitutionality of Massachusetts' restrictions on assault weapons. I have co-authored amicus briefs in numerous cases, including *Nordyke v. King*, U.S. Court of Appeals, Ninth Circuit, 319 F.3d 1185 (2003); *Republic of Iraq et al. v. Beatty et. al.*, U.S. Supreme Court, 556 U.S. 848 (2009); *McDonald v. Chicago*, U.S. Supreme Court, 561 U.S. 742 (2010); *Ezell v. Chicago*, U.S. Court of Appeals for the Seventh Circuit, 651 F.3d 684 (2011); and *People of the State of Illinois v. Aguilar*, Illinois Supreme Court, No. 08 CR 12069 (2012). I have also been retained to submit written testimony and serve as an expert witness in the following cases: *Hanson v. District of Columbia*, No. 1:22-cv-02256-RC (D.D.C.); *Brumback v. Ferguson*, No. 22-cv-3093 (E.D. Wash.); *Sullivan v. Ferguson*, No. 22-cv-05403 (W.D. Wash.); *Miller v. Bonta*, No. 3:19-cv-1537 (S.D. Cal.); *Duncan v. Bonta*, No. 17-cv-1017 (S.D. Cal.); *Fouts v. Bonta*, No. 19-cv-1662 (S.D. Cal.); *Rupp v. Bonta*, No. 8:17-cv-00746 (C.D. Cal.); *Gates et al. v. Polis*, No. 1:22-cv-01866 (D. Colo.); *Oakland Tactical Supply LLC v. Howell Township*, No. 18-cv-13443 (E.D. Mich.); *State v. Misch*, No. 173-2-19 Bncr (Vt. Sup. Ct.); *Nat'l Ass'n for Gun Rights v. Healey*, No. 22-cv-11431-FDS (D. Mass.); *Abbott et al. v. Connor*, No. 20-00360 (RT) (D. Haw.); *Nat'l Ass'n for Gun Rights v. Shikada*, No. 1:22-cv-00404-DKW-RT (D. Haw.); *Santucci v. Honolulu*, No. 1:22-cv-00142-DKW-KJM (D. Haw.); *Yukutake v. Shikada*, No. 1:22-cv-00323-JAO-KJM (D. Haw.); *Nat'l Ass'n for Gun Rights v. Lopez* (Civil No. 1:22-CV-00404-DKW-RT); *Abott v. Lopez*, No. 20-cv-00360 (D. Haw.); *Santucci v. City & County of Honolulu*, No. 1:22-cv-00142-DKW-KJM (D. Haw.); *Yukutake v. Lopez*, No. 1:22-cv-00323-JAO-KJM (D. Haw.).

7. I have also presented written testimony to the U.S. Congress on "The Second Amendment: A Source of Individual Rights?" submitted to the Judiciary Committee,

Subcommittee on the Constitution, Federalism, and Property Rights, U.S. Senate, Washington, D.C., September 23, 1998; “Perspectives on the ‘Stand Your Ground’ Movement,” submitted to the Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, U.S. Senate, Washington, D.C., October 29, 2013; and “The Hearing Protection Act to Deregulate Gun Silencers,” submitted to Committee on Natural Resources, Subcommittee on Federal Lands, the U.S. House of Representatives, Hearings on the Sportsmen’s Heritage and Recreational Enhancement Act (SHARE Act), Washington, D.C., September 12, 2017.

SUMMARY OF OPINIONS

8. Gun ownership is as old as America, but so are gun laws. From the 1600s through the early twentieth century, the colonies, states, and localities enacted literally thousands of gun laws of every imaginable variety. In this document, I demonstrate that a specific relationship existed between the development of new weapons technologies, their spread into society, and subsequent regulation by the government as part of a centuries-long effort to protect the public from harm and to dampen weapons-related criminality and violence. This pattern, including as seen in contemporary restrictions on assault weapons and large capacity magazines, is not new; in fact, it is a tradition that can be traced back throughout the Nation’s history.

9. I examine a number of specific examples of weapons that illustrate this pattern: soon after they were invented or developed and then made their way into civil society, they were subject to governmental restriction. The examples include: (i) restrictions on fully automatic (most famously the Tommy gun) and semi-automatic firearms, with detachable ammunition feeding devices, both from the early twentieth century; (ii) multi-shot firearms in the late nineteenth century, including Colt revolvers and Winchester rifles, that proved more successful than the experimental multi-shot firearms that preceded them; and (iii) various other weapons that were subject to government restrictions in the eighteenth and nineteenth centuries, such as Bowie and similar long-bladed fighting knives, clubs and other blunt weapons, and “trap guns.”

10. Firearms and other dangerous weapons were subject to remarkably strict, consistent, and wide-ranging regulation throughout our history when they entered society,

proliferated, and resulted in violence, harm, or contributed to criminality. This historical record is even more remarkable given that the United States was an evolving and developing nation-state that could not claim to have reached maturity until the twentieth century. The historical record summarized here makes clear that contemporary restrictions among the states pertaining to assault weapons and large capacity ammunition magazines are merely the latest iteration of a centuries-long tradition of weapons regulations and restrictions.

I. INTRODUCTION

11. The current controversy surrounding legislative efforts to restrict semi-automatic assault weapons and large capacity magazines would seem to be a purely contemporary matter, responding to the modern phenomenon of mass shootings. The effort to restrict such weapons was sparked in part by a shooting at an elementary school in Stockton, California in 1989, when a man armed with an AK-47 and a handgun killed five children and wounded thirty-three others. Later that year, California enacted the first assault weapons ban in the country. Five years later, Congress enacted a limited ten year ban.¹ As of January 1, 2023, eight states plus the District of Columbia had similar bans in place, as did various localities around the country.² These jurisdictions represent approximately 89 million people, or approximately 26.8% of the U.S. population.³ As of the same date, thirteen states plus the District of Columbia restricted large

¹ Robert J. Spitzer, *The Politics of Gun Control*, 8th ed. (NY: Routledge, 2021), 25-26, 205-11.

² Giffords Law Center, Assault Weapons, <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/assault-weapons/>; Robert J. Spitzer, *The Gun Dilemma* (NY: Oxford University Press, 2023), 14-15. The nine American jurisdictions with assault weapons bans as of January 1, 2023 are: California, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, New Jersey, and New York. The U.S. House of Representatives passed a renewed federal assault weapons ban with magazine limitations in 2022 (H.R. 1808, 117th Cong. (2022)). Delaware recently enacted its assault weapons and large-capacity magazine restrictions in June 2022. See Governor Carney Signs Package of Gun Safety Legislation (June 30, 2022), <https://news.delaware.gov/2022/06/30/governor-carney-signs-package-of-gun-safety-legislation/>.

³ See U.S. Census, National Population Totals and Components of Change: 2020-2021, https://www.census.gov/data/tables/time-series/demo/popest/2020s-national-total.html#par_textimage_2011805803 (2021 state population estimates). The total population in

capacity magazines (LCMs).⁴ These jurisdictions represent more than 103 million individuals, or approximately 31.2% of the U.S. population.⁵ And in 2022, the U.S. House of Representatives passed a renewed nationwide assault weapons ban with LCM restrictions.⁶

12. These recent efforts to restrict assault weapons and LCMs are simply the latest chapter in a centuries-long effort to protect the public from harm and to dampen weapons-related criminality. The pattern of criminal violence and concerns for public safety leading to weapons restrictions is not new; in fact, it can be traced back to the Nation's beginnings. While the particular weapons technologies and public safety threats have changed over time, governmental responses to the dangers posed by certain weapons have remained constant. Current restrictions on assault weapons and detachable ammunition magazines are historically grounded. They are part of a pattern in America's history of legislative restrictions on particular weapons stretching back centuries.

these jurisdictions is estimated to be 88,976,315 out of a U.S. total of 331,501,080.

⁴ Giffords Law Center, Large Capacity Magazines, <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/large-capacity-magazines/>; Spitzer, *The Gun Dilemma*, 30. The fourteen jurisdictions are California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington. With three exceptions (Colorado, Delaware, and Vermont), all of these restrictions impose a ten-round limit on magazines, as did the 1994 federal law. Hawaii's restrictions apply to only handguns. Oregon voters approved by referendum a ten-round LCM limit in November 2022, but that law is under court challenge: Jonathan Levinson, "Oregon's new gun laws remain blocked, won't go into effect early Thursday," *Oregon Public Broadcasting*, December 7, 2022, <https://www.opb.org/article/2022/12/07/oregon-measure-114-new-gun-laws-remain-blocked-court-challenges/>.

⁵ U.S. Census, National Population Totals and Components of Change: 2020-2021, https://www.census.gov/data/tables/time-series/demo/popest/2020s-national-total.html#par_textimage_2011805803 (2021 state population estimates). The total population in these jurisdictions is estimated to be 103,503,256 out of a U.S. total of 331,501,080.

⁶ H.R. 1808, 117th Cong. (2022).

II. REGULATORY HISTORY OF FULLY AUTOMATIC AND SEMI-AUTOMATIC FIREARMS (EARLY TWENTIETH CENTURY)

13. A clear example of this historical pattern is provided by early twentieth-century restrictions related to fully automatic firearms. While weapons capable of firing rounds in rapid succession can be traced to guns of the late nineteenth and early twentieth centuries, like the hand-cranked, multi-barreled Gatling gun which could fire up to 200 rounds per minute,⁷ it and its successors were military weapons designed to be used in combat and fired from a tripod or similar supporting apparatus, owing to the Gatling gun's size and weight. Strictly speaking, guns like the Gatling gun were not fully automatic as they did not fire a continuous stream of bullets while depressing a gun trigger. The development of a fully automatic machine gun for battlefield use, capable of firing all of its rounds from a single barrel and with a single trigger pull, came to fruition during World War I. These tripod-mounted military guns, like the Maxim, operated to devastating effect on the battlefield. They initially fired 200-400 rounds per minute but later 400-600 rounds per minute from a gun weighing roughly 100 pounds.⁸

14. Out of World War I came a practical, lighter-weight, reliable, hand-held, fully automatic weapon: the Thompson submachine gun, widely known as the Tommy gun. Though

⁷ The Gatling gun, a manually operated, hand-cranked machine gun, was adopted by the U.S. Army in 1866, and was utilized in warfare against Native Americans and in the Spanish-American War of 1898. Richard W. Stewart, *American Military History, Vol. I: The U.S. Army and the Forging of a Nation, 1775-1917* (Washington, D.C.: Center of Military History, 2008), 367-68; "Gatling Gun," *History.com*, September 9, 2021, <https://www.history.com/topics/american-civil-war/gatling-gun>.

⁸ Donald M. Snow and Dennis M. Drew, *From Lexington to Desert Storm: War and Politics in the American Experience* (Armonk, NY: M.E. Sharpe, 1994), 127; "How The Machine Gun Changed Combat During World War I," Norwich University Online, October 15, 2020, <https://online.norwich.edu/academic-programs/resources/how-machine-gun-changed-combat-during-world-war-i>.

it was developed for use in World War I as “purely a military weapon,”⁹ it came too late in the war to have much effect. Its inventor, John Thompson, patented his .45 caliber gun in 1920.¹⁰ The Tommy gun was initially unregulated after World War I and was made available for civilian purchase in order to try to boost anemic sales, typically with either a 20–30 round stick magazine or a 100-round drum magazine. (The U.S. military showed little interest in acquiring the weapon, as the military largely demobilized and contracted sharply in size after the war.¹¹) It was only at this point—in the early 1920s—that such hand-held weapons operated reliably, were made available to civilians, and began to circulate in society,¹² though sales in the early 1920s were sluggish. By 1925, Thompson’s marketing company, Auto Ordnance, had sold only about 3,000 of the 15,000 it had manufactured up to this point, including to police forces and individuals.¹³ This pattern of anemic sales typified the gun’s commercial trajectory: “Despite its initial publicity and later notoriety, the Thompson submachine gun was a failure from the

⁹ William J. Helmer, *The Gun That Made the Twenties Roar* (Highland Park, NJ: The Gun Room Press, 1969), 75.

¹⁰ Matthew Moss, “From Gangland to the Battlefield — 15 Amazing Facts About the Thompson Submachine Gun,” *Military History Now*, January 16, 2015, <https://militaryhistorynow.com/2015/01/16/from-gangland-to-the-battlefield-15-amazing-facts-about-the-thompson-submachine-gun/>.

¹¹ John Ellis, *The Social History of the Machine Gun* (NY: Pantheon, 1975), 149–52; Helmer, *The Gun That Made the Twenties Roar*, 161–64.

¹² Peter Suci, “The Thompson Submachine Gun: Made for the U.S. Postal Service?” *The National Interest*, July 3, 2020, <https://nationalinterest.org/blog/reboot/thompson-submachine-gun-made-us-postal-service-164096>.

¹³ Lee Kennett and James LaVerne Anderson, *The Gun in America* (Westport, CT: Greenwood Press, 1975), 203. Helmer confirms the number of 3000 guns sold by 1925. *The Gun That Made the Twenties Roar*, 74. Helmer says that “sales declined steadily” after 1921; see 130.

start.”¹⁴ This was especially true for police forces, to whom Thompson and his company marketed the gun aggressively, even when criminals found the gun appealing. “As a criminal’s weapon, the Tommygun was an unqualified success. As a police weapon, it was such a flop that many law-enforcement officials wished sincerely that it has never come off the drawing board.”¹⁵ For example, after the St. Valentine’s Day massacre, a representative of Auto-Ordnance visited Chicago police captain John Stege to offer assistance. Captain Stege “practically ran him out of the office. . . . It was Stege’s opinion that not even the police should be armed with machine guns,” an opinion shared “by many other lawmen in the country.”¹⁶ Another police chief explained why: “It is not possible for a police officer to open a machine gun up on a crowded street . . . because you are going to kill possibly ten innocent people to one criminal.”¹⁷ Poor military and law enforcement sales forced the company to “peddle the new gun in peacetime” by trying “to think up something else it might be good for.” Their conclusion was to market the gun as “good for anything.”¹⁸

15. Before the early 1920s, these fully automatic weapons were unregulated for the obvious reason that they did not exist or were not circulating widely in society. When they did begin to circulate, however, their uniquely destructive capabilities rapidly became apparent,

¹⁴ Helmer, *The Gun That Made the Twenties Roar*, 129.

¹⁵ Helmer, *The Gun That Made the Twenties Roar*, 126. Helmer quotes numerous police officials denouncing the weapon as useless for the police; see 126-28.

¹⁶ Helmer, *The Gun That Made the Twenties Roar*, 126.

¹⁷ Helmer, *The Gun That Made the Twenties Roar*, 126. The gun’s rare actual use confirmed this fear. In an attack on John Dillinger, for example, FBI agents “mistakenly shot three innocent customers.” (128).

¹⁸ Helmer, *The Gun That Made the Twenties Roar*, 75.

especially to the emergent Prohibition-fueled gangster organizations of the 1920s. Another automatic weapon developed for World War I was the Browning Automatic Rifle (BAR). It fired a .30-06 caliber round, could receive a 20-round box magazine, and could fire up to 650 rounds per minute. The BAR first appeared on the battlefield in 1918.¹⁹ It was “a heavy machine rifle weighing nearly twenty pounds with bipod and loaded magazine. . . .”²⁰ It, too, made its way into civilian life and found favor among criminals and gangsters in the 1920s and early 1930s.²¹ Guns like the Tommy gun and the BAR were actually used relatively infrequently by criminals generally, but when they were used, they exacted a devastating toll and garnered extensive national attention, such as their use in the infamous St. Valentine’s Day massacre in Chicago in 1929.²²

16. I conducted a search of Newspapers.com from 1920-1930 using the search terms “Tommy Gun,” “Thompson submachine” and “machine gun.” The term “Tommy Gun” turned up essentially no hits until 1928, a clear indication that this particular term did not come into wide use until fairly late in the decade. The search for “machine gun” turned up more, but many of them referenced the weapons owned or used by the military (including many stories about

¹⁹ Paul Richard Huard, “Browning Automatic Rifle: The Most Dangerous Machine Gun Ever?” *The National Interest*, November 19, 2019, <https://nationalinterest.org/blog/buzz/browning-automatic-rifle-most-dangerous-machine-gun-ever-97662>; “Browning automatic rifle,” *Britannica*, September 8, 2022, <https://www.britannica.com/technology/Browning-automatic-rifle>.

²⁰ Helmer, *The Gun That Made the Twenties Roar*, 37.

²¹ Derek Avery, *Firearms* (Hertfordshire, England: Wordsworth Editions, 1995), 12. The BAR was a favorite of the notorious outlaws Bonnie and Clyde, for example. Christian Oord, “The Weapons of Bonnie & Clyde & the Guns That Stopped Them,” *War History Online*, April 26, 2019, <https://www.warhistoryonline.com/history/weapons-of-bonnie-and-clyde.html?A1c=1>.

²² Chris McNab, *Deadly Force: Firearms and American Law Enforcement* (NY: Osprey Publishing, 2009), 97–98.

World War I). The search for “Thompson submachine,” by contrast, yielded many articles from across the country. Starting in the fall of 1920, a few newspaper articles described regular reports of demonstrations of the gun for police and other government officials and agencies, and reports of local police forces sometimes purchasing a few of the guns. Reports of demonstrations of the gun to police forces and other state and local officials and also of some purchases appeared regularly starting in 1921, and continued throughout the 1920s, as did numerous articles describing the gun’s development and capabilities by inventor John Thompson. These articles also reprinted standard accounts of the Tommy gun’s weight, size, firing capabilities and possible uses by law enforcement.

17. To cite a few examples of early news coverage, an account in the Western Sentinel (“New Type of Gun is Demonstrated Here,” Winston-Salem, North Carolina; <https://www.newspapers.com/image/89498556/?terms=%22Thompson%20submachine%22&match=1>) from December 3, 1920 reported on a demonstration of the Tommy gun, saying that it weighed about seven pounds, fired .45 caliber rounds, could fire up to 1500 rounds per minute, and could receive a box magazine holding 20 rounds, or a drum magazine with either 50 or 100 rounds. It went on to say that the gun was “without equal for riot use and for the police chasing thieves and other lawbreakers who attempt to escape in automobiles, for with this little weapon it is a very easy thing to rip the tires off of an escaping car, and the gun is so light and simple that an inexperienced man can fire with the effect of an expert marksman and moving targets can be hit with the ease that a fireman sprays a hose or on flame.” Other articles touted the gun’s usefulness in controlling riots and mobs. An account from the Jamestown Weekly Alert (“New Submachine Guns Received,” Jamestown, North Dakota, May 12, 1921; <https://www.newspapers.com/image/465633429/?terms=%22Thompson%20submachine%22&m>

atch=1) reported that state and county officials were provided with ten of the guns for “hunting down whiskey runners in the northern part of the state.”

18. Starting in roughly late 1921 and early 1922, a handful of small news items reported thefts of Tommy guns from armories or police stations. The one notable crime-related case to receive enormous press attention was a major seizure of about 600 Tommy guns with ammunition and magazines, first reported about June 16, 1921, from a ship docked at the port of Hoboken, New Jersey, bound for Ireland for use by the IRA in the ongoing Irish rebellion (Ireland won its independence from Britain in 1922).

19. Newspaper reports of criminal use of Tommy guns were few, small, and spare until 1926, when a few very sensational news reports of their criminal use received widespread and extensive attention in newspapers across the country. Most of these initial stories were reports of Chicago gangster use (notably one “Al Caponi” in an early account) along with stories from the New York City-New Jersey area. For example, an AP story from October 16, 1926 with the dateline Somerville, N.J. (“Use Expert Riflemen to Hunt Robbers,” Ithaca Journal, N.Y., <https://www.newspapers.com/image/254505945/?terms=%22Thompson%20submachine%22&match=1>) reported on “the advance of 500 city, state and volunteer police on the mountain stronghold of New Jersey’s machine gun mail bandits.” According to the account, eight men robbed a truck of over \$100,000 and were holed up at the stronghold. The authorities were also armed with weapons that included machine guns, and were contemplating the expansion of the search party with 2000 militiamen.

20. Coinciding with these extensive stories were articles, editorials, and exposés calling for changes in the law to address this growing gun crime problem. For example, an article from the Boston Herald (“Machine Guns for All,” Kennebec Journal, Augusta, Maine, December

4, 1926, <https://www.newspapers.com/image/857617757/?terms=%22Thompson%20submachine%22&match=1>) began by quoting a magazine story from Collier's Weekly that observed: "The police authorities are powerless to interfere with the sale and distribution of the highest powered instrument of destruction that has yet been placed at the convenience of the criminal element in this country." The Herald sent out a man to see if an average person could buy a machine gun "without trouble." The buyer's conclusion: "He had no trouble" purchasing the gun, which the article labeled "a diabolical engine of death." The article detailed that for the prospective gun purchaser, "Pistols would not be shown unless the customer exhibited a permit, but machine guns could be had over the counter with no such formalities." The article concluded this way: "Here is a case where it seems that 'there ought to be a law.' This weapon . . . was designed for war. . . . a machine gun is the greatest aid to crime that yet has been placed within the reach of criminals."

21. Reports and exposés, juxtaposed with lurid and sensational accounts of Tommy gun criminality, built pressure on the states to enact anti-machine gun laws (at least 32 states did so between 1925 and 1933; see Exhibits B and D), and also put pressure on Congress to act. A long-stalled bill in Congress to restrict the interstate shipment of guns received renewed interest and support in 1926, eventually leading to congressional enactment of the Mailing of Firearms Act of 1927, a limited measure that failed to restrict interstate handgun shipment because it did not affect non-Postal Service shipments. From 1926 on, news stories were filled with the kind of sensational gangster-related stories that led to the Tommy gun being labeled the weapon that "made the Twenties roar," and that also led to many anti-machine gun laws. For example, an article dated November 27, 1928 ("Machine Gun Ban Plan of Chicago," The Salt Lake Tribune, <https://www.newspapers.com/image/542285510/?terms=%22Thompson%20submachine%22&m>

atch=1) reported that “Chicago’s war on gangsters and racketeers was reopened tonight with the drafting of a law to prohibit the sale of machine guns. ‘Tommy guns,’ the bullet spitting little Thompson submachine guns which are inseparable from gang fights, bank robberies, assassinations and other major crimes . . . could be purchased as easily and legally in Chicago as a pound of meat. . . . practically every sporting goods establishment in Chicago carried the firearms and sold them readily. State Senator Arthur Huebsch will introduce the bill.” (Illinois adopted an anti-machine gun law in 1931.²³)

A. State-Level and Nationwide Attempts to Regulate Automatic and Semi-Automatic Firearms in the Early Twentieth Century

22. In response to the wider availability of firearms like the Tommy gun and the BAR, between 1925 and 1934, at least 32 states enacted anti-machine gun laws (see Exhibits B and D). These state (and eventually federal) enactments were anticipated, justified, and promoted by the National Conference of Commissioners on Uniform State Laws, a national organization formed in 1892 to provide “non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.”²⁴ (Today, the organization is known as the Uniform Law Commission.) In 1923, the Commission organized a special committee to draft a “Uniform Act to Regulate the Sale and Possession of Firearms.” In 1928, it issued a model law calling for the prohibition of the possession of “any firearm which shoots more than twelve shots semi-automatically without reloading.”²⁵ In 1930, it issued a

²³ Former Ill. Rev. Stat. ch. 38, §§ 414a to 414g, “An Act to regulate the sale, possession and transportation of machine guns,” approved July 2, 1931.

²⁴ Uniform Law Commission, About Us, <https://www.uniformlaws.org/aboutulc/overview>.

²⁵ Report of Firearms Committee, 38th Conference Handbook of the National Conference on Uniform State Laws and Proceedings of the Annual Meeting 422–23 (1928).

model firearms act focusing on “guns of the pistol type.” In 1932, it issued a model act “intended not only to curb the use of the machine gun, but to make it unwise for any civilian to possess one of the objectionable type.” The Commission explained that, between 1923 and 1930, “the infant industry of racketeering grew to monstrous size, and with it the automatic pistol replaced the revolver, to be in turn displaced by a partly concealable type of machine gun—the Thompson .45 inch caliber submachine gun becoming most popular. . . .”²⁶

23. Congress enacted a machine gun ban for the District of Columbia in 1932 which defined a machine gun as “any firearm which shoots automatically or semiautomatically more than twelve shots without reloading.”²⁷ The National Rifle Association endorsed D.C.’s ban, stating “it is our desire [that] this legislation be enacted for the District of Columbia, in which case it can then be used as a guide throughout the states of the Union.”²⁸ In his testimony before Congress in 1934 on the bill that became the National Firearms Act, NRA vice president Milton A. Reckord extolled his organization’s role in passing the 1932 D.C. law, saying, “. . . the association I represent is absolutely favorable to reasonable legislation. We are responsible for the uniform firearms act. . . . in the District of Columbia. It is on the books now.”²⁹

24. In 1934, Congress enacted the National Firearms Act, which imposed a series of strict requirements on the civilian acquisition and general circulation of fully automatic weapons,

²⁶ “Uniform Machine Gun Act,” National Conference of Commissioners on Uniform State Laws, Forty-Second Annual Conference, Washington, D.C., October 4-10, 1932, http://www.titleii.com/bardwell/1932_uniform_machine_gun_act.txt.

²⁷ “Hearings Before the Committee on Ways and Means, National Firearms Act, H.R. 9066,” U.S. House of Representatives, April 16, 18, May 14, 15, and 16, 1934 (Washington, D.C.: GPO, 1934), 45; 47 Stat. 650, ch. 465, §§ 1, 14 (1932).

²⁸ S. Rep. No. 72-575, at 5–6 (1932).

²⁹ “Hearings Before the Committee on Ways and Means,” 36.

like the Tommy gun. The National Firearms Act imposed a tax on the manufacture, sale, and transfer of listed weapons, including machine guns, sawed-off shotguns and rifles, silencers, and “any other weapons” with certain firing capabilities. Such weapons had to be registered with the Treasury Department, and the owners fingerprinted and subject to a background check, with the payment of a \$200 tax.³⁰ The early models of the Tommy gun could fire “an astounding 1,500 rounds per minute. A Tommy gun could go through a 100-round drum magazine in four seconds. Later versions fired 600 to 700 rounds per minute.”³¹

25. In his opening statement to the Ways and Means Committee of the U.S. House of Representatives, Attorney General Homer Cummings made clear that the bill under consideration was designed to fight the epidemic of gun crime where criminals could evade capture by crossing state lines:

The development of late years of the predatory criminal who passes rapidly from State to State, has created a situation which is giving concern to all who are interested in law and order. . . . there are more people in the underworld today armed with deadly weapons, in fact, twice as many, as there are in the Army and the Navy of the United States combined. . . . In other words, roughly speaking, there are at least 500,000 of these people who are warring against society and who are carrying about with them or have available at hand, weapons of the most deadly character.³²

26. To address the problem, the original version of the bill proposed regulating both semi-automatic and fully automatic firearms. It defined restricted machine guns as did the 1932 D.C. law, with its emphasis on outlawing guns that could fire rapidly and repetitively without

³⁰ 48 Stat. 1236.

³¹ Moss, “From Gangland to the Battlefield.”

³² “Hearings Before the Committee on Ways and Means,” 4. The version of the bill that appears on page 1 of the Hearings had this definition of machine gun: “The term ‘machine gun’ means any weapon designed to shoot automatically or semiautomatically twelve or more shots without reloading.”

reloading, whether semi-automatically or fully automatically: “The term ‘machine gun’ means any weapon designed to shoot automatically or semiautomatically 12 or more shots without reloading.”³³ The final version of the bill limited restrictions to fully automatic firearms.

27. In addition to the National Firearms Act’s restrictions on fully automatic weapons, during this same time period at least seven states plus the District of Columbia, and as many as ten states plus D.C., enacted laws restricting semi-automatic weapons (see Exhibit B).³⁴ The reason for restricting semi-automatic firearms is not hard to discern. These restrictions all appeared in the same statutes as those restricting fully automatic weapons, which utilize the same fundamental firearms technology: an action that automatically loads a new round into the chamber after each shot is fired, potentially with the use of detachable ammunition magazines or similar feeding devices, and is capable of firing numerous rounds without reloading.³⁵ During the time that Thompson and his company were developing and marketing the Tommy gun (which could fire in semi- or full-auto modes³⁶), they were also developing the Thompson Autorifle, a “strictly semiautomatic rifle” for which the military showed greater interest than it did for the Tommy gun.³⁷ The Autorifle was also promoted to police and military organizations,

³³ Ibid., 52.

³⁴ See also Robert J. Spitzer, “Gun Law History in the United States and Second Amendment Rights,” *Law and Contemporary Problems* 80 (2017): 68–71. The language of the restrictions in Illinois, Maine, and South Carolina was ambiguous regarding whether they applied to semi-automatic weapons.

³⁵ Spitzer, *The Gun Dilemma*, 32–33. In 1913, Florida enacted this measure: “It shall, at any time, be unlawful to hunt game in Marion County with guns—known as Automatic guns.” While an automatic weapon fires a continuous stream of bullets when the trigger is depressed, a semi-automatic weapon fires a single shot with each pull of the trigger.

³⁶ Helmer, *The Gun That Made the Twenties Roar*, 48-49, 255-56.

³⁷ Helmer, *The Gun That Made the Twenties Roar*, 37, 50.

though it was overshadowed by the Tommy gun. Ultimately, the military opted for the semiautomatic M1 Garand over the Autorifle.³⁸

28. As the prior discussion reveals, the regulation of automatic and semi-automatic weapons in the 1920s and 1930s was closely tied to the enhanced firing capacity of these weapons and the attractiveness (and use) of these weapons by criminals at that time, and the related understanding that these weapons had no justifiable civilian use. By that time, gun technology was now available that made it possible for ammunition to be reliably fired in rapid succession and guns to be reloaded through interchangeable ammunition magazines or similar devices. Again, the lesson is the same: once these technologies began to spread in civil society and be used for criminal or other dangerous purposes, regulatory efforts ensued.

B. State Regulation of Ammunition Feeding Devices

29. Restrictions on fully automatic and semi-automatic firearms were closely tied to restrictions on ammunition magazines or their equivalent, as both automatic and semi-automatic weapons are predicated on some kind of mechanical loading function or device that automatically feeds new rounds into the firing chamber after the previous round is fired. As is the case with contemporary state limitations on ammunition magazine capacity, state laws enacted early in the twentieth century imposed restrictions based on the number of rounds that could be fired without reloading, ranging from more than one (Massachusetts and Minnesota) up to a high of eighteen (Ohio).

30. Magazine capacity/firing limits were imposed in three categories of state laws (see Table 1 below): ten states plus the District of Columbia regulating semi-automatic and fully automatic weapons (California, District of Columbia, Massachusetts, Michigan, Minnesota, New Jersey, North Carolina, Ohio, Rhode Island, South Dakota, and Virginia³⁹); eleven states

³⁸ Helmer, *The Gun That Made the Twenties Roar*, 161.

³⁹ 1933 Cal. Stat. 1169; Act of July 8, 1932, ch. 465, §§ 1, 8, 47 Stat. 650, 650, 652 (District of

regulated fully automatic weapons only, where the regulation was defined by the number of rounds that could be fired without reloading or by the ability to receive ammunition feeding devices (Illinois, Louisiana, Minnesota, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Vermont, and Wisconsin⁴⁰); and four states restricted all guns that could receive any type of ammo feeding mechanism or round feeding device and fire them continuously in a fully automatic manner (California, Hawaii, Missouri, and Washington State)⁴¹.

Columbia); Act of July 2, 1931, 1931 Ill. Laws 452, 452; 1927 Mass. Acts 413, 413-14; Act of June 2, 1927, no. 372, 1927 Mich. Pub. Acts 887, 888; Mich. Pub. Acts 1929, Act No. 206, Sec. 3, Comp. Laws 1929; Act of Apr. 10, 1933, ch. 190, 1933 Minn. Laws 231, 232; Act of Apr. 8, 1933, no. 64, 1933 Ohio Laws 189, 189; 1927 R.I. Pub. Laws 256, 256; Uniform Machine Gun Act, ch. 206, 1933 S.D. Sess. Laws 245, 245; Act of Mar. 7, 1934, ch. 96, 1934 Va. Acts 137, 137. Two of these states enacted early laws focused on such weapons' use in hunting. New Jersey had a 1920 law making it "unlawful to use in hunting fowl or animals of any kind any shotgun or rifle holding more than two cartridges at one time, or that may be fired more than twice without reloading." 1920 N.J. Laws 67, ch. 31, Section 9. North Carolina made it "unlawful to kill quail with any gun or guns that shoot over two times before reloading" in 1917. 1917 N.C. Sess. Laws 309, ch. 209, Sec. 1.

⁴⁰ 1931 Ill. Laws 452-53, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, §§ 1-2; Act of July 7, 1932, no. 80, 1932 La. Acts 336; 1927 N.J. Laws 180-81, A Supplement to an Act Entitled "An Act for the Punishment of Crimes," ch. 95, §§ 1-2; 1931 N.D. Laws 305-06, An Act to Prohibit the Possession, Sale and Use of Machine Guns, Sub-Machine Guns, or Automatic Rifles and Defining the Same . . . , ch. 178, §§ 1-2; 1933 Or. Laws 488, An Act to Amend Sections 72-201, 72-202, 72-207; 1929 Pa. Laws 777, §1; Act of Mar. 2, 1934, no. 731, 1934 S.C. Acts 1288; 1933 Tex. Gen. Laws 219-20, 1st Called Sess., An Act Defining "Machine Gun" and "Person"; Making It an Offense to Possess or Use Machine Guns. . . , ch. 82, §§ 1-4, § 6; 1923 Vt. Acts and Resolves 127, An Act to Prohibit the Use of Machine Guns and Automatic Rifles in Hunting, § 1; 1933 Wis. Sess. Laws 245, 164.01.

⁴¹ 1927 Cal. Stat. 938; 1933 Haw. Sess. Laws 117; 1929 Mo. Laws 170; Wash. 1933 Sess. Laws 335.

TABLE 1

AMMUNITION MAGAZINE RESTRICTIONS IN 23 STATES, 1917-1934⁴²

Semi-automatic and Fully Automatic Firearms (barred firearms holding more than the listed number of rounds or more without reloading)	Fully Automatic Firearms (barred firearms capable of firing the listed number of rounds or more without reloading or that could receive ammunition feeding devices)	All Firearms (any weapon capable of receiving rounds through certain named round-feeding devices)
-California (10 rounds; 1933) -District of Columbia (12 rounds; 1932) -Massachusetts (1 round; 1927) -Michigan (16 rounds; 1927) -Minnesota (1 round; 1933) -New Jersey (2 rounds; hunting only; 1920) -North Carolina (2 rounds; hunting only; 1917) -Ohio (18 rounds; 1933) -Rhode Island (12 rounds; 1927) -South Dakota (5 rounds; 1933) -Virginia (7 rounds; 1934)	-Illinois (8 rounds; 1931) -Louisiana (8 rounds; 1932) -Minnesota (12 rounds; 1933) -New Jersey (any removable device holding rounds; 1927) -North Dakota (loadable bullet reservoir; 1931) -Oregon (2 rounds; 1933) -Pennsylvania (2 rounds; 1929) -South Carolina (8 rounds; 1934) -Texas (5 rounds; 1933) -Vermont (6 rounds; 1923) -Wisconsin (2 rounds; 1933)	-California (1927) -Hawaii (1933) -Missouri (1929) -Washington State (1933)

See Exhibit D for statutory text.

31. A 1927 California law, for example, prohibited the possession of any “machine gun,” where that term was defined to include:

all firearms known as machine rifles, machine guns or submachine guns capable of discharging automatically and continuously loaded ammunition of

⁴² Including the District of Columbia. Note that California, Minnesota, and New Jersey appear twice in this table. The dataset from which this information is drawn ended in 1934, so it does not include any states that might have enacted similar restrictions after 1934. See Duke Law Center for Firearms Law, “Repository of Historical Gun Laws,” <https://law.duke.edu/gunlaws/>.

any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.⁴³

The other three states in this category (Hawaii, Missouri, Washington⁴⁴) utilized this same description. In all, at least twenty-three states enacted twenty-six gun restrictions based on the regulation of ammunition magazines or similar feeding devices, and/or round capacity (see Table 1). The original version of the legislation that became the National Firearms Act of 1934, as noted earlier, included this definition of machine gun that encompassed both semi-automatic and fully automatic firearms: “The term ‘machine gun’ means any weapon designed to shoot automatically or semiautomatically 12 or more shots without reloading.”⁴⁵ (This text was derived from the law enacted by Congress for the District of Columbia in 1932, which also stipulated a 12 round limit, as noted previously.⁴⁶ The final version of the 1934 bill was limited to fully automatic firearms only and did not include any limitation by number of rounds fired.) Regulations concerning removable magazines and magazine capacity were thus common as early as the 1920s—the period of time when these weapons and devices began to make their way into civilian life and also contributed to violence and criminality, as illustrated by the Tommy gun narrative and other weapons discussed here—as these regulations were adopted by nearly half of all states, representing approximately 58% of the American population at that time.⁴⁷

⁴³ 1927 Cal. Stat. 938.

⁴⁴ 1933 Haw. Sess. Laws 117; 1929 Mo. Laws 170; Wash. 1933 Sess. Laws 335.

⁴⁵ “National Firearms Act,” Hearings Before the Committee on Ways and Means, House of Representatives, on H.R. 9066, April 16, 18, and May 14, 15, and 16, 1934 (Washington, D.C.: GPO, 1934), 52.

⁴⁶ Ibid., 45.

⁴⁷ U.S. Census, Historical Population Change Data (1910-1920) (using 1920 census data),

C. Lessons from the Regulation of Automatic and Semi-Automatic Firearms and Ammunition Feeding Devices in the Early Twentieth Century

32. The lesson from this sequence of events early in the twentieth century demonstrates that changes in gun policy followed a series of steps that respond to developments in firearms technologies and their use in crime, each dependent on the previous step. *First*, a new gun or gun technology is invented. *Second*, it may then be patented, though the patenting of a design or idea by no means assures that it will proceed beyond this point. *Third*, it is often developed with a focus on military applications and supplying military needs, not directly for civilian acquisition or use. *Fourth*, some military-designed weapons may then spread to, or be adapted to, civilian markets and use. *Finally*, if such weapons then circulate sufficiently in society to pose a safety, violence, or criminological problem or threat, calls for government regulation or restriction then may lead to gun policy/law changes. New gun laws are not enacted when firearm technologies are invented or conceived. They are enacted when those technologies circulate sufficiently in society to spill over into criminal or other harmful use, presenting public safety concerns that governments attempt to address through their police and policy-making powers.

33. This lesson is significant because some argue that the absence of government gun regulations in history—at the time of the invention of various weapons or weapons developments—means that regulations now are unjustifiable, or have no historical basis. For example, David Kopel argues that “[m]agazines of more than ten rounds are older than the United States.”⁴⁸ Drawing on examples like a firearm “created around 1580” capable of firing sixteen “‘superposed’ loads” (with each round stacked on top of the other); the Puckle gun said to fire eleven shots and patented in 1718; the Girandoni air rifle, invented in the late 1700s; and

<https://www.census.gov/data/tables/time-series/dec/popchange-data-text.html>.

⁴⁸ David Kopel, “The History of Firearm Magazines and Magazine Prohibitions,” *Albany Law Review* 78 (2014-2015): 851.

the Pepperbox pistol of the early 1800s,⁴⁹ Kopel suggests that “magazines of more than ten rounds are older than the Second Amendment.”⁵⁰ Therefore, by Kopel’s reckoning, since these weapons existed early in (or even before) the country’s existence, and were not specifically regulated, ipso facto, today’s governments are unable to regulate assault weapons, like AR-platform rifles, or magazines exceeding certain capacities (typically, a ten-round limit).⁵¹

34. Kopel’s and similar arguments⁵² fail for two sets of reasons. First, as explained in the following section, this sort of narrative misrepresents the availability and capabilities of these early weapons. Second, the account fails to understand the relationship between firearms’ technological development, their spread into civil society, and government gun policy. As one gun history expert noted, “the guns of 1830 were essentially what they had been in 1430: single metal tubes or barrels stuffed with combustible powder and projectiles” where “after every shot, the shooter had to carry out a minimum of three steps: pour powder into the barrel; add a projectile. . .; then ignite the gunpowder and send the projectile on its way.”⁵³ The firearms and firearm feeding devices regulated in the early twentieth century in the previous account represented a dramatically different type of firearm, capable of reliable, rapid fire utilizing interchangeable ammunition feeding devices.

⁴⁹Ibid., 852-54.

⁵⁰ Ibid., 849.

⁵¹ Ibid., 871-72 (“a court which today ruled that [10-round] magazines are ‘dangerous and unusual’ would seem to have some burden of explaining how such magazines, after a century and a half of being ‘in common use’ and ‘typically possessed by law-abiding citizens for lawful purposes,’ became ‘dangerous and unusual’ in the twenty-first century.”).

⁵² Declaration of Ashley Hlebinsky in Support Of Plaintiffs’ Motion for Preliminary Injunction, *Miller v. Becerra*, Case No. 3:19-cv-01537-BEN-JLB, United States District Court For The Southern District Of California, filed September 27, 2019 (Plaintiffs’ Trial Exhibit 2).

⁵³ Jim Rasenberger, *Revolver: Sam Colt and the Six-Shooter That Changed America* (NY: Scribner, 2021), 3-4.

D. The History of Pre-Twentieth Century Firearms Technologies

35. As researchers and experts of gun history have noted, experimental multi-shot guns existed in the eighteenth century (with multi-shot experimental designs dating back as much as two centuries earlier). For example, a firearm from the late 1500s that could fire up to sixteen rounds is described in a book titled, *Firearms Curiosa*. But this book's very title indicates why this narrative is irrelevant to the modern gun debate. The definition of "curiosa" is something that is rare or unusual. As the book's author, Lewis Winant says, his book is about "oddity guns" and "peculiar guns."⁵⁴ That is, they were anything but common, ordinary, or found in general circulation. Winant's description of the sixteen shot gun from the 1500s is that "the first pull of the trigger" fires "nine Roman candle charges, a second pull will release the wheel on the rear lock and set off six more such charges, and finally a third pull will fire the one remaining shot."⁵⁵ A "Roman candle charge" was defined by Winant as one where "the operator had no control of the interval between shots; he could not stop the firing once he had started it."⁵⁶ In other words, this firing process was more like lighting the fuse of a string of firecrackers, where their ignition occurs in a manner that cannot be controlled by the operator once the initial charge is ignited. Winant concludes: "Of all the ideas for producing multishot firearms the scheme of superimposing loads in one barrel is probably the oldest, the most discredited, the most frequently recurring, and also the most readily accepted as new."⁵⁷

36. An early multi-shot gun, the "Puckle Gun," patented in 1718 in London by James Puckle, could fire nine rounds per minute (hardly comparable to the firing capabilities of semi- and fully automatic weapons of the twentieth and twenty-first centuries). The patent drawing of

⁵⁴ Lewis Winant, *Firearms Curiosa* (New York: Bonanza Books, 1955), 8, 9.

⁵⁵ *Ibid.*, 168.

⁵⁶ *Ibid.*, 166.

⁵⁷ *Ibid.*, 166.

this weapon shows it sitting on a tripod on the ground.⁵⁸ It was not a hand-held weapon. In the patent, Puckle described it as “a portable Gun or Machine (by me lately invented) called a DEFENCE.”⁵⁹ It was indeed a military weapon, as Winant says: “Of the oddities among military weapons none has received more publicity than the Puckle gun. . . . The Puckle invention was probably the first crank-operated machine gun. It embodied several elements that closely resemble construction features of Gatling, Hotchkiss and other manually-operated machine guns.” Winant continued, “It is doubtful that any of the Puckle guns that may have been actually produced ever saw service.”⁶⁰ A different account of this weapon says: “There is in fact no record of such a gun ever having been built,”⁶¹ although there are claims to the contrary. A contemporaneous poet, commenting on ‘Puckle’s Machine Company’, wrote ‘Fear not, my friends, this terrible machine. They’re only wounded who have shares therein.’”⁶² This weapon “never advanced beyond the prototype stage.”⁶³

37. In short, it was an experimental weapon designed for military use, and the patent’s reference to “DEFENCE” was clearly a reference to military defense, not personal defense. As this account confirms, it was likely never even manufactured beyond perhaps a prototype. It was a failed effort, even though later gun inventors learned from its failure.

38. The Jennings multi-shot flintlock rifle from 1821, capable of firing up to twelve “superposed” shots before reloading,⁶⁴ is also cited as an early multi-shot gun. Yet according to

⁵⁸ Ibid., 220.

⁵⁹ Ibid., 219.

⁶⁰ Ibid., 219-20.

⁶¹ Ellis, *The Social History of the Machine Gun*, 13.

⁶² Winant, *Firearms Curiosa*, 219-21. See also “The Puckle Gun: Repeating Firepower in 1718,” December 25, 2016, <https://www.youtube.com/watch?v=GPC7KiYDshw>.

⁶³ Rasenberger, *Revolver*, 3.

⁶⁴ Kopel, “The History of Firearm Magazines and Magazine Prohibitions,” 853.

Flayderman's Guide to Antique American Firearms, its production quantity was so small as to be “unknown” and therefore is “extremely rare,” unsurprising since it utilized fatally defective “superposed” firing (discussed earlier) relying on twelve individual touchholes.⁶⁵ Similar problems plagued or doomed multi-shot flintlock pistols of the early nineteenth century. According to Carl P. Russell: “Flintlock revolving pistols had been given trials and some practical use very early in the nineteenth century, but the loose priming powder in the pan of each cylinder constituted a hazard that was never eliminated.”⁶⁶

39. Another example often cited is the Girandoni (or Girardoni) air rifle, a military weapon developed for crack shots in the Austrian army that was capable of firing up to 20 rounds. One of these was taken along on the Lewis and Clark expedition of 1804-1806.⁶⁷ But these guns were a rarity, as they were extremely expensive, fragile, and complex, and few were made—no more than about 1,500.⁶⁸ In fact, the rifles never caught on as they proved to be impractical on the battlefield, and even more so for civilian use. To wit: “Leather gaskets needed to be constantly maintained and swelled with water to sustain pressure. Once empty the reservoirs required a significant effort and 1500 strokes to restore full power. A supply wagon was subsequently outfitted with a mounted pump to readily supply soldiers but this negated one

⁶⁵ Norm Flayderman, *Flayderman's Guide to Antique American Firearms*, 9th ed. (Iola, IA: Gun Digest Books, 2007), 683.

⁶⁶ Carl P. Russell, *Guns on the Early Frontier* (Lincoln, NE: University of Nebraska Press, 1957), 91.

⁶⁷ David Kopel, “The history of magazines holding 11 or more rounds: Amicus brief in 9th Circuit,” *Washington Post*, May 29, 2014, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/05/29/the-history-of-magazines-holding-11-or-more-rounds-amicus-brief-in-9th-circuit/>. The Girandoni air gun taken by Lewis and Clark was never used in combat or battle, but to impress the Native Americans they encountered. Whenever they planned to fire the gun, they were careful to prepare it before encountering Native Americans so that they were not aware of the extensive pre-fire preparations needed. See Stephen E. Ambrose, *Undaunted Courage* (NY: Simon and Schuster, 1996), 158, 160, and passim.

⁶⁸ Mike Markowitz, “The Girandoni Air Rifle,” *DefenseMediaNetwork*, May 14, 2013, <https://www.defensemedianetwork.com/stories/the-girandoni-air-rifle/>.

of the key features—mobility. The rudimentary fabrication methods of the day engineered weak threading on the reservoir neck and this was the ultimate downfall of the weapon. The reservoirs were delicate in the field and if the riveted brazed welds parted the weapon was rendered into an awkward club as a last resort.”⁶⁹ It was pulled from military service by 1815.⁷⁰

40. To take another example, the Volcanic repeating pistol, patented in 1854, was said to have the ability to fire up to “ten or greater rounds.”⁷¹ The Volcanic Repeating Arms Company was founded in 1855, and it experimented with a number of design innovations. But the company was “short-lived” and went “defunct” in 1866, even though its partners included Horace Smith, Daniel B. Wesson, and Courtlandt Palmer.⁷² Its patent and technological work were important for subsequent developments, especially for Smith and Wesson’s later work, but the actual weapons produced by Volcanic were few, flawed, and experimental,⁷³ dubbed “radical defects” by Winchester himself.⁷⁴ In 1857 and 1858, Volcanic produced 3,200 “flawed” repeaters, most of which “collected dust for many decades” until the company finally sold them for fifty cents each to employees.⁷⁵

41. Another account laboring to establish early gun firing provenance asserts that “[s]emi-automatic technology was developed in the 1880s” with the “Mannlicher rifle. . .

⁶⁹ John Paul Jarvis, “The Girandoni Air Rifle: Deadly Under Pressure,” *GUNS.com*, March 15, 2011, <https://www.guns.com/news/2011/03/15/the-girandoni-air-rifle-deadly-under-pressure>.

⁷⁰ Markowitz, “The Girandoni Air Rifle.”

⁷¹ Declaration of Ashley Hlebinsky, *Miller v. Becerra*, 6 (Plaintiffs’ Trial Exhibit 2).

⁷² Pamela Haag, *The Gunning of America* (NY: Basic Books, 2016), 51-52.

⁷³ “Volcanic Repeating Arms,” https://military-history.fandom.com/wiki/Volcanic_Repeating_Arms, n.d.; Flayderman, *Flayderman’s Guide to Antique American Firearms*, 303-5.

⁷⁴ Quoted in Haag, *The Gunning of America*, 56.

⁷⁵ Haag, *The Gunning of America*, 60.

generally attributed to be the first semi-automatic rifle.”⁷⁶ Yet this “development” was initially a failure: “Ferdinand von Mannlicher’s Model 1885 self-loading rifle design” was “a failure, never seeing anything even resembling mass production.”⁷⁷ The true semi-automatic weapon did not become feasible and available until the beginning of the twentieth century, and the primary market was the military.⁷⁸

42. The more well-known “pepperbox,” a multi-shot firearm where the number of shots capable of being fired repeatedly coincided with the number of barrels bundled together, found some civilian market popularity in the early 1800s, but it was rapidly eclipsed by the superior Colt revolver. The reason: pepperboxes were “heavy, lumpy, and impractical.”⁷⁹ By another account, “because of its small bore, short range, and lack of accuracy, the pepperbox was by no means as satisfactory as a revolver for military use.”⁸⁰ Further, “[t]hey also had a nasty habit of discharging all their barrels at once. No shooter could be certain he would not get two or three innocent bystanders, as well as his intended victim.”⁸¹ Indeed, the Colt revolver was “the first widely used multishot weapon,”⁸² although it took decades for this and similar revolvers to catch on.

⁷⁶ Declaration of Ashley Hlebinsky, *Miller v. Becerra*, 8 (Plaintiffs’ Trial Exhibit 2).

⁷⁷ Ian McCollum, “Mannlicher 1885 Semiauto Rifle,” *Forgotten Weapons*, May 6, 2015, <https://www.forgottenweapons.com/mannlicher-1885-semiauto-rifle/>.

⁷⁸ Philip Schreier, “A Short History of the Semi-Automatic Firearm,” *America’s 1st Freedom*, July 2022, 32-39.

⁷⁹ Rasenberger, *Revolver*, 54.

⁸⁰ Lewis Winant, *Pepperbox Firearms* (New York: Greenberg Pub., 1952), 30.

⁸¹ Larry Koller, *The Fireside Book of Guns* (NY: Simon and Schuster, 1959), 154. By another account, “it was a disconcerting but not uncommon experience to have all six barrels go off in unison.” Winant, *Pepperbox Firearms*, 32.

⁸² Rasenberger, *Revolver*, 401.

43. Colt's technological developments notwithstanding, single shot guns were the ubiquitous firearm until after the Civil War, although some long gun repeaters appeared late in the Civil War.⁸³ Even so, the "standard infantry weapon [in the Civil War] remained the single-shot, muzzle-loaded weapon."⁸⁴ Historian James M. McPherson concurred that, even though some repeating rifles appeared in the Civil War as early as 1863, single-shot muzzle-loaders "remained the principal infantry weapons throughout the war."⁸⁵

44. As noted, the idea of an available, affordable, reliable multi-shot firearm did not arise until the development of Colt's multi-shot revolver in the 1830s. Indeed, Colt biographer Jim Rasenberger says that Colt's pistol was the first practical firearm that could shoot more than one bullet without reloading.⁸⁶ Even then, Colt could not readily manufacture multi-shot weapons for many years because he could find no market for them, either from the government or the public. The government, in fact, dismissed such firearms as mere "novelties."⁸⁷ After an 1837 test of Colt's gun and others the government concluded that it was "entirely unsuited to the general purposes of the service."⁸⁸ The government also rejected the weapon after tests in 1836, 1840, and 1850. Colt's early failure to cultivate either a military or a civilian market in the U.S. drove him to bankruptcy and then to market his guns to European governments in the 1840s. The gun made appearances in the pre-Civil War West, yet even during the Civil War, "Colt's revolver was a sideshow through most of the war. . . ."⁸⁹ And though the Colt-type revolver

⁸³ Kopel, "The history of magazines holding 11 or more rounds"; Kennett and Anderson, *The Gun in America*, 112-13.

⁸⁴ Snow and Drew, *From Lexington to Desert Storm*, 90.

⁸⁵ James M. McPherson, *Battle Cry of Freedom* (NY: Oxford University Press, 1988), 475.

⁸⁶ Rasenberger, *Revolver*, 3-5, 401.

⁸⁷ Pamela Haag, *The Gunning of America* (NY: Basic Books, 2016), 24.

⁸⁸ Rasenberger, *Revolver*, 136.

⁸⁹ *Ibid.*, 390.

“had proved itself, the official sidearm of the United States Army [in the Civil War] remained a single shot pistol.”⁹⁰ It took the Colt’s limited use during the Civil War to finally spur the post-Civil War proliferation of the Colt-type revolver and similar firearms into society.⁹¹

45. While inventor Benjamin Henry claims credit for developing the first practical, lever action repeating rifle (patented in 1860), his competitor Winchester “deftly gutted” the Henry Arms Company, coopting it to form the Winchester Arms Company in 1866, paving the way for Winchester’s dominance.⁹² The Winchester rifle could fire up to fifteen rounds without reloading. Yet the widely known Winchester 1873, “was designed for sale to the Government as a military arm.”⁹³ A gun whose legendary status wildly outdistanced its actual production and impact, it was nevertheless an important firearm in the late nineteenth century, although this “quintessential frontier rifle flourished later, in the ‘post-frontier’ early 1900s. Its celebrity biography backdated its diffusion and even its popularity.”⁹⁴ In fact, the slogan stating that the Winchester “won the West” was invented by a Winchester executive as a marketing ploy in 1919.⁹⁵ As historian Michael Vorenberg concluded: “Rifles holding more than 10 rounds made up a tiny fraction of all firearms in the United States during Reconstruction.”⁹⁶ Additionally, the Winchester was not a semi-automatic firearm; it was a lever-action rifle that required the shooter to manipulate a lever in a forward-and-back motion before each shot. And when the gun was

⁹⁰ Kennett and Anderson, *The Gun in America*, 91.

⁹¹ Haag, *The Gunning of America*, 34-37, 46-64. As Haag said, “the Civil War saved” the gun industrialists (65).

⁹² Haag, *The Gunning of America*, 96.

⁹³ Koller, *The Fireside Book of Guns*, 112.

⁹⁴ Haag, *The Gunning of America*, 179.

⁹⁵ *Ibid.*, 353.

⁹⁶ Declaration of Michael Vorenberg ¶ 42, *Ocean State Tactical v. Rhode Island*, No. 1:22-cv-00246-JJM-PAS, Dkt. 19-2 (D. R.I. Oct. 14, 2022).

emptied, it had to be manually reloaded, one round at a time.⁹⁷ The Winchester Model 1905, then called a “self-loading” rifle, was a true semi-automatic firearm. It could receive a five or ten round box magazine, although from 1905 to 1920 only about 30,000 of the guns were made. Even in World War I, soldiers primarily used bolt-action one shot rifles that could fire about twelve rounds per minute.⁹⁸

46. With all this, the Winchester was by no means universally embraced by long gun users. Indeed, “a good many westerners would have nothing to do with the early Winchesters or other repeaters, for reasons they considered very sound, and not until the 1880s did the repeating rifle assert its dominance over the single-shot breechloader.”⁹⁹ According to A.C. Gould, writing in 1892, single-shot rifles were: “less complicated, and less liable to get out of order; will shoot a greater variety of ammunition; will shoot uncrimped ammunition, patched or unpatched bullets; will permit the use of a longer barrel; an explosive bullet can be used; a greater range of rear sights on tang can be used.”¹⁰⁰ Historian Vorenberg confirms this analysis: “There were civilians during Reconstruction who owned high-capacity rifles, to be sure. Yet almost all such civilians were ‘frontiersmen’ of the Western Territories, and the population of the Western Territories was tiny compared to the population of the United States as a whole. Furthermore,

⁹⁷ Normally, a Remington-type rifle is loaded from a feed ramp on the side of the rifle.

⁹⁸ Robert Johnson and Geoffrey Ingersoll, “It’s Incredible How Much Guns Have Advanced Since The Second Amendment,” *Military & Defense*, December 17, 2012, <https://finance.yahoo.com/news/incredible-much-guns-improved-since-174927324.html>; Phil Bourjaily, “Blast From the Past: Winchester Model 1905,” *Field & Stream*, January 11, 2019, <https://www.fieldandstream.com/blast-from-past-winchester-model-1905/>.

⁹⁹ Louis A. Garavaglia and Charles G. Worman, *Firearms of the American West, 1866-1894* (Albuquerque, NM: University of New Mexico Press, 1985), 129. Historian Michael Vorenberg says that “Henrys and Winchesters were. . . repeating rifles, but because they were in a class of their own, due to their high capacity, they were generally known only as Henrys or as Winchesters.” Declaration of Michael Vorenberg ¶ 15.

¹⁰⁰ Quoted in Garavaglia and Worman, *Firearms of the American West, 1866-1894*, 131.

Henry and Winchesters, the only high-capacity firearms of the era, were not the preferred firearms of the ‘frontiersmen’ of the region.”¹⁰¹

47. The rise in the circulation of multi-shot handguns in society was accompanied by the rapid spread of concealed carry restrictions (see Exhibits B-E), especially in the post-Civil War period, precisely because of their contribution to escalating interpersonal violence.¹⁰² By the end of the nineteenth century, virtually every state in the country prohibited or severely restricted concealed gun and other weapons carrying.¹⁰³ In addition, in the late 1800s and early 1900s at least a half-dozen states barred possession of such weapons outright, regardless of other circumstances.¹⁰⁴ As discussed earlier, it was only in the post-World War I era when multi-shot semi-automatic and fully automatic long guns began to circulate appreciably in society and came to be associated with criminal use that they became a regulatory and public policy concern.

48. As noted earlier, the problems with arguments claiming that historical multi-shot weapons were both viable and commonly possessed before the late nineteenth century are two-fold: they misrepresent the actual past of the weapons cited, and even more importantly fail to

¹⁰¹ Declaration of Michael Vorenberg ¶ 97.

¹⁰² Dickson D. Bruce, *Violence and Culture in the Antebellum South* (Austin, TX: University of Texas Press, 1979); Randolph Roth, *American Homicide* (Cambridge, MA: Belknap Press, 2012), 218-19.

¹⁰³ Spitzer, “Gun Law History in the United States and Second Amendment Rights,” 63-67.

¹⁰⁴ 1917 Cal. Sess. Laws 221-225; 1923 Cal. Stat. 695; Illinois Act of Apr. 16, 1881, as codified in Ill. Stat. Ann., Crim. Code, chap. 38 (1885) 88; Geoffrey Andrew Holmes, Compiled Ordinances of the City of Council Bluffs, and Containing the Statutes Applicable to Cities of the First-Class, Organized under the Laws of Iowa Page 206-207, Image 209-210 (1887) § 105; William H. Baily, The Revised Ordinances of Nineteen Hundred of the City of Des Moines, Iowa Page 89-90, Image 89-90 (1900) § 209; 1883 Kan. Sess. Laws 159, §§ 1-2; George R. Donnan, Annotated Code of Criminal Procedure and Penal Code of the State of New York as Amended 1882-5 Page 172, Image 699 (1885) § 410; 1913 N.Y. Laws 1627-30, vol. III, ch. 608, § 1; 1931 N.Y. Laws 1033, ch. 435, § 1; 1915 N.D. Laws 96, ch. 83, §§ 1-3, 5; 1923 S.C. Acts 221. Not included in this list are other state laws that barred weapons possession to specific groups (enslaved persons, minors) or that criminalized weapons possession by individuals if they committed a crime with the listed weapons.

understand the connection between gun technology developments and the steps leading up to changes in gun-related public policy to regulate threats posed by those developments. As discussed previously, that process has occurred, both historically and in the modern era, through a series of sequential steps.

49. First, a new gun or gun technology must be invented. Second, it is then normally patented, noting that there are many steps between a patent, actual gun production, distribution and dissemination. As Lewis Winant sardonically observed, “Many patents are granted for arms that die a-borning.”¹⁰⁵ And as gun expert Jack O’Connor wrote, “many types of guns were invented, produced and discarded through the early years of the development of the United States.”¹⁰⁶ Third, weapons development is historically tied to military need and military acquisition, not directly for civilian use or self-defense applications. Military weaponry is developed without consideration of potential civilian use and the consequences of dissemination in the civilian market.¹⁰⁷ Fourth, some military-designed weapons may then spill over into, or be adapted to, civilian markets and use. Fifth, if such weapons then circulate sufficiently to pose a public safety or criminological problem or threat, calls for government regulation or restriction then may lead to gun policy/law changes. This general sequence is echoed in works like the *Buyer’s Guide to Assault Weapons*, a standard reference work on assault weapons.¹⁰⁸

¹⁰⁵ Winant, *Firearms Curiosa*, 36.

¹⁰⁶ Jack O’Connor, *Complete Book of Rifles and Shotguns* (NY: Harper & Row, 1961), 42.

¹⁰⁷ Note that the third step, and perhaps the second, do not apply to non-firearms weapons discussed here—in particular the Bowie knife and various clubs. These weapons were mostly not developed for military use, though Bowie knives, for example, were carried by some soldiers during the Civil War. Knives and clubs are far simpler technologically compared to firearms (and of course do not rely on ammunition) and thus were much more easily made, reproduced, and circulated.

¹⁰⁸ Phillip Peterson, *Buyer’s Guide to Assault Weapons* (Iola, IA: Gun Digest Books, 2008), 4-7. Peterson’s Foreword summarizes a similar relationship between weapons development and subsequent calls for regulation.

50. Again, to simply assert or assume that past firearms design/development, invention, or patenting equals commonality, viability, or a measurable presence or impact on society, is a leap in logic without historical foundation. It would be as logical to reject modern governmental regulation of electric power through such government agencies as state power commissions and the Federal Energy Regulatory Commission because no such regulation was enacted around the time of Benjamin Franklin’s experiments with electricity in the mid-eighteenth century. The fact that inventors worked on new firearm designs and modifications tells us nothing about the consequences of such designs for society and public policy. And the existence of such designs does not equal technological viability or reliability, much less general availability, much less societal circulation and use of these weapons. Other weapons subject to government restriction in our history further illustrate these principles.

E. Clarifying Terms and Concepts about Assault Weapons and LCMs

51. The Plaintiffs’ Complaint asserts that the term “‘assault weapon’ as used in the [Highland Park] Code is not a technical term used in the firearms industry or community for firearms commonly available to civilians. Instead, the term is a rhetorically charged political term meant to stir the emotions of the public. . . .”¹⁰⁹

52. This assertion is incorrect. The terms “assault weapon” and “assault rifle” were the very terms used by the gun companies that first produced, marketed, and sold such weapons to the public. Gun industry use of the terms “assault weapons” and “assault rifles” appeared in the early 1980s (and even earlier), before political efforts to regulate them emerged in the late 1980s and early 1990s.¹¹⁰

¹⁰⁹ Complaint ¶ 12, *Nat’l Ass’n for Gun Rights v. City of Highland Park*, No. 1:22-cv-04774, Dkt. 1 (N.D. Ill. Sept. 7, 2022).

¹¹⁰ Violence Policy Center, *The Militarization of the U.S. Civilian Arms Market*, June 2011,

53. A study of the marketing strategies employed by gun manufacturers and gun publications from the time that such weapons emerged in the American civilian market in a significant way in the early 1980s verifies this. It reports on and quotes directly from gun company advertisements and gun magazines, like Heckler and Koch selling its “HK 91 Semi-Automatic Assault Rifle,” the “Bushmaster assault rifle,” the AKM “imported assault rifle,” the Beretta M-70 that “resembles many other assault rifles,” the AR10 (made by Paragon S&S Inc.) advertised as a “famous assault rifle [that] is now available in a semi-auto form!”, the “AMT 25/.22 Lightning Carbine” that was advertised as an “assault-type semi-auto,” and the after-market supplier Assault Systems that appealed to civilian owners of “assault weapons,” among many other examples. The use of military terminology, and the weapons’ military character and appearance, were key to marketing the guns to the public.¹¹¹ *Guns & Ammo* magazine described the “success of military assault rifles in the civilian market” in its July 1982 issue.¹¹² In 1984, *Guns & Ammo* advertised a book called *Assault Firearms* that the magazine extolled as “full of the hottest hardware available today.”¹¹³

54. As a standard buyer’s guide on assault weapons noted, the “popularly-held idea that the term ‘assault weapon’ originated with anti-gun activists, media or politicians is wrong.

<http://www.vpc.org/studies/militarization.pdf#page=33>; also Violence Policy Center, *Assault Weapons and Accessories in America*, 1988, <http://www.vpc.org/studies/awacont.htm>; <http://www.vpc.org/studies/thatintr.htm>.

¹¹¹ Tom Diaz, *Making a Killing* (NY: The New Press, 1999), 124–128, 230–231; Tom Diaz, *The Last Gun* (New York: The New Press, 2013), 142–43.

¹¹² “Wooters Chooses the 10 Best Gun Designs,” *Guns & Ammo*, July 1982, 58, 68; Diaz, *Making a Killing*, 126.

¹¹³ Erica Goode, “Even Defining ‘Assault Rifles’ Is Complicated,” *New York Times*, January 17, 2013, A1, <https://www.nytimes.com/2013/01/17/us/even-defining-assault-weapons-is-complicated.html>

The term was first adopted by the manufacturers, wholesalers, importers and dealers in the American firearms industry”¹¹⁴ The more expansive phrase “assault weapon” is generally used over “assault rifle” because “weapon” also includes not only rifles but some shotguns and handguns that were also subject to regulation in the federal 1994 assault weapons ban and subsequent laws.

55. An article in *Outdoor Life* belied the claim that assault weapons are limited only to firearms that fire fully automatically. That article urged its readers to share its information with non-shooting friends to dispel “myths” about “assault weapons.” In its account, it correctly noted that “the term ‘assault weapon’ . . . generally referred to a type of light infantry firearm initially developed in World War II; a magazine-fed rifle and carbine suitable for combat, such as the AK-47 and the M16/M4. These are selective-fire weapons that can shoot semi-auto, full-auto, or in three-round bursts.”¹¹⁵

56. The effort to rebrand “assault weapons” as something more benign and severed from its military origins was seen in the publication struggles of Phillip Peterson, whose book, titled as recently as 2008, *Gun Digest Buyer’s Guide to Assault Weapons*,¹¹⁶ is a well-known reference work on the subject. As Peterson explained, the gun industry “moved to shame or ridicule” those who used the phrase “assault weapons,” insisting that the term should now only apply to fully automatic weapons. Peterson noted that the origin of the term “assault weapon”

¹¹⁴ Phillip Peterson, *Gun Digest Buyer’s Guide to Assault Weapons* (Iola, WI: Gun Digest Books, 2008), 11.

¹¹⁵ John Haughey, “Five Things You Need to Know About ‘Assault Weapons’,” *Outdoor Life*, March 19, 2013, <http://www.outdoorlife.com/blogs/gun-shots/2013/03/five-things-you-need-know-about-assault-weapons>

¹¹⁶ Peterson, *Gun Digest Buyer’s Guide to Assault Weapons*.

was the industry itself.¹¹⁷ He found that the NRA refused to sell his book until he changed the title, which in 2010 he renamed *Gun Digest Buyer's Guide to Tactical Rifles*.¹¹⁸ The very same pattern played out in Canada, where gun companies also used the term “assault rifle” in the 1970s and 1980s until political pressure began to build to restrict such weapons in the aftermath of a mass shooting in Montreal in 1989. By the 1990s, gun companies marketing guns in Canada and their allies also adopted terms like “modern sporting rifles.”¹¹⁹

57. The Plaintiffs' Complaint also says that the definition of a “large capacity magazine” as one that holds ten or more rounds is “politically charged rhetoric” and says that the “characterization of these magazines as ‘large capacity’ is a misnomer.”¹²⁰ Identifying a large capacity magazine as one that holds more than ten rounds is none of these things, and for three reasons.

58. First, the LCM definition of one holding ten or more rounds dates back to at least 1991,¹²¹ in an early version of the law Congress eventually passed in 1994 that said the term “large capacity ammunition feeding device” was defined in the law as “a magazine, belt, drum,

¹¹⁷ Goode, “Even Defining ‘Assault Rifles’ Is Complicated.”

¹¹⁸ Phillip Peterson, *Gun Digest Buyer's Guide to Tactical Rifles* (Iola, WI: Gun Digest Books, 2010).

¹¹⁹ According to Blake Brown, Canadian newspapers ran ads from gun companies selling weapons like the “AR-15 semi-automatic assault rifle,” the “Colt AR-15 Semi Auto Assault Rifle,” and the “SKS Assault Rifle” among others, in 1976, 1982, 1983, 1985, and 1986 from dealers and companies including MilArm, Colt, and Ruger. “Gun Advocates’ Changing Definition of ‘Assault Rifles’ is Meant to Sow Confusion,” *Toronto Globe and Mail*, May 21, 2020, <https://www.theglobeandmail.com/opinion/article-gun-advocates-changing-definition-of-assault-rifles-is-meant-to-sow/>

¹²⁰ Complaint ¶ 20.

¹²¹ Violent Crime Control and Law Enforcement Act of 1994, H.R. REP. 103-489, H.R. Rep. No. 489, 103RD Cong., 2ND Sess. 1994, 36.

feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. . . .”¹²² Since that time, ten states plus the District of Columbia have adopted the LCM ten round limit (see earlier discussion at note 4).

59. Second, the definition of LCMs based on a ten round limit has been and is widely accepted and used in the scholarly literature in criminology and other fields examining such devices.¹²³ Third, as Table 1 and the accompanying discussion in this document shows, from 1917 to 1934 roughly half of the states in the U.S. enacted laws that restricted various ammunition feeding devices, or guns that could accommodate them, based on a set number of rounds, though the numerical cap for gun firing without reloading varied at that time from more than a single round up to eighteen. Thus, the idea of restricting removable magazines by capping the number of rounds dates back at least a century.

¹²² Violent Crime Control and Law Enforcement Act of 1994, 6.

¹²³ For example: Gregg Lee Carter, ed., *Guns in American Society*, 3 vols. (Santa Barbara, CA: ABC-CLIO, 2012), III, 777-78; Jaclyn Schildkraut and Tiffany Cox Hernandez, “Laws That Bit The Bullet: A Review of Legislative Responses to School Shootings,” *American Journal of Criminal Justice* 39, 2 (2014): 358-74; Luke Dillon, “Mass Shootings in the United States: An Exploratory Study of the Trends from 1982-2012,” Mason Archival Repository Service, George Mason University, May 22, 2014, <http://mars.gmu.edu/xmlui/handle/1920/8694>; Jaclyn Schildkraut, “Assault Weapons, Mass Shootings, and Options for Lawmakers,” Rockefeller Institute of Government, March 22, 2019, <https://rockinst.org/issue-area/assault-weapons-mass-shootings-and-options-for-lawmakers/>; Christopher Koper, et al., “Assessing the Potential to Reduce Deaths and Injuries from Mass Shootings Through Restrictions on Assault Weapons and Other High-Capacity Semiautomatic Firearms,” *Criminology & Public Policy*, 19(February 2020): 157; Philip J. Cook and Kristin A. Goss, *The Gun Debate*, 2nd ed. (NY: Oxford University Press, 2020), 201.

III. HISTORICAL HARDWARE RESTRICTIONS ON KNIVES, BLUNT WEAPONS, PISTOLS, AND TRAP GUNS IN THE EIGHTEENTH AND NINETEENTH CENTURIES

60. Similar to government regulation of certain types of firearms and ammunition feeding devices in the early twentieth century, which occurred only after the weapons technologies matured, entered the civilian market, and threatened the public through criminal use, government regulation of other weapons typically followed a version of this trajectory during the 1700s and 1800s. Even though, as discussed earlier, serious crimes became more widespread in the early 1800s, specific crime-related concerns that involved dangerous weapons led to legislative enactments in the late 1700s and early 1800s. For example, from 1780-1809, at least four states (Connecticut, Ohio, New Jersey, Maryland) enacted measures that increased the penalties for burglaries or other crimes if the perpetrators were armed.¹²⁴ At least three states (New York, Ohio, Maryland) enacted laws to punish the discharge of firearms near populated areas.¹²⁵ At least four states (Virginia, Massachusetts, North Carolina, Tennessee) criminalized

¹²⁴ 1783 Conn. Acts 633, An Act For The Punishment of Burglary And Robbery; 1788-1801 Ohio Laws 42, An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property, and for Making Void All Contracts and Payments Made in Furtherance Thereof, ch. 13, § 4. 1788; Charles Nettleton, Laws of the State of New-Jersey Page 474, Image 501 (1821) available at The Making of Modern Law: Primary Sources. 1799 [An Act to Describe, Apprehend and Punish Disorderly Persons (1799)], § 2; The Laws Of Maryland, With The Charter, The Bill Of Rights, The Constitution Of The State, And Its Alterations, The Declaration Of Independence, And The Constitution Of The United States, And Its Amendments Page 465, Image 466 (1811) available at The Making of Modern Law: Primary Sources, 1809.

¹²⁵ James Kent, Laws of the State of New-York Page 41-42, Image 44-45 (Vol. 1, 1802-1812) available at The Making of Modern Law: Primary Sources, 1785; An Act of April 22, 1785, An Act to Prevent the Firing of Guns and Other Fire-Arms within this State, on certain days therein mentioned; 1788-1801 Ohio Laws 42, An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property, and for Making Void All Contracts and Payments Made in Furtherance Thereof, ch. 13, § 4. 1788; 1792 Md. Laws 22, A Supplement To An Act Entitled, An Act to Improve and Repair the Streets in Elizabethtown, in Washington County, and For Other Purposes Therein Mentioned, chap. 52, § 4.

public arms carrying.¹²⁶ Other examples of restrictions of specific types of weapons are discussed in this section.

A. Historical Restrictions on the Bowie Knife and Similar Long-Bladed Knives

61. The Bowie knife is generally credited with having been invented by the brother of adventurer Jim Bowie, Rezin Bowie. The knife was named after Jim Bowie, who reputedly killed one man and wounded another using a “big knife” given to him by his brother in the alternately notorious or celebrated “Sandbar Duel” in 1827.¹²⁷ Bowie died at the Alamo in 1836.

62. The “Bowie knife” rapidly became known beginning in the 1830s for the distinctive type of long-bladed and usually single-edged knife with a hand guard identified with Bowie, the man after whom the knife was named. While Bowie knives initially “came in a variety of forms—with or without guards, with differently shaped blades,” they eventually became more standardized as “a large knife with a cross guard and a blade with a clipped point.”¹²⁸ The distinctive traits of the Bowie knife are revealed in Robert Abels’ book, *Bowie*

¹²⁶ 1786 Va. Laws 33, ch. 21, An Act forbidding and punishing Affrays; 1786 Mass. Sess. Laws An Act to Prevent Routs, Riots, and Tumultuous assemblies, and the Evil Consequences Thereof; Francois Xavier Martin, A Collection of Statutes of the Parliament of England in Force in the State of North Carolina, 60-61 (Newbern 1792); Judge Edward Scott, Laws of the State of Tennessee: Including Those of North Carolina Now in Force in this State: From the Year 1715 to the Year 1820, Inclusive Page 710, Image 714 (Vol. 1, 1821) The Making of Modern Law: Primary Sources. 1801, An Act for the Restraint of Idle and Disorderly Persons § 6.

¹²⁷ “Bowie Knife,” *Encyclopedia of Arkansas*, n.d., <https://encyclopediaofarkansas.net/entries/bowie-knife-2738/>; William C. Davis, *Three Roads to the Alamo* (NY: HarperCollins, 1998), 207-8. Davis persuasively dismisses the claim of a blacksmith, James Black, that he invented or styled the distinctive knife for Rezin Bowie (676–77). David Kopel says, erroneously, that “Jim Bowie used a traditional knife at a famous ‘sandbar fight’ on the lower Mississippi River in 1827.” Rezin Bowie had just developed the distinctive knife his brother used in the fight, so it could not have been “traditional.” David Kopel, “Bowie knife statutes 1837-1899,” *The Volokh Conspiracy*, November 20, 2022, <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

¹²⁸ “Bowie Knife,” *Encyclopedia of Arkansas*, n.d., <https://encyclopediaofarkansas.net/entries/bowie-knife-2738/>.

Knives, which includes pictures of nearly one hundred such knives made between 1835 and 1890.¹²⁹ The Bowie legend, the explosive growth and spread of Bowie-related mythology (only magnified by his death at the Alamo), and the knife's distinctive features encouraged its proliferation,¹³⁰ referred to by one historian as “the craze for the knives.”¹³¹ As was true of other knives with long, thin blades,¹³² they were widely used in fights and duels, especially at a time when single-shot pistols were often unreliable and inaccurate.¹³³ Indeed, such knives were known as “fighting knives”¹³⁴ that were “intended for combat.”¹³⁵ In the early nineteenth century, “guns and knives accounted for a growing share of the known weapons that whites used to kill whites.”¹³⁶ In 1834, for example, a grand jury in Jasper County, Georgia deplored

the practice which is common amongst us with the young the middle aged and the aged to arm themselves with Pistols, dirks knives sticks & spears under the specious pretence of protecting themselves against insult, when in fact being so armed they frequently insult others with impunity, or if resistance is made the pistol dirk or club is immediately resorted to, hence we so often hear of the stabbing shooting & murdering so many of our citizens.¹³⁷

¹²⁹ Robert Abels, *Bowie Knives* (NY: Abels, 1979).

¹³⁰ Virgil E. Baugh, *Rendezvous at the Alamo* (Lincoln, NE: University of Nebraska Press, 1985), 39–63.

¹³¹ Davis, *Three Roads to the Alamo*, 583.

¹³² Other such long-bladed, thin knives of varying configurations typically named in laws barring their carrying included the Arkansas toothpick, the Spanish stiletto, dirks, daggers, and the like.

¹³³ Davis, *Three Roads to the Alamo*, 164, 208; Baugh, *Rendezvous at the Alamo*, 42; Karen Harris, “Bowie Knives: The Old West’s Most Famous Blade,” *Oldwest*, n.d., <https://www.oldwest.org/bowie-knife-history/>; Norm Flayderman, *The Bowie Knife* (Lincoln, RI: Andrew Mowbray, 2004), 485.

¹³⁴ Roth, *American Homicide*, 218.

¹³⁵ Flayderman, *The Bowie Knife*, 59.

¹³⁶ Roth, *American Homicide*, 218.

¹³⁷ Quoted in Roth, *American Homicide*, 218–19.

63. Homicide rates increased in the South in the early nineteenth century, as did laws restricting concealed weapons carrying. Dueling also persisted during this time, even as the practice was widely deplored by religious and other groups, in newspapers, by anti-dueling societies and political leaders.¹³⁸ Bowie knife writer Norm Flayderman provides abundant and prolific evidence of the early criminal use of Bowie knives in the 1830s, quoting from dozens of contemporaneous newspaper and other accounts, and providing references to literally hundreds of additional articles and accounts attesting to the widespread use of Bowie knives in fights, duels, brawls and other criminal activities.¹³⁹ Flayderman concludes that, as early as 1836, “most of the American public was well aware of the Bowie knife.”¹⁴⁰ (Very much like the allure of contemporary assault weapons to some,¹⁴¹ the Bowie knife’s notorious reputation also, if perversely, fanned its sale and acquisition.¹⁴²) All this contributed to widespread enactment of laws prohibiting dueling in the states.¹⁴³ In 1839, Congress passed a measure barring dueling in the District of Columbia.¹⁴⁴ Both pistols and knives were prominently used in such affairs.¹⁴⁵

¹³⁸ Baugh, *Rendezvous at the Alamo*, 51.

¹³⁹ Flayderman, *The Bowie Knife*, 25–64; 495–502.

¹⁴⁰ *Ibid.*, 43.

¹⁴¹ Ryan Busse, *Gunfight* (NY: Public Affairs, 2021), 12–15, 65; David Altheide, “The cycle of fear that drives assault weapon sales,” *The Guardian*, March 2, 2013, <https://www.theguardian.com/commentisfree/2013/mar/02/cycle-fear-assault-weapon-sales>; Rukmani Bhatia, “Guns, Lies, and Fear,” *American Progress*, April 24, 2019, <https://www.americanprogress.org/article/guns-lies-fear/>.

¹⁴² Flayderman, *The Bowie Knife*, 46.

¹⁴³ A search for the word “duel” in the Duke Center for Firearms Law database of old gun laws yields 35 results. See <https://firearmslaw.duke.edu/repository/search-the-repository/>.

¹⁴⁴ H.R. 8, Joint Resolution Prohibiting Dueling, introduced March 5, 1838, https://history.house.gov/Records-and-Research/Listing/lfp_032/.

¹⁴⁵ Roth, *American Homicide*, 180–83, 210–17.

64. At least four state court cases dealt in some manner with fighting knives like the Bowie knife. In the 1840 case of *Aymette v. State*—a decision cited in *District of Columbia v. Heller*, 554 U.S. 570 (2008)—the Supreme Court of Tennessee upheld the conviction of William Aymette for wearing a Bowie knife concealed under his clothes under a state law of 1837–1838, ch. 137, sec. 2, providing “that, if any person shall wear any bowie-knife, or Arkansas toothpick, or other knife or weapon that shall in form, shape, or size resemble a bowie-knife or Arkansas toothpick, under his clothes, or keep the same concealed about his person such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than two hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.”¹⁴⁶ In its decision, the court concluded that the prohibition against wearing the named weapons was well justified in that they “are usually employed in private broils, and which are efficient only in the hands of the robber and the assassin.”¹⁴⁷ The court continued, “The Legislature, therefore, have a right to prohibit the wearing or keeping weapons dangerous to the peace and safety of the citizens. . . .”¹⁴⁸ Further, the court added that the state law existed “to preserve the public peace, and protect our citizens from the terror which a wanton and unusual exhibition of arms might produce, or their lives from being endangered by desperadoes with concealed arms. . . .”¹⁴⁹

65. Four years later, the Tennessee Supreme Court again dealt with a Bowie knife law violation and challenge. In the case of *Haynes v. Tennessee* (1844),¹⁵⁰ Stephen Haynes was indicted for carrying a concealed Bowie knife. He was convicted of wearing a knife that resembled a Bowie knife but appealed his conviction on the grounds that he was actually

¹⁴⁶ *Aymette v. State*, 21 Tenn. 152, 153 (Tenn. 1840).

¹⁴⁷ *Ibid.*, 156.

¹⁴⁸ *Ibid.*, 157.

¹⁴⁹ *Ibid.*

¹⁵⁰ *Haynes v. Tennessee*, 24 Tenn. 120 (1844).

carrying a “Mexican pirate knife,” which reputedly had a shorter, narrower blade. (At the trial, witnesses disagreed as to the proper name for the knife in question.) He also argued that the state law, in listing various types of knives including those “similar” to Bowie knives, was “too indefinite” and could therefore lead to “absurd consequences” that “must follow its enforcement. . . .”¹⁵¹ On appeal, the court upheld his conviction and commended the Tennessee state legislature’s enactment: “The design of the statute was to prohibit the wearing of bowie knives and others of a similar description, which the experience of the country had proven to be extremely dangerous and destructive to human life; the carrying of which by truculent and evil disposed persons but too often ended in assassination.”¹⁵² The court continued: “The design, meaning, and intent was to guard against the destruction of human life, by prohibiting the wearing [of] heavy, dangerous, destructive knives, the only use of which is to kill. . . .”¹⁵³ The court noted that the state law “wisely provides against bowie knives, Arkansas tooth picks, or any other weapon in form, shape or size, resembling them.”¹⁵⁴ Noting the similarity among knives and the possibility of an unjust outcome where, say, a person might be convicted of carrying a mere pocket knife, the court posed this question: “what is to protect against conviction, when the words of the statute cover the charge, and its true spirit and meaning does not?” Their answer: “the judge and jury who try the case.”¹⁵⁵ As the author of a book on Bowie knives noted, “the fact that the term ‘bowie knife’ had never been precisely defined did not help his [Haynes’s] case.”¹⁵⁶

¹⁵¹ *Haynes v. Tennessee*, 122.

¹⁵² *Haynes v. Tennessee*, 122.

¹⁵³ *Haynes v. Tennessee*, 123.

¹⁵⁴ *Haynes v. Tennessee*, 122.

¹⁵⁵ *Haynes v. Tennessee*, 123.

¹⁵⁶ Paul Kirchner, *Bowie Knife Fights, Fighters, and Fighting Techniques* (Boulder, CO: Paladin Press, 2010), 43.

66. Two other state court cases are arguably relevant to the legal status of Bowie knives, *Nunn v. State* (1846)¹⁵⁷ and *Cockrum v. State* (1859).¹⁵⁸ *Nunn* involved a man who was prosecuted for carrying a pistol (openly, not concealed), not a knife. A state law criminalized concealed carry of various named weapons, including pistols and Bowie knives, whereas a different provision allowed for open carrying of named weapons, including Bowie knives, but failed to include pistols on that list. Noting the “great vagueness” in the statute’s wording, the court reversed the man’s conviction and wrote that there was a constitutional right to open carry “for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State.” By contrast, the court upheld the constitutionality of the concealed carry restrictions, and noted that those restrictions were enacted “to guard and protect the citizens of the State against the unwarrantable and too prevalent use of *deadly weapons*.”¹⁵⁹

67. The *Cockrum* case involved John Cockrum, who was charged with the murder of his brother-in-law, William Self, with a Bowie knife.¹⁶⁰ Under Texas law, “a homicide, which would otherwise be a case of manslaughter, if committed with a bowie-knife or dagger, shall be deemed murder and punished as such. . . .”¹⁶¹ The court upheld the added penalty provision of the law relating to use of a Bowie knife, despite the court’s very expansive interpretation of the right to bear arms, (though it reversed and remanded the man’s conviction because of an error related to statutory changes and jury instructions). It described Bowie knives as “an exceeding

¹⁵⁷ *Nunn v. State*, 1 Ga. 243 (1846), <https://cite.case.law/ga/1/243/>.

¹⁵⁸ *Cockrum v. State*, 24 Tex. 394 (1859), <https://constitution.org/1-Constitution/21l/2ndcourt/state/177st.htm>

¹⁵⁹ *Nunn v. State*, 246. Italics in original.

¹⁶⁰ <https://www.genealogy.com/ftm/p/i/1/Karen-Pilgrim-TX/WEBSITE-0001/UHP-0254.html>

¹⁶¹ *Cockrum v. State*, 394.

destructive weapon,” an “instrument of almost certain death,” and “the most deadly of all weapons in common use.”¹⁶²

68. All of these cases underscore the courts’ recognition of the dangerous nature and nefarious use of Bowie knives not only by their characterizations of them, but by the fact that they are permissibly treated in the same restrictive and prohibitory manner in law as other dangerous, deadly weapons including pistols and various named clubs.

69. The ubiquity of the concern about the criminological consequences of carrying Bowie knives and other, similar long-bladed knives is seen in the widespread adoption of laws barring or restricting these weapons.¹⁶³ In the 1830s, at least six states enacted laws barring the carrying of Bowie knives by name.¹⁶⁴ From then to the start of the twentieth century, every state plus the District of Columbia (with the sole exception of New Hampshire) restricted Bowie knives: a total of at least 42 states (including the District of Columbia) barred or restricted Bowie knives by name; and another 8 states enacted laws barring the category or type of knife embodied by the Bowie knife but without mentioning them by name (see Exhibits C and E) totaling 49 states plus the District of Columbia.¹⁶⁵ For example, 15 states effectively banned the possession of Bowie knives outright (by banning both concealed carry and open carry), while others imposed taxes on the ability for individuals to acquire or possess them (see Exhibit H). The desirability and utility of such restrictions were precisely that they pushed dangerous weapons out of public spaces and places, improving public safety through the deterrent and

¹⁶² *Cockrum v. State*, 403–04.

¹⁶³ The near-immediate effort in the states to restrict Bowie knives was noted, for example, in Davis, *Three Roads to the Alamo*, 582, and in Flayderman, *The Bowie Knife*, 53–54.

¹⁶⁴ A seventh state, Massachusetts, criminalized the carrying of fighting knives using labels that would have included the Bowie knife in an 1836 law. See Exhibit E.

¹⁶⁵ Bowie law enactment by decade: 1830s: 6 states; 1840s: 4 states; 1850s: 11 states; 1860s: 13 states; 1870s: 19 states; 1880s: 20 states; 1890s: 21 states; 1900s: 13 states. See Exhibits C and E.

punishment effects of such laws, and also discouraging the settlement of private grievances and disputes in public through weapons-fueled violence.

70. States relied on a variety of regulatory techniques to suppress Bowie knife carrying: 29 states enacted laws to bar their concealed carry; 15 states barred their carry whether concealed or openly; 7 states enacted enhanced criminal penalties for those who used the knives to commit a crime; 4 states enacted regulatory taxes attached to their commercial sale; 3 states imposed a tax for those who owned the knives; 10 states barred their sale to specified groups of people; and 4 states enacted penalties for brandishing the knives (see Exhibit H).

71. The extensive and ubiquitous nature of these Bowie knife prohibitions raises a further question: given the universal agreement that these knives were dangerous, why didn't more states ban their possession outright? The answer is two-fold. First, America was a developing nation-state in the nineteenth century. The federal and state governments did not yet possess the maturity, powers, tools, or resources to implement and effectively enforce any measure as sweeping as a knife ban, especially since knives are technologically very simple to produce. After all, the front-line administrative entity on which we today rely for law enforcement, the police, barely existed (in the way we think of policing today) in the early nineteenth century (up to this time policing fell to a haphazard mix of the watch system, constables, militias, and vigilantes). Modern police forces only came into being in a handful of large cities before the Civil War.¹⁶⁶ Second, the chief remedy enacted by the states to address the problem of knife fighting was far more focused and feasible: to bar the carrying of knives, along with the other two categories of weapons that also threatened public safety, clubs and pistols.

¹⁶⁶ Chris McNab, *Deadly Force* (Oxford, Great Britain: Osprey Publishing, 2009), 13-24. Boston created a police force in 1838, New York City created a standing police force in 1845, followed by Chicago in 1851, Philadelphia in 1854, and Baltimore in 1857 (23). Jill Lepore, "The Invention of the Police," *The New Yorker*, July 13, 2020, <https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police>. Both McNab and Lepore emphasize the role of slavery and slave suppression as key to the development of policing.

The fact that all three types of weapons were consistently treated together shows that all were considered so dangerous and inimical to public safety that they were subjected to anti-carry laws and bundled together in legislative enactments.

B. Historical Restrictions on Clubs and Other Blunt Weapons

72. Among the most widely and ubiquitously regulated harmful implements in U.S. history were various types of clubs and other blunt weapons. (See Exhibits C and E.) Most were anti-carry laws, which also generally encompassed pistols and specific types of knives, although some of the laws extended prohibitions to these weapons’ manufacture, possession, sale, or use in crime.¹⁶⁷ As the table in Exhibit C shows, at least six distinct types of clubs and blunt objects were regulated in the United States. Notably, every state in the nation had laws restricting one or more types of clubs. According to a detailed reference book on the subject of these blunt instruments by Robert Escobar, they were considered “objectionable objects, once feared but now forgotten.”¹⁶⁸ Escobar provides what he calls “a family history” of these blunt weapons, but adding that “[i]t’s a disreputable family to say the least, black sheep even within the study of weaponry.”¹⁶⁹ They have been described as “wicked, cowardly, ‘Soaked in blood and cured in whiskey.’”¹⁷⁰ Those who carried them (excluding police) “were called vicious, devils and lurking highwaymen.”¹⁷¹ These club-type blunt objects compose a family of objects used for striking others, and while they vary in name and construction, the categories are “somewhat fluid.”¹⁷²

¹⁶⁷ E.g. see 1917 Cal. Sess. Laws 221-225; 1923 Cal. Stat. 695.

¹⁶⁸ Robert Escobar, *Saps, Blackjacks and Slungshots: A History of Forgotten Weapons* (Columbus, OH: Gatekeeper Press, 2018), 1.

¹⁶⁹ Escobar, *Saps, Blackjacks and Slungshots*, 2.

¹⁷⁰ Escobar, *Saps, Blackjacks and Slungshots*, 2.

¹⁷¹ Escobar, *Saps, Blackjacks and Slungshots*, 2.

¹⁷² Escobar, *Saps, Blackjacks and Slungshots*, 1.

73. Among the states with laws regulating these six types of clubs, 15 states barred bludgeon carrying. A bludgeon is a short stick with a thickened or weighted end used as a weapon.¹⁷³ The earliest state anti-bludgeon law was in 1799; 11 other such state laws were enacted in the 1800s, and 4 in the early 1900s (as with each of these chronological categories, the state law total exceeds the total number of states because some states enacted the same or similar laws in multiple centuries).

74. A billy (sometimes spelled “billie”) club is a heavy, hand-held rigid club,¹⁷⁴ usually made of wood, plastic, or metal,¹⁷⁵ that is traditionally carried by police, often called a nightstick or baton.¹⁷⁶ Escobar cites an early reference to the billy club in an 1854 New Orleans newspaper article in the *Daily True Delta* that referred to “police armed with batons,”¹⁷⁷ a synonym for a billy club. As this reference suggests, police have long adopted the billy club, or similar striking implements, as part of their on-duty weaponry. At least 16 states had anti-billy club laws, totaling 46 laws; the earliest law appears to have been enacted in Kansas in 1862,¹⁷⁸ followed by a New York law in 1866.¹⁷⁹ Fourteen states enacted such laws in the 1800s; 11

¹⁷³ <https://www.merriam-webster.com/dictionary/bludgeon>.

¹⁷⁴ Some versions were made to have some flexibility to increase their striking power. See Escobar, *Saps, Blackjacks and Slungshots*, 118-19.

¹⁷⁵ <https://www.merriam-webster.com/dictionary/billy%20club>. Escobar discusses a Civil War veteran and later police officer, Edward D. Bean, who experimented with various types of billy clubs to improve their striking power and durability by utilizing leather, often adhered to wood, to reduce the likelihood that the club would break on use. *Saps, Blackjacks and Slungshots*, 118. One of the earliest references to a “billy” was an 1857 newspaper article describing “an indiscriminate attack with slung-shot, billies, clubs, &c.” “Local Intelligence,” *Delaware Republican*, June 15, 1857, <https://bit.ly/3V9nVO7>.

¹⁷⁶ Escobar, *Saps, Blackjacks and Slungshots*, 2, 69-70, 105, 113-30.

¹⁷⁷ Escobar, *Saps, Blackjacks and Slungshots*, 105.

¹⁷⁸ C. B. Pierce, *Charter and Ordinances of the City of Leavenworth*, with an Appendix Page 45, Image 45 (1863) available at *The Making of Modern Law: Primary Sources*, 1862.

¹⁷⁹ Montgomery Hunt Throop, *The Revised Statutes of the State of New York; As Altered by Subsequent Legislation; Together with the Other Statutory Provisions of a General and*

states did so in the early 1900s.

75. At least 14 states barred the carrying of “clubs” more generically, without specifying the type. The oldest known anti-club law was 1664; 6 states enacted these laws between 1750 and 1799, 7 states in the 1800s, and 2 in the early 1900s. (See Exhibit C.)

76. Anti-slungshot laws were enacted by 43 states, with 71 laws enacted in the 1800s and 12 in the 1900s. A slungshot (or slung shot), also referred to as “a type of blackjack,”¹⁸⁰ is a hand-held weapon for striking that has a piece of metal or stone at one end attached to a flexible strap or handle that was developed roughly in the 1840s (the first “known use” of a slungshot was 1842¹⁸¹). By one account, “[s]lungshots were widely used by criminals and street gang members in the 19th Century. They had the advantage of being easy to make, silent, and very effective, particularly against an unsuspecting opponent. This gave them a dubious reputation, similar to that carried by switchblade knives in the 1950s, and they were outlawed in many jurisdictions. The use as a criminal weapon continued at least up until the early 1920s.”¹⁸² Escobar concurs that slungshots and blackjacks “were a regular part of criminal weaponry . . . and gangsters could be merciless in their use.”¹⁸³

77. In a criminal case considered the most famous of those involving lawyer Abraham Lincoln, the future president defended a man charged with murdering another using a slung shot. In the 1858 trial of William “Duff” Armstrong, Lincoln succeeded in winning Armstrong’s

Permanent Nature Now in Force, Passed from the Year 1778 to the Close of the Session of the Legislature of 1881, Arranged in Connection with the Same or kindred Subjects in the Revised Statutes; To Which are Added References to Judicial Decisions upon the Provisions Contained in the Text, Explanatory Notes, and a Full and Complete Index Page 2512, Image 677 (Vol. 3, 1882) available at The Making of Modern Law: Primary Sources, 1866.

¹⁸⁰ Escobar, Saps, Blackjacks and Slungshots, 228.

¹⁸¹ See <https://www.merriam-webster.com/dictionary/slungshot> Escobar agrees with this rough date. See Saps, Blackjacks and Slungshots, 67.

¹⁸² “Slungshot,” <https://military-history.fandom.com/wiki/Slungshot>.

¹⁸³ Escobar, Saps, Blackjacks and Slungshots, 86.

acquittal.¹⁸⁴

78. These weapons were viewed as especially dangerous or harmful when they emerged in society, given the ubiquity of state laws against carrying them enacted after their invention and their spreading use by criminals and as fighting implements. These devices were invented and appeared in society during an identifiable period of time in the mid-nineteenth century, sparking subsequent wide-ranging prohibitions. The earliest anti-Slungshot law was enacted in 1850; 43 states legislated against them in the 1800s (including the District of Columbia), and 11 states in the early 1900s (note this incorporates multiple laws enacted in more than one century by a few states).

79. Sandbags, also known as sand clubs, were also a specific focus in anti-carry laws as well. Consisting of nothing more than sand poured into a bag, sack, sock, or similar tube-shaped fabric (although the weight could also be something dense and heavy, like a lock in the end of a sock),¹⁸⁵ their particular appeal was that they could be dispensed with by simply pouring the sand out, leaving nothing more than an empty cloth bag. (Alternately, they could be made heavier by adding water to the sand.) The first anti-sandbag law was 1866, with 10 states enacting such laws—7 in the 1800s and 7 in the early 1900s.

80. Only 4 states did not have any prohibitions in any of these six categories, but 3 of those 4 (Louisiana, Ohio, and Washington State) had blanket legislative provisions against the carrying of any concealed/dangerous/deadly weapons. (See Exhibit C.) One state, New Hampshire, may not have enacted such a law during this time but did at some point.¹⁸⁶

¹⁸⁴ Lincoln was able to discredit the testimony of a witness who claimed to see Armstrong strike the victim with a slung shot at night because of the full moon. Lincoln used as evidence an Almanac to prove that on the night in question, there was no full moon. Judson Hale, “When Lincoln Famously Used the Almanac,” *Almanac*, May 4, 2022, <https://www.almanac.com/abraham-lincoln-almanac-and-murder-trial>.

¹⁸⁵ <https://www.ferrislawnv.com/criminal-defense/weapons-offenses/dangerous-weapons/>; Escobar, *Saps, Blackjacks and Slungshots*, 20-22. Escobar dates the earliest reference to sandbags as weapons to the 1600s (22).

¹⁸⁶ Up to 2010, New Hampshire had this law on the books: “159:16 Carrying or Selling

C. Historical Restrictions on Pistol and Gun Carrying

81. Carry restriction laws were widely enacted from the 1600s through the start of the twentieth century, spanning over three centuries. As early as 1686, New Jersey enacted a law against wearing weapons because they induced “great Fear and Quarrels.” Massachusetts followed in 1750. North Carolina and Virginia passed similar laws in 1792 and 1794, respectively. (See Exhibit C.) In the 1800s, as interpersonal violence and gun carrying spread, forty-three states joined the list; three more did so in the early 1900s (see Exhibit B).¹⁸⁷ The enactment of laws restricting concealed weapons carrying followed the rise of homicides and interpersonal violence described by historian Randolph Roth, who notes that “firearms restrictions on colonists from the end of the seventeenth century to the eve of the Revolution” were few because “homicide rates were low among colonists and firearms were seldom used in homicides among colonists when they did occur.”¹⁸⁸ Thereafter, many states enacted “laws restricting the use or ownership of concealable weapons in slave and frontier states, where homicide rates among persons of European ancestry soared after the Revolution in large part because of the increased manufacture and ownership of concealable percussion cap pistols and fighting knives.”¹⁸⁹ Concealed carry laws normally targeted pistols as well as the types of fighting knives and various types of clubs discussed here (see Exhibit E for text of such laws). In addition, at least three-fourths of the states enacted laws that penalized public weapons

Weapons. Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any stiletto, switch knife, blackjack, dagger, dirk-knife, slung shot, or metallic knuckles shall be guilty of a misdemeanor; and such weapon or articles so carried by him shall be confiscated to the use of the state.” In 2010, the law was amended when it enacted HB 1665 to exclude stilettoes, switch knives, daggers, and dirk-knives. Compare N.H. Rev. Stat. § 159:16 with 2010 New Hampshire Laws Ch. 67 (H.B. 1665).

¹⁸⁷ Spitzer, “Gun Law History in the United States and Second Amendment Rights,” 63-67.

¹⁸⁸ Declaration of Randolph Roth ¶ 6, *Ocean State Tactical v. Rhode Island*, No. 1:22-cv-00246-JJM-PAS, Dkt. 19-1 (D. R.I., Oct. 14, 2022). Roth is the author of *American Homicide*.

¹⁸⁹ Declaration of Randolph Roth ¶ 6.

brandishing or display. At least four states did so in the 1600s, two in the 1700s, twenty-eight states in the 1800s, and two more in the early 1900s.¹⁹⁰

D. Historical Restrictions on Trap Guns

82. Not to be confused with firearms used in trapshooting, trap guns were devices or contraptions rigged in such a way as to fire when the owner need not be present. Typically, trap guns could be set to fire remotely (without the user being present to operate the firearm) by rigging the firearm to be fired with a string or wire which then discharged when tripped.¹⁹¹ This early law from New Jersey in 1771 both defines and summarizes the problem addressed by this law:

Whereas a most dangerous Method of setting Guns has too much prevailed in this Province, Be it Enacted by the Authority aforesaid, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of Six Pounds; and on Non-payment thereof shall be committed to the common Gaol of the County for Six Months.¹⁹²

83. Also sometimes referred to as “infernal machines,”¹⁹³ the term trap gun came to encompass other kinds of traps designed to harm or kill those who might encounter them, including for purposes of defending property from intruders. Unlike the other weapons restrictions examined here, opinion was more divided on the relative merits or wisdom of setting such devices, with some arguing that thieves or criminals hurt or killed by the devices had it

¹⁹⁰ Spitzer, *The Gun Dilemma*, 77-80.

¹⁹¹ See Spitzer, “Gun Law History in the United States and Second Amendment Rights,” 67.

¹⁹² 1763-1775 N.J. Laws 346, An Act for the Preservation of Deer and Other Game, and to Prevent Trespassing with Guns, ch. 539, § 10.

¹⁹³ E.g. 1901 Utah Laws 97-98, An Act Defining an Infernal Machine, and Prescribing Penalties for the Construction or Contrivance of the Same, or Having Such Machine in Possession, or Delivering Such Machine to Any Person . . . , ch. 96, §§ 1-3.

coming,¹⁹⁴ though the weight of opinion seemed mostly against such devices because of the likelihood that innocent persons could be injured or killed, and also because such devices represented an arbitrary and excessive meting out of “justice.”¹⁹⁵ Those who set gun traps typically did so to defend their places of business, properties, or possessions. This 1870 newspaper account from an incident in New York City provides an example where a burglar was killed by a gun-trap set by a shopkeeper, who was then prosecuted: “As there is a statute against the use of such infernal machines, which might cause loss of life to some innocent person, the jury censured Agostino.” After the verdict the man continued to be held under \$2,000 bail.¹⁹⁶

84. Inevitably, however, the traps sometimes wound up hurting or killing innocents, even including the person who set the trap. For example, this 1891 newspaper account from Chillicothe, Missouri illustrated the problem: “George Dowell, a young farmer, was fined \$50 under an old law for setting a trap-gun. Dowell set the gun in his corn-crib to catch a thief, but his wife was the first person to visit the crib and on opening the door was shot dead.”¹⁹⁷

85. In all, at least 16 states had anti-trap gun laws (see Exhibits B and F). The earliest such law encountered was the 1771 New Jersey law (above). Eight such laws were enacted in

¹⁹⁴ For example, this small item appeared in the Bangor (Maine) Daily Whig on October 27, 1870: “A burglar while attempting to break into a shop in New York, Monday night, had the top of his head blown off by a trap-gun so placed that it would be discharged by any one tampering with the window. A few such ‘accidents’ are needed to teach the thieves who have lately been operating in this city, a lesson.”

¹⁹⁵ This is my observation based on my reading of historic newspaper accounts from the late 1800s, and from the number of anti-trap gun laws enacted. As policing became more consistent, professional, and reliable, support for vigilante-type actions like setting trap guns seems to have declined.

¹⁹⁶ “The Man Trap,” *The Buffalo Commercial*, November 1, 1870; from the *N.Y. Standard*, October 29, 1870, <https://bit.ly/3yUSGNF>. See Exhibit G.

¹⁹⁷ “Shot by a Trap-Gun,” *South Bend Tribune*, February 11, 1891, <https://bit.ly/3CtZsfk>. See Exhibit G.

the 1800s, and 9 in the early 1900s (counting states that enacted multiple laws across the centuries). (See Exhibit F.)

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

Executed on _January 18, 2023_____, at Williamsburg, Virginia

/s/ Robert Spitzer

Robert Spitzer

EXHIBIT A

October 2022

Curriculum Vitae

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Education: A.B. (Political Science), summa cum laude, SUNY College at Fredonia, 1975.
M.A. Cornell University, 1978.
Ph.D. Cornell University, 1980.

Positions Held:

Department Chair, SUNY Cortland, 2008-2020.
Interim Department Chair, SUNY Cortland, 2004-2005.
Distinguished Service Professor, SUNY Cortland, 1997-2021.
Visiting Professor, Cornell University, Spring, 2009, Spring 1993; Summers 1980, 1988-1990, 1992-2017.
Professor, SUNY Cortland, 1989 to 1997.
Continuing Appointment, SUNY Cortland, 1986.
Associate Professor, SUNY Cortland, 1984 to 1989.
Department Chair, SUNY Cortland, 1983 to 1989.
Visiting Professor, SUNY College of Technology, Utica-Rome, Graduate Division, 1985, 1986, 1988.
Copy Editor, Administrative Science Quarterly, 1982 to 1983.
Adjunct Professor, Tompkins-Cortland Community College, 1982-83.
Assistant Professor, SUNY Cortland, 1979 to 1984.
Instructor, Cornell University, 1979.
Instructor, Eisenhower College, 1978-1979.
Research Assistant, Theodore J. Lowi and Benjamin Ginsberg, 1976-1978.
Reporter (Stringer), Buffalo Courier-Express; Dunkirk Evening Observer, 1974-75.

Honors:

Fellow, the Royal Society for Arts, Manufactures and Commerce (RSA), London, England, 2020.

Founding member, Regional Gun Violence Research Consortium, coordinated with the Rockefeller Institute of Government. Consortium of gun policy experts from eight states to advance research on gun policy, 2018-present.

Member, SUNY Research Council, an advisory council to the SUNY Board of Trustees, SUNY System Administration, campus leadership teams, and the leadership team of the Research Foundation (RF) for SUNY, 2018-2021.

Member, Scholars Strategy Network, 2015-present. Created to improve public policy and strengthen democracy by connecting scholars and their research to policymakers, citizens associations, and the media.

Winner, Pi Sigma Alpha (the national political science honors society) Chapter Advisor of the Year Award for 2013.

Winner, Outstanding Achievement in Research Award, SUNY Cortland, 2010.

Winner, Outstanding Achievement in Research Award, SUNY Cortland, 2005.

Winner, State University of New York's Chancellor's Excellence in Scholarship and Creative Activities Award, 2003.

SUNY Cortland Nominee, National Scholar Competition of the Honor Society of Phi Kappa Phi, 1994-95.

Winner, New York State/United University Professions Excellence Award, 1991, for "outstanding professional performance and superior service."

Member, New York State Commission on the Bicentennial of the U.S. Constitution, 1986-1990.

Member, New York State Ratification Celebration Committee for U.S. Constitution Bicentennial, 1987-88.

Member, National Bicentennial Competition on the Constitution and the Bill of Rights, 1987-1991.

Who's Who in the World, 1996.

Dictionary of International Biography, 1995.

Who's Who in the East, 1995-96; 1997-98

Ex officio member, Cortland County Bicentennial Committee, 1987-89.

Chair, SUNY Cortland Bicentennial Committee, 1987-89.

Phi Eta Sigma, SUNY Cortland, 1994.

Phi Kappa Phi, SUNY Cortland, 1990.

Men of Achievement (1986)

Contemporary Authors, vol. 112 (1985) and subsequent updates.

International Authors and Writers Who's Who, 1985-present.

International Who's Who in Education, Winter 1985-86.

Herbert H. Lehman Graduate Fellowship, 1975-79.

Who's Who Among Students in American Universities and Colleges, 1974-75.

Phi Beta Kappa Club, SUNY College at Fredonia, 1975.

Phi Alpha Theta (History), SUNY College at Fredonia, 1974.

Phi Mu Alpha Sinfonia, (Music), SUNY College at Fredonia, 1973.

Research Fellowships and Projects:

Individual Development Awards, SUNY Cortland, 2001, 2003, 2005, 2006, 2007, 2008, 2009, 2014, 2017, 2020.

Title "F" Leave with pay, Spring 1994.

Professional Development and Quality of Working Life Award, 1989, 1993, 1998, 1999.

National Endowment for the Humanities (NEH) Research Grant for Study of the Constitution, 1986. Project Proposal: "The Presidential Veto: Constitutional Antecedents and Modern Applications."

SUNY Cortland Faculty Research Program Grant, "The Presidential Veto, 1986.

Consultant for Reporting Research Corporation, "Quality of Earnings Report," Thornton L. O'Glove, author; research on presidential veto use, 1984-1987.

SUNY University Awards Program Research Fellowship, "The Right to Life Party and New York State Politics, 1983.

SUNY Cortland Faculty Research Program Fellowship, "New York State Parties and Politics," 1980.

Publications and Papers:

Books:

The Presidency and Public Policy: The Four Arenas of Presidential Power (University, AL: The University of Alabama Press, 1983). A study of the President's relations with Congress in the making of domestic policy. Revised version of doctoral dissertation.

The Right to Life Movement and Third Party Politics (Westport, CT: Greenwood Press, 1987). A study of the New York multi-party system, single-issue third parties, and the state-based Right to Life Party.

The Presidential Veto: Touchstone of the American Presidency (Albany, NY: SUNY Press, 1988), with a foreword by Louis Fisher. A study of the constitutional antecedents and modern applications of the veto power. Published as part of SUNY Press Series on Leadership, edited by Barbara Kellerman.

Editor, The Bicentennial of the U.S. Constitution: Commemoration and Renewal (Cortland, NY: SUNY Cortland, 1990). A compendium of articles based on presentations given at SUNY Cortland pertaining to the Constitution's Bicentennial. Contributors include Senator Daniel Patrick Moynihan, Theodore J. Lowi, Judith A. Best, and Robert

Spitzer.

President and Congress: Executive Hegemony at the Crossroads of American Government (New York: McGraw-Hill; and Temple University Press, 1993). Published simultaneously by co-publishing agreement in paper by McGraw-Hill, and hardcover by Temple. An analytic survey and critique of presidential-congressional relations. Received Honorable Mention for the Richard Neustadt Award for Best Book on the Presidency for 1993.

Editor, Media and Public Policy (New York: Praeger, 1993). Published in Praeger's Political Communications Series, edited by Robert E. Denton, Jr. A collection of original essays dealing with various aspects of media's impact on public policy. Contributors include Doris Graber, Julio Borquez, Wenmouth Williams, Marion Just, Ann Crigler, Michael Hawthorne, Dean Alger, Jerry Medler, Michael Medler, Montague Kern, Robert Sahr, Holli Semetko, Edie Goldenberg, Patrick O'Heffernan, and Robert Spitzer.

The Politics of Gun Control (New York: Chatham House, 1995; 2nd edition, 1998; 3rd edition, CQ Press, 2004; 4th ed. 2008; 5th ed., Paradigm/Routledge Publishers 2012; 6th ed., Routledge, 2015, 7th ed., 2018; 8th ed. 2021). A comprehensive political and policy analysis of the gun issue that applies policy theory to the key elements of the gun debate, including analysis of the Second Amendment, cultural-historical factors, interest group behavior, criminological consequences, legislative and executive politics.

Editor, Politics and Constitutionalism: The Louis Fisher Connection, (Albany, NY: SUNY Press, 2000). A collection of original essays inspired by the works of Louis Fisher. Contributors include Neal Devins, Nancy Kassop, Dean Alfange, David Adler, Loch Johnson, Michael Glennon, Louis Fisher, and Robert Spitzer. Published as part of the SUNY Press Book Series on American Constitutionalism. Nominated by SUNY Press for the 2001 Silver Gavel Award of the American Bar Association.

The Right to Bear Arms: Rights and Liberties Under the Law (Santa Barbara, CA: ABC-CLIO, 2001). An extensive analysis of the Second Amendment "right to bear arms" from legal, historical, and political perspectives. Published as part of the "America's Freedoms" Series edited by Donald Grier Stephenson.

Essentials of American Politics, co-authored with Benjamin Ginsberg, Johns Hopkins; Theodore Lowi, Cornell; Margaret Weir, Berkeley. (W.W. Norton, 2002; 2nd edition, 2006). A synthetic, analytic look at American government and politics.

The Presidency and the Constitution: Cases and Controversies, co-authored with Michael A. Genovese (NY: Palgrave/Macmillan, 2005). A combination of analysis and cases examining the courts' view of presidential power.

Saving the Constitution from Lawyers: How Legal Training and Law Reviews Distort Constitutional Meaning (New York: Cambridge University Press, 2008). A sweeping indictment of the legal community when it enters into the realm of constitutional interpretation.

We the People: Essentials Edition, co-authored with Benjamin Ginsberg, Johns Hopkins; Theodore Lowi, Cornell; Margaret Weir, Berkeley. (W.W. Norton, 7th ed. 2009; 8th ed. 2011; 9th ed., 2013; 10th ed. 2015; 11th ed. 2017; 12th ed. 2019; 13th ed. 2021).

Gun Control: A Documentary and Reference Guide (Westport, CT: Greenwood Publishing Group, 2009). A combination of analysis, commentary, and original historical and contemporary documents pertaining to the gun issue published in Greenwood's Documentary and Reference Series.

The Gun Debate: An Encyclopedia of Gun Rights and Gun Control, co-authored with Glenn Utter (Grey House Publishers, 2011; third edition 2016). An A-Z compendium of gun issues.

Guns across America: Reconciling Gun Rules and Rights (New York: Oxford University Press, 2015); revised paperback edition published 2017. Argues that our understanding of the gun issue as it has evolved in the U.S. is upside down, looking at gun law history, the Second Amendment, stand your ground laws, and New York State gun laws.

The Gun Dilemma: How History Is Against Expanded Gun Rights (New York: Oxford University Press, 2023, forthcoming). Argues that the courts are ushering in a new era of expanded gun rights, despite the fact that such a movement is contrary to our gun history by examining assault weapons, ammunition magazines, silencers, gun brandishing, and the Second Amendment sanctuary movement.

Book Series Editor, Series on American Constitutionalism, SUNY Press, 1996-present. Books include:

Daniel Hoffman, Our Elusive Constitution, (1997)

Martin Sheffer, God and Caesar: Belief, Worship, and Proselytizing Under the First Amendment, (1999)

Daniel Levin, Representing Popular Sovereignty: The Constitution in American Political Culture, (1999)

Robert Spitzer, ed., Politics and Constitutionalism, (2000)

Laura Langer, Judicial Review in State Supreme Courts (2002)

Ian Brodie, Friends of the Court (2002)

Samuel Leiter and William Leiter, Affirmative Action in Antidiscrimination Law and Policy (2002)

Artemus Ward, Deciding to Leave: The Politics of Retirement from the United States Supreme Court (2003)

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“Expert Opinion: The Coming Collision of Gun Laws and Rights,” Regional Gun Violence Research Consortium, Rockefeller Institute of Government, May 10, 2021.

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“Texas and New York: A Tale of Two State Gun Laws,” *New York Daily News*, January 25, 2022.

“Despite Tragedy, College Campuses Remain Safe,” *Virginia Daily Press/Virginian-Pilot*, February 8, 2022.

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Testimony, Briefs, and Reports:

"Report of a Survey of Contributors to the Democratic Telethon," A Report to the Democratic National Committee, Washington, D.C., January 1974.

"Election Laws, Registration and Voting: Some Recommendations," Testimony presented before the New York State Assembly Committee on Election Law, Albany, N.Y., May 15, 1980.

"New York's Multi-Party System," a presentation given before members of the Mexican and Canadian Parliaments at the Rockefeller Institute for Governmental Studies, Albany, N.Y., October 29, 1982.

"Comments and Recommendations on 'The New York State Assembly: The Need for Improved Legislative Management,'" co-authored with Henry Steck, prepared for the New York State Assembly Republican Study Group, September, 1985.

"Registration, Voting, and the New York Election Law," Testimony presented before the Governor's Task Force to Encourage Electoral Participation, World Trade Center, New York City, December 21, 1987.

"The Pocket Veto and Sine Die Adjournments," Testimony presented to the Rules Committee, Subcommittee on the Legislative Process, House of Representatives, Washington D.C., July 26, 1989.

"Issues Pertaining to the Pocket Veto," Testimony presented to the Judiciary Committee, Subcommittee on Economic and Commercial Law, House of Representatives, Washington, D.C., May 9, 1990.

"The Stealth Veto: Does the President Already Possess Item Veto Powers?" Testimony presented to the Judiciary Committee, Subcommittee on the Constitution, U.S. Senate, Washington, D.C., June 15, 1994.

"The Hidden History of the Second Amendment," The National Press Club, Washington, D.C., May 12, 1998.

"The Second Amendment: A Source of Individual Rights?" Testimony presented to the Judiciary Committee, Subcommittee on the Constitution, Federalism, and Property Rights, U.S. Senate, Washington, D.C., September 23, 1998.

"The Gun Industry: The NRA's Silent Partner," National Press Briefing, Atlanta, GA,

February 2, 1999.

“Program Review: SUNY Oswego Political Science Department,” prepared as part of the department’s review and assessment process, March 2001.

Meeting on Executive Order 13233, pertaining to presidential records access, hosted by Alberto Gonzales, Office of Legal Counsel, the White House, Washington, D.C., December 7, 2001.

Article (“Lost and Found: Researching the Second Amendment,” Chicago-Kent Law Review, 2000) cited as controlling authority by the U.S. Court of Appeals, Ninth Circuit, in the case of *Silveira v. Lockyer* (312 F.3d 1052; 9th Cir. 2002); 2002 U.S. App. LEXIS 24612.

Coauthor, *amicus curiae* brief in the case of *Nordyke v. King*, U.S. Court of Appeals, Ninth Circuit, 319 F.3d 1185 (2003).

White House meeting on changing standards regarding FOIA requests, access to Executive Branch documents, and presidential library design, hosted by White House Counsel Alberto Gonzales and White House Staff Secretary Brett Kavanaugh, Washington, D.C., July 17, 2003.

Invited participant and panelist, “National Research Collaborative Meeting on Firearms Violence,” hosted by the Firearm and Injury Center at the University of Pennsylvania, and the Joyce Foundation, Philadelphia, PA, June 15-17, 2005.

Program Review Report, SUNY Geneseo Political Science Department, March, 2009.

Coauthor with Louis Fisher, *amicus curiae* brief in the case of *Republic of Iraq et al. v. Beatty et. al.*, U.S. Supreme Court, filed March 25, 2009; case decided June 8, 2009 (556 U.S. 848; 2009).

Testimony on bills to enact early voting and other state voting reform measures before the New York State Senate Standing Committee on Elections, Syracuse, NY, May 14, 2009.

Co-author, *amicus* brief in the cases of *NRA v. City of Chicago* and *McDonald v. Chicago*, U.S. Supreme Court, argued March 2, 2010, decided June 28, 2010, 561 U.S. 742 (2010).

Consultant for plaintiffs in *Conservative Party of New York and Working Families Party v. NYS Board of Elections* (10 Civ. 6923 (JSR)), 2010, U.S. District Court for the Southern District of New York.

Co-author, *amicus* brief in the case of *Ezell v. Chicago*, U.S. Court of Appeals for the Seventh Circuit, 651 F.3d 684 (2011).

Co-author, *amicus* brief in the case of *People of the State of Illinois v. Aguilar*, Illinois Supreme Court, No. 08 CR 12069, 2012.

Invited panelist and contributor to conference and report, Institute of Medicine and the National Research Council of the National Academies, “Committee on Priorities for a Public Health Research Agenda to Reduce the threat of Firearm-Related Violence,” National Academies Keck Center, 500 Fifth St., NW, Washington, DC, April 23, 2013.

“Perspectives on the ‘Stand Your Ground’ Movement,” Testimony submitted to the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, Hearing on “‘Stand Your Ground’ Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force,” Washington, D.C., October 29, 2013.

Testimony on the Hearing Protection Act to deregulate gun silencers submitted to the U.S. House of Representatives Committee on Natural Resources, Subcommittee on Federal Lands, for Hearings on the Sportsmen’s Heritage and Recreational Enhancement Act (SHARE Act), Washington, D.C., September 12, 2017.

Expert testimony submitted for the State of Massachusetts, Office of Attorney General, in the case of *Worman v. Baker*, No. 1:17-cv-10107-WGY, United States District Court for the District of Massachusetts, submitted September 15, 2017, challenging Massachusetts state assault weapons restrictions. In 2019 the U.S. Court of Appeals for the First Circuit upheld the Massachusetts law (922 F.3d 26).

Member, Regional Gun Violence Research Consortium Organizing Committee, a Task Force organized by NY Governor Andrew Cuomo and the State Department of Education to research and investigate the causes of gun violence in a multi-state effort. February 2018.

Program Review Report, SUNY New Paltz Political Science and International Relations Departments, April 2019.

Consultant on Facebook policies and actions regarding gun issues, Quonundrums Market Research for Facebook, August 17, 2021.

Several of my publications cited in the case ruling of *Duncan v. Bonta*, U.S. Court of Appeals for the Ninth Circuit, November 30, 2021.

Papers and Presentations (not including those given on the Cortland campus):

"The President as Policy-Maker: The Arenas of Presidential Power from 1954 to 1974," American Political Science Association, Washington, D.C., August 28-31, 1980.

"The Right-to-Life Movement as a Third Party: The Policy Environment and Movement Politics," American Political Science Association, New York City, September 3-6, 1981. Reprinted by Rockefeller Institute for Governmental Studies Working Papers, Vol. I, No. 4, September, 1982.

"Viable Democracy or the French Fourth Republic: Multi-Party Politics in New York," New York State Political Science Association, Albany, April 6, 1984.

"The Right-to-Life Movement as Partisan Activity," American Political Science Association, Washington, D.C., August 30 - September 2, 1984.

"Biting the Bullet: Gun Control and Social Regulation," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

"The Presidential Veto," Northeastern Political Science Association, Boston, MA, November 13-15, 1986.

"Perspectives on the Presidential Veto Power: Antecedents and Evolution," Bicentennial Conference on the Presidency, co-sponsored by the Center for the Study of the Presidency, the Chautauqua Institution and Gannon University, Erie, PA, April 24-26, 1987.

"The Transformation of a Kingly Power: The Presidential Veto, Past and Present," American Political Science Association, Chicago, IL, September 3-6, 1987.

"The Pocket Veto: Expanding Presidential Prerogatives Through the Back Door," American Political Science Association, Washington, D.C., September 1-4, 1988.

"Liberalism and Juridical Democracy; or What's Interesting About Interest Group Liberalism," Western Political Science Association, Newport Beach, CA., March 22-24, 1990.

"Separation of Powers and the War Power," presentation sponsored by the Federalist Society, Cornell University School of Law, April 20, 1990.

"Is the Separation of Powers Obsolete? An Inquiry into Critiques of the Congressional-Presidential Balance of Power," American Political Science Association, Washington,

D.C., August 29-September 1, 1991.

"Hate Speech and the College Campus," conference on Two Hundred Years of Free Expression, SUNY Oneonta, October 2-3, 1992.

"From Presidential Shield to 'Go Ahead, Make My Day': The Presidential Veto and the Constitutional Balance of Power," featured paper presenter for Fall 1992 Symposium on American Constitutionalism, Southwest Texas State University, San Marcos, TX, October 30, 1992.

"The Reagan Presidency and the Veto Power: Symbols and Actions of the 'Make-My-Day' President," Southern Political Science Association, Savannah, GA, November 3-6, 1993.

"Tenure, Speech, and the Jeffries Case: A Functional Analysis," conference on academic Freedom and Tenure, sponsored by New York City Bar Association and Pace University Law School, New York City, March 8, 1994.

"'It's My Constitution, and I'll Cry If I Want To': Constitutional Dialogue, Interpretation, and Whim in the Inherent Item Veto Dispute," American Political Science Association, Chicago, August 31-September 3, 1995. Winner, 1996 Presidency Research Group Founders' Award for Best Paper on the Presidency presented at the 1995 APSA. Paper received mention in the Washington Post, September 24, 1995.

"Guns and Violence," presentation before Bryn Mawr Presbyterian Church Task Force on Violence, Bryn Mawr, PA, October 8, 1995.

"Guns, Militias, and the Constitution," Distinguished Lecture Series, Utica College, Utica NY, March 26, 1996.

"The Right to Bear Arms: A Constitutional and Criminological Analysis of Gun Control," the Cornell University School of Law, October 8, 1996.

"The Veto King: The 'Dr. No' Presidency of George Bush," Conference on the Presidency of George Bush, Hofstra University, Hempstead, NY, April 17-19, 1997.

"Saving the Constitution from Lawyers," American Political Science Association, Washington, D.C., August 28-31, 1997.

"Revolution, the Second Amendment, and Charlton Heston," Gettysburg College, Gettysburg, PA, October 30, 1997.

"Recent Developments in The Politics of Gun Control," Gettysburg College, Gettysburg,

PA, November 10, 1998.

“The Second Amendment, Disarmament, and Arms Control,” Communitarian Summit, the Washington National Airport Hilton, Arlington, VA, February 27-28, 1999.

“The Argument Against Clinton’s Impeachment,” Hyde Park Session, American Political Science Association, Atlanta, September 2-5, 1999.

“Gun Politics After Littleton,” Gettysburg College, Gettysburg, PA, November 9, 1999.

“Lost and Found: Researching the Second Amendment,” Symposium on “The Second Amendment: Fresh Looks,” Chicago-Kent Law School and the Joyce Foundation, Chicago, April 28, 2000.

“The Independent Counsel and the Presidency After Clinton,” American Political Science Association, Washington, D.C., August 31-September 3, 2000.

“From Columbine to Santee: Gun Control in the 21st Century,” Idaho State University, Pocatello, Idaho, April 19, 2001.

“Gun Control in the New Millennium,” Gettysburg College, Gettysburg, PA, November 13, 2001.

“Gun Rights for Terrorists? Gun Control and the Bush Presidency,” A Presidency Transformed By Crises: The George W. Bush Presidency, SUNY Fredonia, NY, October 17-18, 2002.

“Gun Control and the Bush Presidency,” Gettysburg College, Gettysburg, PA, November 21, 2002.

“The Ashcroft Justice Department and the Second Amendment,” American Bar Association Annual Meeting, San Francisco, August 8-11, 2003.

“The Bush Presidency and 9/11,” Keynote Address, Conference on 9/11, Cazenovia College, NY, September 11, 2003.

“Report of the National Task Force on Presidential Communication to Congress,” co-author, Tenth Annual Texas A&M Conference on Presidential Rhetoric, George Bush Presidential Library and Conference Center, College Station, TX, March 4-7, 2004.

“Don’t Know Much About History, Politics, or Law: Comment,” Conference on The Second Amendment and the Future of Gun Regulation, co-sponsored by the Fordham School of Law, the Second Amendment Research Center, and the John Glenn Institute

for Public Service and Public Policy of the Ohio State University, April 13, 2004, New York City.

“Bush vs. Kerry: Election of the Century?” Colgate University, Hamilton, NY, October 20, 2004.

“The Commander-in-Chief Power and Constitutional Invention in the Bush Administration,” a paper presented at a Conference on “Is the Presidency Dangerous to Democracy?”, Loyola Marymount University, Los Angeles, CA, February 7, 2005.

Participant, “The Wheler Family Address on International Relations,” Academic Conference on World Affairs, Cazenovia College, Cazenovia, NY, September 9, 2005.

“What Ever Happened to Gun Control?”, Gettysburg College, Gettysburg, PA, November 1, 2005.

“Clinton and Gun Control: Boon or Bane?” a paper presented at the 11th Presidential Conference on William Jefferson Clinton, Hofstra University, Hempstead, NY, November 10-12, 2005.

“George W. Bush and the Unitary Executive,” Keynote Address for “Quest,” SUNY Oswego Scholars Day, April 19, 2006.

“Resolving Conflict with Intractable Foes: The Lessons of International Relations Theory Applied to the Modern Gun Control Debate,” Bryant University, Smithfield, RI, April 24, 2006.

“The Unitary Executive and the Commander-in-Chief Power,” Conference on Presidential Power in America: The Constitution, the Defense of a Nation and the National Ethos, Massachusetts School of Law Conference Series, Andover, MA, October 14-15, 2006.

“The 2006 Elections,” LeMoyne College, Syracuse, NY, November 29, 2006.

“In Wartime, Who Has the Power?” Symposium on Presidential Power and the Challenge to Democracy, Idaho State University, Pocatello, ID, April 26, 2007.

“Saul Cornell’s Second Amendment: Why History Matters,” Conference on Firearms, the Militia and Safe Cities: Merging History, Constitutional Law, and Public Policy, Albany Law School, Albany, NY, October 18-19, 2007.

“Gun Control and the 2008 Elections,” Third Annual Harry F. Guggenheim Symposium on Crime in America, John Jay College, New York City, December 3-4, 2007.

“The Post-Cold War Vice Presidency,” Cornell Adult University, Cornell University, Ithaca, NY, July 31, 2008.

“Is the Presidency Constitutional?” Roundtable panel on Restoring the Constitutional Presidency, APSA, Boston, August 28-31, 2008.

“The Future of the American Presidency,” Board of the Bristol Statehouse, Bristol, RI, November 30, 2008.

“Is the Constitutional Presidency Obsolete? The Future of the American Presidency,” Symposium on The Future of the American Presidency, Regent University, Virginia Beach, VA, February 6, 2009.

“The Failure of the Pro-Gun Control Movement,” SUNY Oneonta, March 19, 2009.

“The Post-Bush Presidency and the Constitutional Order,” American Political Science Association, Toronto, Canada, September 3-6, 2009.

“Inventing Gun Rights: The Supreme Court, the Second Amendment, and Incorporation,” SUNY Geneseo, March 24, 2010.

“Intelligence Don’t Matter,” Keynote Address to Phi Kappa Phi Induction Ceremony, SUNY Cortland, April 17, 2010.

“The Law and Politics of Gun Control after Tucson,” 6th Annual Harry Frank Guggenheim Symposium on Crime in America, conference on “Law and Disorder: Facing the Legal and Economic Challenges to American Criminal Justice,” John Jay College of Criminal Justice, CUNY, New York City, January 31-February 1, 2011.

“Looking Ahead to the 2012 Elections,” Tompkins County Democratic Committee, Ithaca, NY, August 7, 2011.

“Growing Executive Power: The Strange Case of the ‘Protective Return’ Pocket Veto,” American Political Science Association, Seattle, WA, September 1-4, 2011.

“Gun Control and the Second Amendment,” OASIS Conference, Syracuse, NY, October 3, 2011

“Comparing the Constitutional Presidencies of George W. Bush and Barack Obama: War Powers, Signing Statements, Vetoes,” conference on “Change in the White House? Comparing the Presidencies of George W. Bush and Barack Obama,” Hofstra University, Hempstead, NY, April 19, 2012.

“Watergate After 40 Years: Dick Cheney’s Revenge,” American Political Science Association, New Orleans, LA, August 30-September 2, 2012.

“The Media, American Elections, and Democracy,” OASIS, Syracuse, NY, October 22, 2012.

“Hot Button Issues in the 2012 Presidential Campaign,” Hiram College Conference on the 2012 Elections, Hiram, Ohio, November 15-17, 2012.

“Gun Legislation and Obstacles to Effective Gun Control,” Metropolitan Black Bar Association, New York City Bar Association, November 29, 2012.

“Guns and America,” Syracuse University, Syracuse, NY, February 19, 2013.

“The Constitution Between Opponents,” conference on “The State of the Presidency,” Andrus Center for Public Policy, Boise State University, Boise, ID, February 28, 2013.

“Gun Policy at a Crossroads,” Thursday Morning Roundtable, Syracuse, NY, March 7, 2013.

“Gun Policy Cycles and History,” Pediatric Grand Rounds at the Upstate Golisano Children’s Hospital, Syracuse, NY, March 13, 2013.

“Gun Law and the Constitution,” Monroe County Bar Association, Rochester, NY, March 21, 2013.

“The Architecture of the Gun Control Debate,” Goldfarb Center for Public Affairs, Colby College, Waterville, ME, April 2, 2013.

“The Campbell Debates: This Assembly Supports the NY SAFE Act,” Syracuse University, April 5, 2013.

“What has Sandy Hook Changed? The Evolving Gun Debate,” Reisman Lecture Series, Cazenovia College, Cazenovia, NY, April 17, 2013.

“Gun Policy Change: Infringing Rights, or Following History?” Jefferson Community College, Watertown, NY, April 18, 2013.

“Under the Gun,” Conference on “Gun Violence, Gun Laws, and the Media,” Center on Media, Crime and Justice, John Jay College of Criminal Justice, New York, May 14-15, 2013.

“Five Myths of the Gun Debate,” Lawman of the Year, Cortland County Lawman Committee, Cortland, NY, May 20, 2013.

“Gun Law History,” Sterling Historical Society, Sterling, NY, June 27, 2013.

“Analyzing the New York SAFE Act,” League of Women Voters Forum, Cortland, NY, September 12, 2013.

“Constitution Day, the Second Amendment, and Guns,” OASIS, Syracuse, NY, September 16, 2013.

“The Second Amendment and Guns in America,” Values, Arts, and Ideas Series Constitution Day Speaker, Manchester University, North Manchester, Indiana, September 17, 2013.

“Live By History, Die By History: The Second Amendment, Heller, and Gun Policy,” Georgetown University, Washington, DC, October 18, 2013.

“American Gun Policy,” “Gun Violence: A Comparative Perspective,” and “American History and Foreign Policy, 1960-1990,” King’s College, London, England; Southbank Centre, “Superpower Weekend,” November 8-11, 2013.

“Gun Politics and the Electoral Process,” Oneida County Women’s Democratic Club and County Committee, Utica, NY, November 17, 2013.

“The Second Amendment and the Hidden History of Gun Laws,” Institute for Legislative Studies, University of North Carolina, Greensboro, NC, November 20-21, 2013.

“The Future of Gun Regulation After Newtown,” Fordham University, New York, NY, January 21, 2014.

“The 2014 Elections: The End of the Obama Era?” 22nd Annual Chautauqua, Homer, NY, August 3, 2014.

“New York State and the NY SAFE Act: A Case Study in Strict Gun Laws,” conference on “A Loaded Debate: The Right to Keep and Bear Arms in the 21st Century,” Albany Law School, Albany, NY, October 9, 2014.

“Is Gun Control Un-American or at Least Unconstitutional?” Temple Concord, Syracuse, NY, October 14, 2014.

“The American Gun Debate is Under Water,” TEDxCortland Talk, Hathaway House, Solon, NY, October 25, 2014.

“The Unitary Executive and the Bush Presidency,” Conference on the Presidency of George W. Bush,” Hofstra University, Hempstead, NY, March 24-26, 2015.

“Assessing the Obama Presidency,” Western Political Science Association, Las Vegas, NV, April 1-3, 2015.

“Gun Laws, Gun Policies, and the Second Amendment,” Central New York Council of the Social Studies Professional Development Day Conference, Carnegie Conference Center, Syracuse, NY, October 20, 2015.

“The 2016 Elections,” The Cornell Club of Cortland County, November 17, 2015, Cortland, NY.

“Gun Law History in the U.S. and Second Amendment Rights,” Conference on The Second Amendment: Legal and Policy Issues, New York University Law School and the Brennan Center for Justice, New York City, April 8, 2016.

“The Presidential Elections,” The Century Club, June 7, 2016, Syracuse, NY.

“The 2016 Elections,” Chautauqua, August 3, 2016, Homer, NY.

“The 2016 Elections” Cortland Rotary, Cortland, N.Y. September 20, 2016.

“The 2016 Elections,” Cortland Community Roundtable, October 6, 2016.

“Trumpocalypse 2016,” Finger Lakes Forum, Geneva, N.Y., October 16, 2016.

“The 2016 Elections,” Homer Congregational Church, Homer, N.Y., October 30, 2016.

“Had Enough? Only Five More Days,” OASIS, November 3, 2016, Syracuse, N.Y.

“Guns for Everyone?” OASIS, November 14, 2016, Syracuse, N.Y.

“Sizing Up the Trump Presidency,” Cortland County Democratic Party, June 1, 2017.

“Understanding Impeachment,” Ladies Literary Society, Lafayette, NY, June 7, 2017.

“Guns Across America,” Ithaca College, Ithaca, NY, September 21, 2017.

Guest panelist, “Gun Studies Symposium,” University of Arizona, Tucson, AZ, October 20, 2017.

“Gun Policy and Schools After Parkland,” SUNY Student Assembly Annual Conference, Syracuse, NY, April 7, 2018.

“Gun Laws, History, and the Second Amendment: What Does the Constitution Allow?” Clemson University, SC, April 17, 2018.

“Gun Violence and the History of Gun Laws,” League of Women Voters of Tompkins County, Ithaca, NY, May 23, 2018.

“The Unknown History of Gun Laws in America,” Madison-Chenango Call to Action, Hamilton, NY, June 20, 2018.

“It’s All Academic: The Meaning of the Second Amendment Versus Heller,” Conference on “The Second Amendment: Its Meaning and Implications in Modern America,” Lincoln Memorial University School of Law, Knoxville, TN, January 18, 2019.

“Mulling Over the Mueller Report,” Indivisible Cortland County, Homer, NY, June 15, 2019.

“Gun Accessories and the Second Amendment: Assault Weapons, Magazines, and Silencers,” Symposium on Gun Rights and Regulation Outside the Home, Duke University, Durham, NC, September 27, 2019.

“Gun Policy 101: What Policymakers and the Public Need to Know,” Rockefeller Institute of Government, Albany, NY, October 1, 2019.

Guest expert, Federalist Society Teleforum on *New York State Rifle and Pistol Association v. NYC*, November 22, 2019.

“To Brandish or Not to Brandish: The Consequences of Gun Display,” Duke University Law School Conference on Historical Gun Laws, June 19, 2020 (virtual).

“The 2020 Elections,” Cortland Country Club, October 14, 2020.

Panelist, “Gun Law, Politics, and Policy,” Midwest Political Science Association, Chicago, April 14-17, 2021 (virtual).

“Gun Violence,” Beaches Watch, Florida, August 4, 2021 (virtual).

“Challenging Conversations: Gun Control,” Lockdown University (virtual), April 5, 2022.

“Scholars’ Circle: Gun Control,” June 30, 2022 (virtual).

“Gun Rules and Regulations,” Clubhouse AverPoint, July 2, 2022 (virtual).

“A Nation in Crisis: Are Guns the Problem?” Center for Ethics and Human Values’ Civil Discourse Forum, The Ohio State University, Columbus, OH, September 23, 2022.

“Explaining the 2022 Midterm Elections,” OSHER Lifelong Learning Institute at the College of William and Mary, Williamsburg, Va., October 13, 2022.

“The Gun Rights 2.0 Movement: Public Policy Consequences,” 2022 National Research Conference on Firearm Injury Prevention, Omni Shoreham Hotel, Washington, D.C., November 29-December 1, 2022.

Panel Participation:

Discussant, "Historical Transformations of Political Institutions in the U.S.," Social Science History Association, Rochester, N.Y., November 7-9, 1980.

Chair, "The Political Economy of Single Issue Movements," 1981 American Political Science Association, New York City, September 3-6.

Discussant, "New York Republicans: An Emerging Majority Party?", New York State Political Science Association, Albany, N.Y., April 2-3, 1982.

Round table panel member, "Perspectives on the Reagan Administration," New York State Political Science Association, New York, N.Y., April 8-9, 1983.

Discussant, "Toward a Theory of the Chief Executive," 1983 American Political Science Association, Chicago, Ill., September 1-4, 1983.

Chair and Discussant, "Political Parties and Party Organization," 1984 American Political Science Association, Washington, D.C., August 30 - September 2, 1984.

Discussant, "Reforming the Presidential Selection Process," New York State Political Science Association, New York, N.Y., April 25-26, 1985.

Chair, "Theoretical Approaches to Policy Concerns," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Discussant, "Perspectives on Presidential Influence," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Discussant, "The Item Veto," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Chair, "Mobilizing Interests on National Policies," American Political Science Association, Washington, D.C., August 28-31, 1986.

Discussant, "The News Media and American Politics," American Political Science Association, Washington, D.C., August 28-31, 1986.

Chair, "Perspectives on the Bicentennial of the U.S. Constitution," New York State Political Science Association, New York City, April 3-4, 1987.

Discussant, "The Presidency in Comparative Perspective," and "Media and Models of Public Policy-Making," American Political Science Association, Atlanta, Aug. 31 - Sept. 3, 1989.

Discussant, "Presidents and Economic Interests," American Political Science Association, Washington, D.C., August 29 - September 1, 1991.

Panel Chair, "The Presidential Role in Policy Making," American Political Science Association, Chicago, September 3-6, 1992.

Discussant, "Presidential Influence on Congress," American Political Science Association, Washington, D.C., September 2-5, 1993.

Discussant, "Bureaucratic Politics," Southern Political Science Association, November 3-6, 1993.

Discussant, "The President's Extra-Constitutional Power," American Political Science Association, New York City, September 1-4, 1994.

Discussant, "Roundtable on the President and Congress in a Republican Age," Western Political Science Association, San Francisco, March 14-16, 1996.

Chair, "Militias, the Second Amendment, and the State: Constitutional, Social, and Historical Implications," American Political Science Association, San Francisco, August 29-September 1, 1996.

Chair, "Roundtable on Teaching the Presidency," American Political Science Association, August 29-September 1, 1996.

Chair, "The Constitutionalism and Presidentialism of Louis Fisher," American Political Science Association, Washington, D.C., August 28-31, 1997.

Chair, "The President as Legislative Leader," American Political Science Association, Boston, September 3-6, 1998.

Chair, Roundtable on "Memo to the President," American Political Science Association, Atlanta, September 2-5, 1999.

Discussant, "Firearms in the U.S.," Midwest Political Science Association, Chicago, April 27-30, 2000.

Chair and discussant, Roundtable on "Is the Presidency Changed?" APSA, San Francisco, August 30-September 2, 2001.

Chair and discussant, "Presidential Use of Strategic Tools," APSA, Boston, August 29 - Sept. 1, 2002.

Discussant, "Executing the Constitution," APSA, Boston, August 29 - Sept. 1, 2002.

Chair, "Marketing the President," APSA, Philadelphia, August 28-31, 2003.

Discussant, "Media Coverage of the Presidency," APSA, Philadelphia, August 28-31, 2003.

Chair and discussant, "Does Presidential Leadership in Foreign Policy Matter?" APSA, Chicago, September 2-5, 2004.

Roundtable member, "The Ins and Outs of Obtaining a Book Contract," APSA, Chicago, September 2-5, 2004.

Discussant, "Presidential Power: Lessons From the Past," APSA, Washington, D.C., September 1-4, 2005.

Chair and Discussant, "The Unitary Executive in a Separated System," APSA, Philadelphia, August 31-September 3, 2006.

Panel chair, "The Culpability of Congress," Conference on Presidential Power in America: The Constitution, the Defense of a Nation and the National Ethos, Massachusetts School of Law Conference Series, Andover, MA, October 14-15, 2006.

Panel chair, "Keeping the Modern Presidency in Check and Balance," APSA, Chicago, August 30-September 2, 2007.

Discussant, "Presidential Endings: George W. Bush and the Final Two Years," APSA,

Chicago, August 30-September 2, 2007.

Discussant, “Staffing and Decisionmaking in the White House,” APSA, Boston, August 28-31, 2008.

Panel Chair, “Early Assessments of the Obama Presidency,” APSA, Washington, D.C., September 2-5, 2010.

Discussant, “Historical Perspectives on the Presidency,” APSA, Chicago, August 29-Sept. 1, 2013.

Discussant, “Politics and Presidential Travel,” APSA, Washington, D.C., August 27-31, 2014.

Discussant, “The Obama Presidency and Constitutional Law,” APSA, San Francisco, Sept. 3-6, 2015.

Discussant, “Presidents, the Courts and the Law,” APSA, Philadelphia, Sept. 1-4, 2016.

Discussant, “Executive Power and Democratic Functioning in the Trump Era,” APSA, Boston, MA, August 30-September 2, 2018.

Panel chair, “Assessing the Presidency of Donald Trump,” APSA, Washington, DC, August 29-September 1, 2019.

Roundtable, “Gun Law, Politics, and Policy,” Midwest Political Science Association, April 17, 2021 (virtual).

Roundtable, “Guns and the Political Moment: Political Violence, Self-Defense, and Reckoning with Race,” Midwest Political Science Association, Chicago, April 7, 2022.

Book Reviews:

The American Presidency, by Richard M. Pious, reviewed in The Journal of Politics, November, 1979.

The Politics of Mistrust, by Aaron Wildavsky and Ellen Tenenbaum, reviewed in Administrative Science Quarterly, December, 1981.

Review essay, The President as Policymaker, by Laurence E. Lynn and David DeF. Whitman, review essay in Administrative Science Quarterly, March, 1982.

PL94-142: An Act of Congress, by Erwin L. Levine and Elizabeth M. Wexler, reviewed in the American Political Science Review, June, 1982.

Pure Politics and Impure Science, by Arthur M. Silverstein, reviewed in Administrative Science Quarterly, June, 1984.

Review essay, The President's Agenda, by Paul Light, reviewed in Administrative Science Quarterly, September, 1984.

The Evolution of American Electoral Systems, by Paul Kleppner, et al., reviewed in the American Political Science Review, December, 1983.

A Case of Third Party Activism, by James Canfield, reviewed in Perspective, July-August, 1984.

Winners and Losers: Campaigns, Candidates and Congressional Elections, by Stuart Rothenberg, reviewed in the American Political Science Review, December, 1984.

The Political Presidency, by Barbara Kellerman, reviewed in Perspective, January-February, 1985.

Presidents and Promises, by Jeff Fishel, reviewed in the American Political Science Review, December, 1985.

The Elections of 1984, ed. by Michael Nelson, reviewed in Perspective, May/June, 1985.

Economic Conditions and Electoral Outcomes, by Heinz Eulau and Michael S. Lewis-Beck, reviewed in Perspective, May/June, 1986.

Presidential Transitions: Eisenhower Through Reagan, by Carl M. Brauer, in Perspective, January/February, 1987.

Religion and Politics in the United States, by Kenneth D. Wald, in Journal for the Scientific Study of Religion, September, 1988.

Abortion and Divorce in Western Law, by Mary Ann Glendon, in The Annals of the American Academy of Political and Social Science, September, 1988.

The American Political Economy, by Douglas Hibbs, in Perspective, Spring, 1988.

God in the White House, by Richard G. Hutcheson, Jr., in Perspective, Fall, 1988.

The Reagan Legacy, Charles O. Jones, ed., in Social Science Quarterly, June, 1989.

Dilemmas of Presidential Leadership From Washington Through Lincoln by Richard Ellis and Aaron Wildavsky, in Perspective, September, 1989.

Taming the Prince by Harvey Mansfield, Jr., in Governance, April, 1990.

Public Policy and Transit System Management, ed. by George M. Guess, in Perspective, Spring, 1991.

The Myth of Scientific Public Policy, by Robert Formaini, in Perspective, Winter, 1992.

The Bush Presidency: First Appraisals, ed. by Colin Campbell and Bert Rockman in Public Administration Review, May/June, 1992.

The Illusion of a Conservative Reagan Revolution, by Larry Schwab, in Policy Currents, May, 1992.

The Vital South: How Presidents Are Elected, by Earl Black and Merle Black, in Perspective, Fall, 1993.

The Presidential Pulse of Congressional Elections, by James E. Campbell, in The Journal of American History, March, 1995.

Out of Order, by Thomas Patterson, in Presidential Studies Quarterly, Summer, 1994.

Congress, the President, and Policymaking, by Jean Schroedel, in the American Political Science Review, December, 1994.

The President and the Parties, by Sidney Milkis, in Governance, January 1995.

The Myth of the Modern Presidency, by David K. Nichols, PRG Report, Spring, 1995.

The End of the Republican Era, by Theodore Lowi, The Journal of American History, December, 1995.

Strategic Disagreement: Stalemate in American Politics by John B. Gilmour, in Governance (9), 1996.

Rivals For Power: Presidential-Congressional Relations, by James Thurber, in American Political Science Review, March, 1997.

American Presidential Elections, ed. by Harvey Schantz, in Perspectives, Spring 1997.

The Power of Separation by Jessica Korn, in Congress & the Presidency, Spring 1997.

Strong Presidents by Philip Abbott, in Perspective, Fall 1997.

Other People's Money: Policy Change, Congress, and Bank Regulation, by Jeffrey Worsham, in Perspectives, Spring 1998.

A Third Choice, in Journal of American History, December 1998.

Politics, Power and Policy Making: The Case of Health Care Reform in the 1990s, by Mark Rushefsky and Kant Patel in Perspectives, Winter 1999.

The Paradoxes of the American Presidency, by Thomas Cronin and Michael Genovese, for the American Political Science Review, March 1999.

Republic of Denial, by Michael Janeway, for Perspectives, Spring 2000.

The Art of Political Warfare, by John Pitney, Rhetoric and Public Affairs, Summer 2001.

Arming America, by Michael Bellesiles, Congress Monthly, January/February 2002.

Gun Violence in America by Alexander DeConde, Law and Politics Book Review, August 2001; also in Historynewsnetwork.org, 8/01.

Presidents as Candidates, by Kathryn D. Tenpas, in Rhetoric and Public Affairs, Spring 2002.

The Trouble With Government, by Derek Bok, Perspectives, Spring 2002.

King of the Mountain, by Arnold M. Ludwig, Rhetoric and Public Affairs, Winter 2002.

Power, the Presidency, and the Preamble, by Robert M. Saunders, Presidential Studies Quarterly, December 2002.

Presidents, Parliaments, and Policy, ed. by Stephen Haggard and Mathew McCubbins, Perspectives, Winter 2003.

The Modern American Presidency, by Lewis L. Gould, Rhetoric and Public Affairs.

Watergate: The Presidential Scandal that Shook America, by Keith W. Olson, Perspectives, Summer 2003.

The Militia and the Right to Arms, or, How the Second Amendment Fell Silent, by H.

Richard Uviller and William G. Merkel, Journal of American History, March 2004.

Power Without Persuasion: The Politics of Direct Presidential Action, by William G. Howell, Perspectives on Politics, June 2004.

The George W. Bush Presidency: An Early Assessment, ed. By Fred Greenstein, Perspectives, Spring 2004.

The Invention of the United States Senate, by Daniel Wirls and Stephen Wirls, Perspectives, Summer 2004.

The Mythic Meanings of the Second Amendment, by David C. Williams, Law and Politics Book Review, April 2004.

Empowering the White House, by Karen M. Hult and Charles E. Walcott, Rhetoric and Public Affairs, Fall 2005.

Defining Americans: The Presidency and National Identity, by Mary E. Stuckey, Perspectives, Spring 2005.

Presidential Leadership: Rating the Best and Worst in the White House, ed. By James Taranto and Leonard Leo, Rhetoric and Public Affairs, Summer 2006.

A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America, by Saul Cornell, American Journal of Legal History, October 2006.

The Founders' Second Amendment: Origins of the Right to Bear Arms, by Stephen Halbrook, Law and Politics Book Review 18(October 2008).

Out of the Shadow: George H.W. Bush and the End of the Cold War, by Christopher Maynard, Journal of American History (September 2009).

Guns, Democracy, and the Insurrectionist Idea, by Joshua Horwitz, Law and Politics Book Review 19(June 2009).

Talking Together, by Lawrence Jacobs, Fay Lomax Cook, and Michael Delli Carpini, dailykos.com, posted June 20, 2009, with Glenn Altschuler.

Accidental Presidents, by Philip Abbott, Presidential Studies Quarterly, June 2010.

The Co-Presidency of Bush and Cheney, by Shirley Anne Warshaw, Congress and the Presidency, 2010.

Crisis and Command: The History of Executive Power from George Washington to George W. Bush, by John Yoo, Presidential Studies Quarterly (December 2010).

Declaring War: Congress, the President, and What the Constitution Does Not Say, by Brien Hallett, Law and Politics Book Review 22(November 2012).

Congress vs. the Bureaucracy: Muzzling Agency Public Relations, by Mordecai Lee, The Journal of American History (December 2012).

Arming and Disarming, by R. Blake Brown, Law and History Review (November 2013).

Reclaiming Accountability: Transparency, Executive Power, and the U.S. Constitution, by Heidi Kitrosser, Congress and the Presidency 42(2015).

The Six-Shooter State: Public and Private Violence in American Politics by Jonathan Obert and The Lives of Guns ed. by Jonathan Obert, Andrew Poe and Austin Sarat, Perspectives on Politics 17(September 2019).

The Toughest Gun Law in the Nation by James B. Jacobs and Zoe Fuhr, Criminal Law and Criminal Justice Books, March 2020.

Warped Narratives: Distortion in the Framing of Gun Policy by Melissa K. Merry, Perspectives on Politics 18(September 2020).

The Uses and Misuses of Politics: Karl Rove and the Bush Presidency by William G. Mayer, Presidential Studies Quarterly (December 2022).

Selected Media Appearances/Quotations:

NBC's "Today Show"; ABC's "Good Morning America" and "Network Nightly News"; PBS's "News Hour"; CNN's "Lou Dobbs," "NewsStand," "CNN & Co." CNN's HLN, and "Insight"; CNBC's "Upfront Tonight"; MSNBC's "Countdown with Keith Olbermann," "All In With Chris Hayes," "Ali Velshi," "Fresh Air With Terry Gross," "The Diane Rehm Show," 1A with Joshua Johnson, NPR; NHK Television (Japan); CGTN (China), documentary films "Guns and Mothers" (PBS, 2003), "Under the Gun" (Katie Couric Film Company, Epix, 2016), "The Price of Freedom" (Flatbush Pictures/Tribeca Films, 2021). Quoted in or by the New York Times, the Washington Post, Time Magazine, Newsweek, Der Spiegel (Germany), USA Today, the Los Angeles Times, the Wall Street Journal, the Christian Science Monitor, the Boston Globe, the Chicago Tribune, the Philadelphia Inquirer, the Miami Herald, Houston Chronicle, the St. Louis Post-Dispatch, San Francisco Chronicle, the Dallas Morning News, the Baltimore Sun, the Detroit Free Press, the Seattle Post-Intelligencer, Newsday, the Denver Post,

Kansas City Star, Dallas News, Pittsburgh Post-Gazette, New Orleans Times Picayune, Orlando Sentinel, Columbus Dispatch, Buffalo News, San Jose Mercury News, Albany Times-Union, St. Petersburg Times, Arkansas Democrat-Gazette, Newark Star-Ledger, Bergen Record, Congress Daily, The Hill, CQ Report, Rolling Stone, The Nation, Ladies Home Journal, the National Journal, The Spectator, Legal Times, Financial Times, Toronto Globe, al Jazeera, Reuters, Bloomberg News, Knight Ridder, AP, Gannett, Newhouse, Scripps Howard, McClatchy, Hearst, the BBC (Britain), CBC (Canada), the Voice of America, Radio Free Europe, ABC News Online, Fox News Online, National Public Radio, CBS Radio, media outlets in South Korea, India, Brazil, Denmark, Spain, France, Norway, Germany.

Regular panelist on “The Ivory Tower,” a weekly public affairs program broadcast on WCNY-TV, Syracuse, NY, from 2002-2021. A half hour discussion of the week’s events conducted by five academics from area colleges.

Professional Associations:

Scholars Strategy Network.
American Political Science Association.
Center for the Study of the Presidency.
Presidents and Executive Politics Section (formerly the Presidency Research Group), APSA; served on Governing Board of PRG, 1991 to 2003.
New York Political Science Association.
Pi Sigma Alpha.
Phi Kappa Phi.

Teaching Areas:

American Government: courses taught include Introduction to American Government, The Legislative Process, Political Parties and Social Movements, The American Presidency, Media and Politics, Gun Control Politics and Policy, State and Local Government, Abortion Politics, Elections and American Politics, Media and War, internships in Washington, D.C., Albany, and Cortland County, Seminars on the Decline of Parties and Third Parties, American Institutions, Current Developments in American Politics, and Introduction to College Life.

Public Policy: courses taught include Introduction to Public Policy, Gun Policy. Areas of interest include policy theory, policy formation and decisionmaking, and policy implementation.

Teaching-Related Awards:

Three-time recipient of the SUNY Cortland Student Government Association Outstanding Faculty Award (the "DiGiusto Award"), 1987, 1991, and 2003, for "Outstanding Service to Students." (The only faculty member ever to win this award more than once.)

Other Professional Activities

External Reviewer, University of Michigan-Dearborn, Project to Expand Promotion and Tenure Guidelines (PTIE) to Inclusively Recognize Innovation and Entrepreneurial Impact, 2021.

Member, Howard Penniman Graduate Scholarship Selection Committee, Pi Sigma Alpha, 2018.

Member, Advisory Board of Pi Sigma Alpha Undergraduate Journal of Politics, 2014-2016.

Executive Council, Pi Sigma Alpha National Board, 2014-18.

Fund and organizing leader for American Political Science Association's new Distinguished Teaching Award, 2011-12.

Chair, Presidency Research Group Task Force on Membership and Recruitment, 2007-08.

Chair, Richard E. Neustadt Award Committee for Best Book on the Presidency published in 2005, Presidency Research Group, 2006.

President, Presidency Research Group, American Political Science Association, 2001-2003; Vice-President 1999-2001.

Chair, Best Paper Award Committee, Presidency Research Group, American Political Science Association, for 1991 and 1992 conferences.

Member, Governing Board of the Presidency Research Group of the American Political Science Association, 1991-2003.

Editor, PRG Report, 1993-1997.

Board of Editors, State University of New York Press, 1993-1996; 1997-2000. Board Chair, 1998-2000.

Member, Leonard D. White Award Committee for Best Dissertation in Public Administration, American Political Science Association, 1995.

Conference Organizing Committee, "Presidential Power: Forging the Presidency for the 21st Century," Columbia University, November 15-16, 1996.

Chair, E.E. Schattschneider Award Committee, best doctoral dissertation in American Politics, American Political Science Association, 1997.

Secretary/Treasurer, Presidency Research Group, 1997-99.

Book and article reviews for Houghton Mifflin, Cengage Learning, Random House, McGraw-Hill, St. Martins, W.W. Norton, Oxford University Press, Cambridge University Press, University of Chicago Press, University of California Press, Princeton University Press, Cornell University Press, UNC Press, Pearson Longman, Allyn & Bacon, Palgrave/Macmillan, University of New Mexico Press, Texas A&M University Press, Chatham House, CQ Press, HarperCollins, SUNY Press, Thompson Wadsworth, University of Michigan Press, University of Missouri Press, Westview Press, Brookings Institution, Rowman and Littlefield, Routledge, University of Alabama Press, American Political Science Review, PS, Comparative Politics, American Journal of Political Science, Policy Studies Journal, Policy Studies Review, Political Science Quarterly, the Journal of Politics, Western Political Quarterly, Polity, Social Science Quarterly, Political Behavior, American Politics Quarterly, Political Communication, Legislative Studies Quarterly, Government and Policy, Congress and the Presidency, Social Science Journal, Journal of Policy History, Political Research Quarterly, Presidential Studies Quarterly, Politics and Policy, and the National Science Foundation.

Selected Community Service

Administrative Law Judge/Hearing Officer for Cortland County Board of Health, 1994-present; for Tompkins County, 1997-present; for Chenango County, 1997-present; for Madison County, 2006-2021.

Member, City of Cortland Planning Commission, 2009-2012.

Chair, SUNY Press Board of Editors, 1998-2000 (board member 1993-96, 1997-2000).

Board President, Cortland County Arts Council, 1989-1990 (board member, 1987-1990).

Chair, Homer Zoning Board of Appeals, 1995-1997; board member 1988-1997.

Board member, Cortland County Landmark Society, 1989-1995.

Chair, Planning Committee on Codes and Safety for the village of Homer's Odyssey 2010 Project, 1996.

EXHIBIT B

EXHIBIT B

FIREARM HARDWARE RESTRICTIONS TABLE
(YEARS OF ENACTMENT)¹

STATE ²	TRAP GUNS ³	CONCEALED CARRY ⁴	AUTOMATIC FIREARMS	SEMI-AUTOMATIC FIREARMS	AMMUNITION FEEDING DEVICES/ FIRING LIMITS
Alabama		1839, 1841			
Alaska		1896			
Arizona		1889			
Arkansas		1820, 1837			
California		1850, 1864	1927, 1933		1927, 1933
Colorado		1862			
Connecticut		1890, 1923			
Delaware		1852	1931		
District of Columbia		1857, 1871	1932	1932	1932
Florida		1887	1913 ⁵ , 1933		
Georgia		1837			
Hawaii		1913	1933		1933
Idaho		1909			

¹ Further research may yield additional laws regulating firearm hardware.

² In addition to state laws, this chart provides the year of enactment of local ordinances adopted within the states.

³ Sometimes trap guns were also referred to as “infernal machines.”

⁴ These laws prohibited the concealed carrying of certain enumerated weapons or types of weapons. The early laws restricted general weapons carrying, whether concealed or open.

⁵ “It shall, at any time, be unlawful to hunt wild game in Marion County with guns—known as Automatic guns.”

Illinois		1881	1931	1931 [†]	1931
Indiana		1820	1927, 1929		
Iowa		1882, 1887, 1897, 1929	1927		
Kansas		1901	1933		
Kentucky		1812, 1813			
Louisiana		1813	1932	1932 [†]	1932
Maine		1840			
Maryland	1910	1872	1927		
Massachusetts		1751	1927	1927	1927
Michigan	1875, 1931	1887	1927, 1929	1927, 1929	1927
Minnesota	1873, 1903	1881	1933	1933	1933
Mississippi		1878			
Missouri	1891 ⁶	1873	1929		1929
Montana		1864, 1865			
Nebraska		1881	1929		
Nevada		1881, 1925			
New Hampshire	1915				
New Jersey	1771	1686	1927, 1934		1920, 1927
New Mexico		1852, 1853			
New York	1870 ⁷	1891	1931, 1933		

⁶ Chillicothe, Mo.: “George Dowell, a young farmer, was fined \$50 under an old law for setting a trap-gun. Dowell set the gun in his corn-crib to catch a thief, but his wife was the first person to visit the crib and on opening the door was shot dead.” “Shot by a Trap-Gun,” South Bend Tribune, Feb. 11, 1891, <https://bit.ly/3CtZsfk>.

⁷ New York City, NY: A burglar was killed by a gun-trap set by a shopkeeper at 301 East 23rd St. A jury concluded that the burglar’s death was caused by the trap-gun. The article notes: “As there is a statute against the use of such infernal machines, which might cause loss of life to some innocent person, the jury censured

North Carolina		1792			1917
North Dakota	1891, 1895	1895	1931		1931
Ohio		1859	1933	1933	1933
Oklahoma		1890			
Oregon	1925	1853	1933		1933
Pennsylvania		1851	1929		1929
Rhode Island	1890, 1892	1893	1927	1927	1927
South Carolina	1855, 1931	1880	1934	1934 [†]	1934
South Dakota	1909	1877	1933	1933	1933
Tennessee		1821			
Texas		1870	1933		1933
Utah	1865, 1901	1877, 1888			
Vermont	1884, 1912	1892, 1895, 1897	1923		1923
Virginia		1794, 1838	1934	1934	1934
Washington	1909	1881	1933		1933
West Virginia		1870	1925		
Wisconsin	1872, 1921	1858	1929, 1933		1933
Wyoming		1876	1933		
Total Laws	16	50	31	8–11	23

SOURCE: Duke Law, Duke Center for Firearms Law, Repository of Historical Gun Laws,
<https://firearmslaw.duke.edu/repository/search-the-repository/>

[†]Ambiguous law that could apply to semi-automatic in addition to automatic firearms.

Agostino.” After the verdict the man continued to be held under \$2000 bail. “The Man Trap,” The Buffalo Commercial, Nov. 1, 1870; from the N.Y. Standard, Oct. 29, 1870, <https://bit.ly/3SDv2Nf>.

EXHIBIT C

EXHIBIT C

DANGEROUS WEAPONS RESTRICTIONS
(YEARS OF ENACTMENT)

STATE ¹	BOWIE KNIVES	Bludgeon	Billy/Billie Clubs	Clubs	Slung Shot	Sand Bag Sand Club	Pistols	Any Concealed /Deadly/Dan gerous Weapon
Alabama	1837,1839, 1841,1867, 1876,1877, 1879,1892			1805	1873		1839, 1841	
Alaska	1896 [†]				1896-99		1896	1896
Arizona	1867,1889, 1901				1873, 1889 1893, 1901		1889	1867
Arkansas	1871, 1875			1835	1871		1820, 1837	
California	1855, 1896	1849, 1853, 1876	1917, 1923		1864, 1923	1917, 1923	1850, 1864	1849
Colorado	1862,1867, 1877, 1881	1876			1886		1862	1862
Connecticut	1890 [†]				1890		1890, 1923	
Delaware	1881 [†]			1797			1852	
District of Columbia	1858,1871, 1892				1871		1857, 1871	
Florida	1835, [†] 1838 ,1847,1868 ,1893 [†]		1888		1868, 1888		1887	

¹ In addition to state laws, this chart provides the year of enactment of local ordinances adopted within the states.

Georgia	1837,1860, 1873	1816			1860		1837	
Hawaii	1852, 1913				1852, 1913		1913	
Idaho	1864 [†] 1875, 1879, 1909	1875			1879		1909	1864
Illinois	1876, 1881	1845			1881, 1893		1881	
Indiana	1859			1804, 1855, 1881, 1905	1875, 1905		1820	1831
Iowa	1882,1887, 1900		1882		1882	1887, 1900	1882, 1887, 1897, 1929	
Kansas	1862,1863 1868,1883, 1887		1862, 1887		1883, 1887, 1899		1901	
Kentucky	1859			1798	1859		1812, 1813	
Louisiana	1870						1813	1813, 1842, 1870
Maine	1840,1841, 1884 [†]			1786			1840	1841
Maryland	1872,1886, 1888, 1890	1809, 1874, 1886	1872, 1874 1884, 1886 1890, 1927		1886	1890	1872	
Massachusetts	1836 [†]			1750	1850, 1927		1751	
Michigan	1891	1927, 1929	1887, 1891, 1927, 1929	1913	1887, 1891, 1929	1887, 1891, 1927, 1929	1887	
Minnesota	1882				1882, 1888	1888	1881	1882
Mississippi	1837,1838, 1878			1799, 1804	1878		1838,1878	
Missouri	1871,1897, 1917, 1923		1871, 1897, 1923	1818	1883, 1888, 1897, 1917		1873	
Montana	1864,1879, 1885	1887					1864, 1865	1888
Nebraska	1877,1890, 1899	1858	1872, 1890, 1899		1890		1881	

Nevada	1873	1872			1881		1881, 1925	
New Hampshire								
New Jersey	1871, 1905 [†]	1799, 1877, 1927	1871, 1927		1871, 1873, 1927	1871, 1927	1686	
New Mexico	1852 [†] 1853, 1859, 1864 1887	1887			1853, 1859, 1869, 1887		1852, 1853	
New York	1866, 1885, 1911 [†]	1911, 1913, 1931	1866, 1881, 1884, 1885, 1900, 1911, 1913, 1931	1664	1866	1866, 1881, 1900, 1911, 1913, 1931	1891	
North Carolina	1840, 1856, 1858, 1860, 1879				1879		1792, 1840	
North Dakota	1895, 1915 [†]	1915	1915		1895	1915	1895	
Ohio	1859, 1880, 1890						1859	1788, 1859, 1880
Oklahoma	1890, 1891, 1903		1890, 1891		1890, 1891, 1903	1890	1890	
Oregon	1885 [†]		1898, 1917		1885, 1917	1917	1853	
Pennsylvania	1897		1897		1851		1851	
Rhode Island	1893, 1896, 1908		1893, 1908		1893, 1896		1893	
South Carolina	1880, 1923				1880		1880	
South Dakota	1903 [†]				1877, 1903		1877	
Tennessee	1838, 1856, 1863, 1867, 1871, 1881, 1893				1879, 1882, 1893		1821	
Texas	1856, 1871, 1879, 1897			1899	1871, 1879, 1889, 1897, 1899		1870	

Utah	1877						1877, 1888	
Vermont	1892, 1895 [†]				1895		1895, 1897	
Virginia	1838, 1887			1792	1887		1794	
Washington	1854, 1859 1869						1881	1854, 1859, 1869, 1881, 1883, 1892, 1896, 1897
West Virginia	1870, 1882, 1891, 1925		1870, 1882, 1891, 1925		1891		1870	
Wisconsin	1883, 1896				1883, 1888		1858	1883
Wyoming	1884, 1890 1899, 1925	1876, 1893			1884, 1890, 1899		1876	
Total Laws	136	25	44	17	79	21	66	24

SOURCE: <https://firearmslaw.duke.edu/repository/search-the-repository/>

[†] States that prosecuted/regulated/barred knives more generally without specifically mentioning Bowie knives.

EXHIBIT D

EXHIBIT D

MACHINE GUN AND SEMI-AUTOMATIC FIREARMS LAWS¹

CALIFORNIA:

1927 Cal. Stat. 938, An Act to Prohibit the Possession of Machine Rifles, Machine Guns and Submachine Guns Capable of Automatically and Continuously Discharging Loaded Ammunition of any Caliber in which the Ammunition is Fed to Such Guns from or by Means of Clips, Disks, Drums, Belts or other Seperable Mechanical Device, and Providing a Penalty for Violation Thereof, ch. 552, §§ 1-2.

§ 1. . . . [E]very person, firm or corporation, who within the State of California possesses any firearm of the kind commonly known as a machine gun shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment. Provided, however that nothing in this act shall prohibit police departments and members thereof, sheriffs, and city marshals or the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

§ 2. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

1933 Cal. Stat. 1169

§ 2. [E]very person, firm or corporation, who within the State of California sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun ... is guilty of a public offense...

§ 3. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns, or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, discs, drums, belts or other separable mechanical device and all firearms which are automatically fed after each discharge from or by means of clips, discs, drums,

¹ Further research may yield additional laws regulating firearm hardware.

belts or other separable mechanical device having a capacity greater than ten cartridges.

1933 Cal. Stat. 1169

§ 2. [E]very person, firm or corporation, who within the State of California sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun ... is guilty of a public offense...

§ 3. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns, or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, discs, drums, belts or other separable mechanical device and all firearms which are automatically fed after each discharge from or by means of clips, discs, drums, belts or other separable mechanical device having a capacity greater than ten cartridges.

DELAWARE:

1931 Del. Laws 813, An Act Making it Unlawful for any Person or Persons Other than the State Military Forces or Duly Authorized Police Departments to have a Machine Gun in his or their Possession, and Prescribing a Penalty for Same, ch. 249, § 1.

On and after the passage and approval of this Act it is and shall be unlawful for any person or persons other than the State Military Forces or duly authorized Police Departments to have a machine gun in his or their possession, within the State of Delaware. Any person or persons convicted under the provisions of this Act shall be deemed guilty of a felony and shall be punished by either fine or imprisonment, or both, in the discretion of the Court

DISTRICT OF COLUMBIA:

District of Columbia 1932:

1932, Public-No. 275-72D Congress

CHAPTER 465

H.R. 8754

AN ACT To Control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties to prescribe rules of evidence, and for other purposes.

DEFINITIONS

SECTION 1. "Pistol," as used in this Act, means any firearm with a barrel less than twelve inches in length. "Sawed-off shotgun" as used in this Act, means any shotgun with a barrel less than twenty inches in length. "Machine gun," as used in this Act, means any firearm which shoots automatically or semiautomatically more than twelve shots without reloading. . . .

SEC. 2. If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than five years; upon a second conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than ten years; upon a third conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than fifteen years; upon a fourth or subsequent conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for an additional period of not more than thirty years.

PERSONS FORBIDDEN TO POSSESS CERTAIN FIREARMS

SEC. 3. No person who has been convicted in the District of Columbia or elsewhere of a crime of violence shall own or have in his possession a pistol, within the District of Columbia.

CARRYING CONCEALED WEAPONS

SEC. 4. No person shall within the District of Columbia carry concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without a license therefor issued as hereinafter provided, or any deadly or dangerous weapon.

EXCEPTIONS

SEC. 5. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly appointed law -enforcement officers, or to members of the Army, Navy, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place

of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

ISSUE OF LICENSES TO CARRY

SEC. 6. The superintendent of police of the District of Columbia may, upon the application of any person having a bona fide residence or place of business within the District of Columbia or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol within the District of Columbia for not more than one year from date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol and that he is a suitable person to be so licensed. The license shall be in duplicate, in form to be prescribed by the Commissioners of the District of Columbia and shall bear the name, address, description, photograph, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, and the duplicate shall be retained by the superintendent of police of the District of Columbia and preserved in his office for six years.

SEC. 7. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or, except when the relation of parent and child or guardian and ward exists, is under the age of eighteen years.

TRANSFERS REGULATED

SEC. 8. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section

14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

DEALERS TO BE LICENSED

SEC. 9. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed - off shotgun, or blackjack without being licensed as hereinafter provided. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed -oil shotgun, or blackjack.

DEALERS' LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF

SEC. 10. The Commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 9 hereof, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this Act. 1. The business shall be carried on only in the building designated in the license. 2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read. 3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is a drug addict or has been convicted in the District of Columbia or elsewhere of a crime of violence or is under the age of eighteen years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun,

or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained

from the superintendent of police of the District of Columbia. 4. A true record shall be made in a book kept for the purpose the form of which may be prescribed by the Commissioners, of pistols, machine guns, and sawed-off shotguns in the possession of the licensee, which said record shall contain the date of purchase, the caliber, make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the date of sale. 5. A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Commissioners of the District of Columbia and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other

and shall contain the date of sale, the name, address, occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and a statement signed by the purchaser that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. One copy of said record shall, within seven days, be forwarded by mail to the superintendent of police of the District of Columbia and the other copy retained by the seller for six years. 6. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of said premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

FALSE INFORMATION FORBIDDEN

SEC. 11. No person, shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine sawed-off shotgun, or blackjack within the District of Columbia, give false information or offer false evidence of his identity.

ALTERATION OF IDENTIFYING MARKS PROHIBITED

SEC. 12. No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

SEC. 13. This Act shall not apply to toy or antique pistols unsuitable for use as firearms.

SEC. 14. No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, That machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly appointed law -enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public

carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 10 of this Act.

PENALTIES

SEC. 15. Any violation of any provision of this Act for which no penalty is specifically provided shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

CONSTITUTIONALITY

SEC. 16. If any part of this Act is for any reason declared void, provision not to affect remainder, such invalidity shall not affect the validity of the remaining portions of this Act.

Approved, July 8, 1932.

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FLORIDA:

1913 Fla. 117, An Act to Regulate the Hunting of Wild Deer etc., § 8.

It shall, at any time, be unlawful to hunt wild game in Marion County with guns—known as Automatic guns.

1933 Fla. Laws 623, An Act to Prevent Throwing of Bombs and the Discharge of Machine Guns Upon, or Across Any Public Road in the State of Florida . . . , ch. 16111, § 1.

That it shall be unlawful for any person to throw any bomb or to shoot off or discharge any machine guns upon, across or along any road, street or highway in the State of Florida, or upon or across any public park in the State of Florida, or in, upon or across any public place where people are accustomed to assemble in the State of Florida, and the casting of such bomb or the discharge of such machine gun in, upon or across such public street, or in, upon or across such public park, or in, upon or across such public place, whether indoors or outdoors, including all theatres and athletic stadiums, with intent to do bodily harm to any person or with intent to do damage to the property of any person, shall be a felony and shall be punishable by death.

HAWAII:

1933 Haw. Special Sess. Laws 117, An Act . . . Regulating The Sale, Transfer And Possession Of Certain Firearms, Tear Gas And Ammunition: § 2.

Except as permitted under the provisions of this Act, no person, firm or corporation shall own, possess, sell, offer for sale or transport any firearm of the kind commonly known as a machine gun or any shell cartridge or bomb containing or capable of emitting tear gas or any other noxious gas. Provided, however, that nothing in this Act contained shall prohibit the sale to, purchase by, or possession of such firearms by any city and county, county, territorial or federal officer where such firearms are required for professional use in the discharge of his duties, nor to the transportation of such firearms for or on behalf of police departments and members thereof, sheriffs, or the military or naval forces of this Territory or of the United States and “Provided, further that nothing in this Act shall prohibit police departments and members thereof, sheriffs, or the military or naval forces of the territory or of the United States from possessing or transporting such shells, cartridges or bombs for professional use in the discharge of their duties. “The term ‘shell, cartridge or bomb’, as used in this Act shall be construed to apply to and include all shells, cartridges, or bombs capable of being discharged or exploded through or by the use of percussion caps, fuses, electricity, or otherwise, when such discharge or explosion will cause or permit the release or emission of tear gases. The term ‘machine gun’ as used in this Act shall be construed to apply to and include machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device.”

1933 Haw. Sess. Laws 36, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 2.

Definitions. “Firearm” as used in this Act means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and sub-machine guns. The specific mention herein of certain weapons does not exclude from the definition other weapons operated by explosives.

“Crime of violence” as used in this Act means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in Sections 4130 and 4131 of said Revised Laws. “Pistol” or “revolver” as used in this Act, means and includes any firearm of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas. “Person” as used in this Act includes

individuals, firms, corporations and copartnerships, and includes wholesale and retail dealers.

ILLINOIS:

1931 Ill. Laws 452-53, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, §§ 1-2.

§ 1. For purposes of this Act the term “machine gun” applies to and includes all firearms commonly known as machine rifles, machine guns and sub-machine guns of any calibre whatsoever, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to such gun from or by means of clips, disks, belts, or other separable mechanical device. The term “manufacturer” shall apply to and include all persons dealing with machine guns as merchandise.

§ 2. It is unlawful for any person to sell, keep or offer for sale, loan or give away, purchase, possess, carry or transport any machine gun within this State, except that

1. Sheriffs, constables, marshals, police officers and other duly appointed peace officers may purchase, possess, carry and transport machine guns.
2. The provisions of this Act shall not apply to the Army, Navy or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States, or from this State, and the members of such Corps, National Guard and organizations while on duty, may possess, carry and transport machine guns.
3. Persons, organizations or institutions possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry such machine guns in the parades of any military organization, and may sell, offer to sell, loan or give such machine guns to other persons, organizations or institutions possessing war relics.
4. Guards or messengers employed by common carriers, banks and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation or delivery, or in the guarding of any money, treasure, bullion, bonds or other thing of value, and their employers may purchase or receive machine guns and keep them in their possession when such guns are not being used by such guards or messengers.
5. Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess and transport, machine guns, in the same manner as other merchandise except as hereinafter provided, and common carriers may possess and transport unloaded machine guns, as other merchandise.

1931 Ill. Laws 453, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, § 4.

Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. This register shall show the date of the sale, loan, gift, delivery or receipt of any machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received, and the purpose for which the person to whom the machine gun was sold, loaned, given or delivered, purchased or obtained said machine gun. Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff, or any police officer to inspect his entire stock of machine guns, parts and supplies therefor, and shall produce the register herein required and all written permits to purchase or possess a machine gun, which he has retained and filed in his place of business for inspection by such officer.

1931 Ill. Laws 454, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, § 7.

Any person committing or attempting to commit arson, assault, burglary, kidnapping, larceny, rioting, or robbery while armed with a machine gun shall be imprisoned in the penitentiary for his natural life, or for a term not less than five years.

INDIANA:

1927 Ind. Acts 469, Public Offenses—Ownership, Possession or Control of Machine Guns or Bombs—Penalty, ch. 156, § 1.

. . . [W]hoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one year nor more than five years.

1927 Ind. Acts 469, Operation of Machine Guns, Discharge of Bombs—Offense and Penalty, ch. 156, § 2.

Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two nor more than ten years.

1929 Ind. Acts 139, Criminal Offenses—Commission of or Attempt to Commit Crime While Armed with Deadly Weapon, ch.55, § 1.

Be it enacted by the general assembly of the State of Indiana, That any person who being over sixteen years of age, commits or attempts to commit either the crime of rape, robbery, bank robbery, petit larceny or grand larceny while armed with a pistol, revolver, rifle, shotgun, machine gun or any other firearm or any dangerous or deadly weapon, or while any other person present and aiding or assisting in committing or attempting to commit either of said crimes is armed with any of said weapons, shall be guilty of a separate felony in addition to the crimes above named and upon conviction shall be imprisoned for a determinate period of not less than ten years nor more than twenty years

IOWA:

1927 Iowa Acts 201, An Act to prohibit the Possession or Control of Machine Guns. . . ., §§ 1-2.

§ 1. No person, firm, partnership, or corporation shall knowingly have in his or its possession or under his or its control any machine gun which is capable of being fired from the shoulder or hip of a person, and by the recoil of such gun.

§ 2. No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.

KANSAS:

1933 Kan. Sess. Laws 76, An Act Relating to Machine Guns and Other Firearms Making the Transportation or Possession Thereof Unlawful in Certain Cases, Providing for Search, Seizure and Confiscation Thereof in Certain Cases, Relating to the Ownership and Registration of Certain Firearms, and Providing Penalties for the Violation of this Act, ch. 62, §§ 1-3.

§ 1. That it shall be unlawful for any person, firm, or corporation other than a sheriff or other peace officer or any military unit of the state or of the United States or any common carrier for hire, to transport or have in his possession or under his control a firearm known as a machine rifle, machine gun, or submachine gun: Provided, That banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup, may secure permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms: Provided further, That museums, American Legions posts, and other

similar patriotic organizations may possess such firearms, when no usable as a weapon and when possessed as a curiosity, ornament or keepsake.

§ 2. That any person violating the provisions of the preceding section shall be guilty of a felony, and upon conviction shall be subject to imprisonment in the state penitentiary for not less than one year nor more than five years.

§ 3. Upon complaint being made on oath to any officer authorized to issue process for the apprehension of offenders that a firearm or firearms known as a machine rifles, machine guns or sub-machine guns as described in this act, are concealed in any particular house or place, and if such magistrate shall be satisfied that there are reasonable grounds for believing same to be true, he shall issue a warrant to search the house or place for such firearms

LOUISIANA:

1932 La. Acts 337-38, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, and Providing a Penalty for a Violation Hereof . . . , §§ 1-2.

§ 1. . . . for the purpose of this Act the term “machine gun” applies to and include all firearms commonly known as machine rifles, machine guns and sub-machine guns of any caliber whatsoever, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to such gun from or by means of clips, disks, belts, or other separable mechanical device.

§ 2. It is unlawful for any person to sell, keep or offer for sale, loan or give away, purchase, possess, carry or transport any machine gun within this State, except that (exceptions for law enforcement, military, war relics, museums, guards, messengers)

MARYLAND:

1927 Md. Laws 156, § 388-B.

That not person, persons house, company, association or body corporate, shall deposit, keep or have in his, her, their or its possession any spirituous or fermented liquors, or intoxicating drinks of any kind whatsoever, or any article used or sold as a beverage in the composition of which, whiskey, brandy, high wines or alcoholic, spirituous or fermented liquors shall be an ingredient or ingredients, in any automobile or other vehicle in which any device for the prevention or arrest or apprehension of said motor vehicle, or the occupants thereof of the type commonly known as a smoke screen is carried, whether the said device be attached as a part of said motor vehicle in which any gun, pistol, revolver, rifle machine gun, or other

dangerous or deadly weapon of any kind whatsoever is carried, whether in said automobile or vehicle, or on the person of any occupant of the same.

MASSACHUSETTS:

1927 Mass. Acts 416, An Act Relative to Machine Guns and Other Firearms, ch. 326, § 5 (amending §10)

. . . Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a pistol or revolver, loaded or unloaded, or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty... or whoever so carries any stiletto, dagger, dirk knife, slung shot, metallic knuckles or sawed off shotgun, or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a crime or a breach or disturbance of the public peace, is armed with, or has on his person, or has on his person or under his control in a vehicle, a billy or dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than six months nor more than two and a half years in a jail . .

1927 Mass. Acts 413, An Act Relative to Machine Guns and Other Firearms, ch. 326, §§ 1-2 (amending §§ 121, 123)

§ 1. In sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, “firearms” includes a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breach, does not exceed twelve inches, and a machine gun, irrespective of the length of the barrel. Any gun of small arm calibre designed for rapid fire and operated by a mechanism, or any gun which operates automatically after the first shot has been fired, either by gas action or recoil action, shall be deemed to be a machine gun for the purposes of said sections, and of sections one hundred and thirty-one and one hundred and thirty one B. . .

§ 2. . . Eighth, That no pistol or revolver shall be sold, rented or leased to a person who has not a permit, then in force, to purchase, rent or lease the same issued under section one hundred and thirty-one A, and that no machine gun shall be sold, rented or leased to a person who has not a license to possess the same issued under section one hundred and thirty-one. . .

MICHIGAN:

1927 Mich. Pub. Acts 888-89, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. . . .

1929 Mich. Pub. Acts 529, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

It shall be unlawful within this state to manufacture, sell, offer for sale or possess any machine gun or firearm which can be fired more than sixteen times without reloading or any muffler, silencer, or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container, or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact.

MINNESOTA:

1933 Minn. Laws 231-33, An Act Making It Unlawful to Use, Own, Possess, Sell, Control or Transport a “Machine Gun”, as Hereinafter Defined, and Providing a Penalty for the Violation Thereof, ch. 190, §§ 1-3.

§ 1. Definitions. (a) Any firearm capable of loading or firing automatically, the magazine of which is capable of holding more than twelve cartridges, shall be a machine gun within the provisions of the Act. (b) Any firearm capable of automatically reloading after each shot is fired, whether firing singly by separate trigger pressure or firing continuously by continuous trigger pressure; which said firearm shall have been changed, altered or modified to increase the magazine from the original design as manufactured by the manufacturers thereof, or by the addition thereto of extra and/or longer grips or stocks to accommodate such extra capacity, or by the addition, modification and/or attachment thereto of any other device capable of increasing the magazine capacity thereof, shall be a machine gun

within the provisions of this Act. (c) A twenty-two caliber light sporting rifle, capable of firing continuously by continuous trigger pressure, shall be a machine gun within the provisions of this Act. But a twenty-two caliber light sporting rifle, capable of automatically reloading but firing separately by separate trigger pressure for each shot, shall not be a machine gun within the provisions of this Act and shall not be prohibited hereunder, whether having a magazine capacity of twelve cartridges or more. But if the same shall have been changed, altered, or modified, as prohibited in section one (b) hereof, then the same shall be a machine gun within the provisions of this Act.

§ 2. Application. This Act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, or to any warden, superintendent or head keeper of any prison, penitentiary, county jail or other institution for retention of any person convicted or accused of crime, while engaged in the discharge of official duties, or to any public official engaged in the enforcement of law; nor to any person or association possessing a machine gun not usable as a weapon and possessed as a curiosity, ornament or keepsake; when such officers and persons and associations so excepted shall make and file with the Bureau of Criminal Apprehension of this state within 30 days after the passage of this Act, a written report showing the name and address of such person or association and the official title and position of such officers . . .

§ 3. Machine guns prohibited. Any person who shall own, control, use, possess, sell or transport a machine gun, as herein defined, in violation of this Act, shall be guilty of a felony.

MISSOURI:

1929 Mo. Laws 170, Crimes and Punishment, Prohibiting the Sale, Delivery, Transportation, Possession, or Control of Machine Rifles, Machine Guns and Sub-machine Guns, and Providing Penalty for Violation of Law, §§ 1-2.

§ 1. Unlawful to sell, deliver, transport or have in possession any machine gun. – It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this act shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two (2) nor more than thirty (30) years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment. Provided, that nothing in this act shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

§ 2. The term “machine-gun” defined – The term “machine gun” as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

NEBRASKA:

1929 Neb. Laws 674, An Act Prohibiting the Sale, Possession and Transportation of Machine Guns within the State of Nebraska; and Prescribing Penalties for the Violation of the Provisions Hereof, ch. 190, §§ 1-2.

§ 1. Machine Guns – Sale Unlawful – Penalty – It shall be unlawful for any person, firm or corporation, its or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not less than one thousand dollars nor more than ten thousand dollars.

§ 2. U.S. Army and National Guard Exempt – It shall be unlawful for any person or persons, except officers of the law, soldiers of the United States Army, or officers and enlisted men of the National Guard of this state, to transport any machine gun on any highway within this state, or to have in possession for any unlawful purpose any machine gun. Any person violating any of the provisions of this section shall be deemed guilty of a felony and upon conviction thereof, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years.

NEW JERSEY:

1920 N.J. Laws 67, An Act to Amend an Act Entitled, “An Act for the Protection of Certain Kinds of Birds, Game and Fish, to Regulate Their Method of Capture, and Provide Open and Close Seasons for Such Capture and Possession,” ch. 31, § 9.

It shall be unlawful to use in hunting fowl or animals of any kind any shotgun or rifle holding more than two cartridges at one time, or that may be fired more than twice without reloading, or to use any silencer on any gun rifle or firearm when hunting for game or fowl under a penalty of twenty dollars for each offense.

1927 N.J. Laws 742, A Further Supplement to an Act Entitled, “An Act for the Punishment of Crimes,” ch. 321, § 1.

No pawnbroker shall hereafter sell or have in his possession for sale or to loan or give away, any machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive. Any pawnbroker violating the provisions of this act shall be guilty of a high misdemeanor and punished accordingly.

1927 N.J. Laws 180-81, A Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 95, §§ 1-2.

§ 1. The term “machine gun or automatic rifle,” as used in this act, shall be construed to mean any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the said weapon, mechanism or instrument and fired therefrom at a rate of five or more shots to the second.

§ 2. Any person who shall sell, give, loan, furnish or deliver any machine gun or automatic rifle to another person, or any person who shall purchase, have or possess any machine gun or automatic rifle, shall be guilty of a high misdemeanor; provided, the provisions of this section shall not apply to any person who has procured and possesses a license to purchase, have and possess a machine gun or automatic rifle as hereinafter provided for; nor to the authorized agents and servants of such licensee; or to the officers and members of any duly authorized military organization; nor to the officers and members of the police force of any municipality, nor to the officers and members of the State Police force; nor to any sheriff or undersheriff; nor to any prosecutor of the pleas, his assistants, detectives and employees.

1934 N.J. Laws 394-95, A Further Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 155, §§ 1-5.

§ 1. A gangster is hereby declared to be an enemy of the state.

§ 2. Any person in whose possession is found a machine gun or a submachine gun is declared to be a gangster; provided, however, that nothing in this section contained shall be construed to apply to any member of the military or naval forces of this State, or to any police officer of the State or of any county or municipality thereof, while engaged in his official duties.

§ 3. Any person, having no lawful occupation, who is apprehended while carrying a deadly weapon, without a permit so to do and how has been convicted at least

three times of being a disorderly person, or who has been convicted of any crime, in this or in any other State, is declared to be a gangster.

§ 4. Any person, not engaged in any lawful occupation, known to be a member of any gang consisting of two or more persons, who has been convicted at least three times of being a disorderly person, or who has been convicted of any crime, in this or in any other State, is declared to be a gangster; provided, however, that nothing in this section contained shall in any wise be construed to include any participant or sympathizer in any labor dispute.

§ 5. Any person convicted of being a gangster under the provisions of this act shall be guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars (\$10,000.00), or by imprisonment not exceeding twenty years, or both.

NEW YORK:

1931 N.Y. Laws 1033, An Act to Amend the Penal Law in Relation to Carrying and Use of Glass Pistols, ch. 435, § 1.

A person who attempts to use against another an imitation pistol, or who carries or possesses any instrument or weapon of the kind commonly known as a black-jack, slungshot, billy, sand club, sandbag, metal knuckles, bludgeon, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, machine gun, sawed off shot-gun, or any other dangerous or deadly instrument, or weapon is guilty of a misdemeanor, and if he has been previously convicted of any crime he is guilty of a felony.

1933 N.Y. Laws 1639, An Act to Amend the Penal Law, in Relation to the Sale, Possession and Use of Sub-Machine Guns, ch. 805, §§ 1, 3.

§ 1. . . A person who sells or keeps for sale, or offers or gives, disposes of or transports any instrument or weapon of the kind usually known as a machine-gun or a sub-machine gun to any person is guilty of a felony, except that the manufacture of machine-guns and sub-machine guns as merchandise and the sale and shipment thereof direct to regularly constituted or appointed state or municipal police departments, sheriffs, policemen, and other peace officers, and to state prisons, penitentiaries and county jails, and to military and naval organizations shall be lawful.

§ 3. . . . A machine gun is a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun. A person who

possesses or uses such machine-gun is guilty of a felony. The presence of such machine-gun in any room, dwelling, structure, or vehicle shall be presumptive evidence of its illegal possession by all the persons occupying the place where such machine gun is found.

NORTH CAROLINA:

1917 N.C. Sess. Laws 309, Pub. Local Laws, An Act to Regulate the Hunting of Quail in Harnett County, ch. 209, § 1.

That the open season for hunting quail shall be from the first day of December to the fifteenth day of January following each succeeding year, and that it shall be unlawful to kill quail with any gun or guns that shoot over two times before reloading, and any person violating any of the provisions of this act shall be guilty of a misdemeanor.

NORTH DAKOTA:

1931 N.D. Laws 305-06, An Act to Prohibit the Possession, Sale and Use of Machine Guns, Sub-Machine Guns, or Automatic Rifles and Defining the Same . . . , ch. 178, §§ 1-2.

§ 1. The term “machine gun, sub-machine gun or automatic rifle” as used in this act shall be construed to mean a weapon mechanism or instrument not requiring the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the said weapon, mechanism or instrument and fired therefrom at a rate of five or more shots to the second.

§ 2. Any person who shall sell, give, loan, furnish or deliver any machine gun, sub-machine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases to another person, or any person who shall purchase, have or possess any machine gun, sub-machine gun, automatic rifle, or a caliber larger than twenty-two or a bomb loaded with explosives or poisonous or dangerous gases, shall be guilty of a felony and shall be punished by imprisonment in the state penitentiary not to exceed ten years, or by a fine of not more than three thousand dollars, or both. Provided, that the provisions of this act shall not apply to any person who has procured and possesses a license to purchase, sell, have or possess a machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases, as hereinafter provided for, nor to the authorized agents and servants of such licensee or to the officers and members of any duly authorized military organization, nor to the officers and members of the police force of any

municipality, nor to any Sheriff, deputy sheriff, nor any other officer having police powers under the laws of the State.

OHIO:

1933 Ohio Laws 189-90, Reg. Sess., An Act. . . Relative to the Sale and Possession of Machine Guns, § 1.

That § 12819 of the General Code be supplemented . . . to read as follows:

Definitions. § 12819-3. For the purpose of this act, a machine gun, a light machine gun or a sub-machine gun shall be defined as any firearm which shoots automatically, or any firearm which shoots more than eighteen shots semi-automatically without reloading. Automatically as above used means that class of firearms which, while the trigger on the firearm is held back continues to fire successive shots. Semi-automatically means that class of firearm which discharges one shot only each time the trigger is pulled, no manual reloading operation being necessary between shots. Machine gun permit; application; bond or applicant; exceptions. § 12819-4. No person shall own, possess, transport, have custody of or use a machine gun, light machine gun or sub-machine gun, unless he first procures a permit therefor from and at the direction of the adjutant general of Ohio, who shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it was or is to be obtained, the name of the person or persons to have custody thereof and the place of residence of the applicant and custodian. Before obtaining such permit each applicant shall give bond to the state of Ohio, to be approved by the adjutant general in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. Provided, however, that this section shall not affect the right of the national guard of Ohio, sheriffs, regularly appointed police officers of incorporated cities and villages, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions or financial institutions maintaining their own police force and such special officers as are now or may be hereafter authorized by law to possess and use such weapons when on duty. Any person who owns, possesses or has custody of a machine gun, light machine gun or sub-machine gun at the time when this section shall become effective, shall have thirty days thereafter in which to comply with the provisions of this section. Penalty for possession, transportation, etc., without permit. § 12819-5. Whoever owns, possesses, transports or has custody of or uses a machine

gun, light machine gun or sub-machine gun without a permit, as provided by section 12819-4 of the General Code, or whoever having such permit, uses or consents to the use by another of such weapon in an unlawful manner, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than ten years. [War trophies excepted].

OREGON:

1933 Or. Laws 489, An Act to Amend Sections 72-201, 72-202, 72-207, Oregon Code 1930, ch. 315, §§ 3-4.

§ 3. Except as otherwise provided in this act, it shall be unlawful for any person within this state to possess or have in his possession any machine gun . . .

§ 4. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any machine gun, pistol, revolver or other firearm capable of being concealed upon the person is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken . . .

1933 Or. Laws 488, An Act to Amend Sections 72-201, 72-202, 72-207, Oregon Code 1930, § 2.

On and after the date upon which this act takes effect no unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or the state of Oregon or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver, or other firearms capable of being concealed upon the person, or machine gun. The terms “pistol,” “revolver,” and “firearms capable of being concealed upon the person” as used in this acts shall be construed to apply to and include all firearms having a barrel less than 12 inches in length. The word “machine gun” shall be construed to be a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure upon the trigger device. Any person who shall violate the provisions of this section shall be guilty of a felony and, upon conviction thereof, be punishable by imprisonment in the state penitentiary for not less than one nor more than five years.

PENNSYLVANIA:

1929 Pa. Laws 777, An Act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns: §§1-4

§ 1. Be it enacted, etc., That the term “machine gun” as used in this act, shall mean any firearm that fires two or more shots consecutively at a single function of the trigger or firing device.

§ 2. It shall be unlawful for any person, copartnership, association or corporation to sell, or give, or transfer, any machine gun to any person, copartnership, association or corporation within this Commonwealth; and it shall be unlawful for any person, copartnership, association, or corporation to purchase, own or have in possession any machine gun. Any person violating any of the provisions of this section shall be guilty of a felony, and, on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo imprisonment by separate or solitary confinement at labor not exceeding five years.

§ 3. Any person who shall commit, or attempt to commit, any crime within this Commonwealth, when armed with a machine gun, shall, upon conviction of such crime or attempt to commit such crime, in addition to the punishment for the crime for which he has been convicted, be sentenced to separate and solitary confinement at labor for a term not exceeding ten years. Such additional penalty of imprisonment shall commence upon the expiration or termination of the sentence imposed for the crime of which he stands convicted, and shall not run concurrently with such sentence.

§ 4. Nothing contained in this act shall prohibit the manufacture for, and sale of, machine guns to the military forces of the United States, or of the Commonwealth of Pennsylvania, or to any police department of this Commonwealth, or of any political subdivision thereof, nor to the purchase or possession of machine guns by such governments and departments; and nothing contained in this act shall prohibit any organization, branch, camp or post of veterans, or any veteran of any war in which the United States was engaged, from owning and possessing a machine gun as a relic, if a permit for such ownership or possession has been obtained from the sheriff of the county, which permit is at all times attached to such machine gun. The sheriffs of the several counties are hereby authorized, upon application and the payment of a fee of one dollar, to issue permits for the ownership and possession of machine guns by veteran and organizations, branches, camps or posts of veterans and organizations, branches, camps or posts of veterans, upon production to the sheriff of such evidence as he may require that the organization, branch, camp or post is a bona fide organization of veterans, or that any such veteran

applicant is a veteran of good moral character and reputation, and that the ownership and possession of such machine gun is actually desired as a relic.

1929 Pa. Laws 777, An Act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns: § 3.

§ 3. Any person who shall commit, or attempt to commit, any crime within this Commonwealth, when armed with a machine gun, shall upon conviction of such crime or attempt to commit such crime, in addition to the punishment for the crime for which he has been convicted, be sentenced to separate and solitary confinement at labor for a term not exceeding ten years. Such additional penalty of imprisonment shall commence upon the expiration or termination of the sentence imposed for the crime of which he stands convicted, and shall not run concurrently with such sentence.

RHODE ISLAND:

1927 R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms: §§ 1, 12.

§ 1. When used in this act the following words and phrases shall be construed as follows: "pistol" shall include any pistol or revolver, and any shot gun, rifle or similar weapon with overall less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only. "machine gun" shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading. "Firearm shall include any machine gun or pistol.

. . "crime of violence" shall mean and include nay of the following crimes or any attempt to commit any of the same, viz.murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering. "sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly. . .

§ 12. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

1927 (January Session) R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms: §§ 1, 4, 5, 6

§ 1. When used in this act the following words and phrases shall be construed as follows: "Pistol" shall include any pistol or revolver, and any shot gun, rifle or

similar weapon with overall less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only. "machine gun" shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading. "Firearm shall include any machine gun or pistol. . . "Crime of violence" shall mean and include any of the following crimes or any attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering. "Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly. . .

§ 4. No person shall, without a license therefor, issued as provided in section six hereof, carry a pistol in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this act.

§ 5. The provisions of section four shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force or other duly appointed law enforcement officers, nor to members of the army, navy or marine corps of the United States, or of the national guard, when on duty, or of organizations by law authorized to purchase or receive firearms from the United States or this state, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving goods from one place or abode or business to another.

§ 6. The licensing authorities of any city or town shall upon application of any person having a bona fide residence or place of business within such city or town, or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a license to such person to carry concealed upon his person a pistol within this state for not more than one years from date of issue, if it appears the applicant has good reason to fear an injury to his person or property or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the attorney-general and shall bear the

fingerpring, name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the attorney-general and the triplicate shall be preserved for six years by the licensing authorities issuing said license. A fee of two dollars may be charged and shall be paid for each license, to the officer issuing the same. Before issuing any such permit the applicant for the same shall be required to give bond to the city or town treasurer in the penal sum of three hundred dollars, with surety satisfactory to the authority issuing such permit, to keep the peace and be of good behavior. Every such permit shall be valid for one year from the date when issued unless sooner revoked. The fee charged for the issuing of such license or permit shall be applied in accordance with the provisions of section thirty-three of chapter 401 of the general laws.

1927 R. I. Pub. Laws 256, An Act to Regulate the Possession of Firearms: §§ 1, 4, 7, 8.

§ 1. When used in this act the following words and phrases shall be construed as follows: "Pistol" shall include any pistol or revolver, and any shot gun, rifle or similar weapon with overall less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only. "Machine gun" shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading. "Firearm shall include any machine gun or pistol. . . "Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering. "Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly. . .

§ 4. No person shall, without a license therefor, issued as provided in section six hereof, carry a pistol in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this act.

§ 7. The attorney-general may issue a permit to any banking institution doing business in this state or to any public carrier who is engaged in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney general may prescribe.

§ 8. It shall be unlawful within this state to manufacture, sell, purchase or possess except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

1927 R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms, §§1, 3
§ 1. When used in this act the following words and phrases shall be construed as follows: “pistol” shall include any Pistol or revolver, and any shot gun, rifle or similar weapon with overall less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only. “machine gun” shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading. “Firearm shall include any machine gun or pistol. . . “Crime of violence” shall mean and include any of the following crimes or any attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering. “sell” shall include let or hire, give, lend and transfer, and the word “purchase” shall include hire, accept and borrow, and the expression “purchasing” shall be construed accordingly. . .

§ 3. No person who has been convicted in this state or elsewhere of a crime of violence shall purchase own, carry or have in his possession or under his control any firearm.

SOUTH CAROLINA:

1934 S.C. Acts 1288, An Act regulating the use and possession of Machine Guns: §§ 1 to 6.

§ 1. “Machine gun” defined. – Be it enacted by the General Assembly of the State of South Carolina: For the purposes of this Act the word “machine gun” applies to and includes all firearms commonly known as machine rifles, machine guns and sub-machine guns of any caliber whatsoever, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to such gun from or by means of clips, disks, belts or other separable mechanical device.

§ 2. Transportation of Machine Gun. – It shall be unlawful for any person or persons in any manner to transport from one place to another in this State, or from any railroad company, or express company, or other common carrier, or any officer, agent or employee of any of them, or any other person acting in their behalf knowingly to ship or to transport form one place to another in this State in any manner or by any means whatsoever, except as hereinafter provided, any firearm as described hereinabove or commonly known as a machine gun.

§ 3. Storing, Keeping, and/or Possessing Machine Gun. – It shall be unlawful for any person to store, keep, possess, or have in possession, or permit another to store,

keep, possess, or have in possession, except as hereinafter provided, any firearm of the type defined above or commonly known as a machine gun.

§ 4. Selling, Renting or Giving away Machine Gun. – It shall be unlawful for any person to sell, rent, or give away, or be interested directly or indirectly, in the sale, renting or giving away, or otherwise disposing of any firearm of the type above described or commonly known as a machine gun.

§ 5. Exceptions – Register Machine Guns. – The provisions of this Act shall not apply to the army, navy or marine corps of the United States, the National Guard, and organizations authorized by law to purchase or received machine guns from the United States, or from this State, and the members of such corps. National Guard and organizations while on duty or at drill, may possess, carry and transport machine guns, and, Provided, further, That any peace officer of the State, counties or political sub-division thereof. State Constable, member of the Highway patrol, railway policemen, warden, superintendents, headkeeper or deputy of any State prison, penitentiary, workhouse, county jail, city jail, or other institution for detention of persons convicted or accused of crime, or held as witnesses in criminal cases, or persons on duty in the postal service of the United States, or common carrier while transporting direct to any police department, military or naval organization, or persons authorized by law to possess or use a machine gun, may possess machine guns when required in the performance of their duties, nor shall the provisions of this Act be construed to apply to machine guns kept for display as relics and which are rendered harmless and not useable. Within thirty days after the passage of this Act every person permitted by this Act to possess a machine gun or immediately after any person is elected to or appointed to any office or position which entitles such person to possess a machine gun, shall file on the office of the Secretary of State on a blank to be supplied by the Secretary of State on application therefor, an application to be properly sworn to, which shall be approved by the Sheriff of the county in which the applicant resides or has its principal place of business, which shall include the applicants name, residence and business address, description including sex, race, age weight, height, color of eyes, color of hair, whether or not ever charged or convicted of any crime, municipal, State or otherwise, and where, if so charged, and when same was disposed of. The applicant shall also give the description including the serial number and make the machine gun which he possesses or desires to possess. Thereupon the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, and assign to him a number, and issue to him a card which shall bear the signature of the applicant, and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date

application is received and filed with the Secretary of State, and shall expire on December 31, of the year in which said license is issued.

§ 6. Penalty – Any person violating any of the provisions of this Act shall be guilty of a felony, and, on conviction thereof shall be sentenced to pay a fine not exceeding One Thousand Dollars, and undergo imprisonment by separate or solitary confinement at labor not exceeding twenty (20) years.

SOUTH DAKOTA:

1933 S.D. Sess. Laws 245-47, An Act Relating to Machine Guns, and to Make Uniform the Law with Reference Thereto, ch. 206, §§ 1-8.

§ 1. “machine gun” applies to and includes a weapon of any description by whatever name known, loaded or unloaded from which more than five shots or bullets may be rapidly or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device. “Crime of Violence” applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny. “Person” applied to and includes firm, partnership, association or corporation.

§ 2. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not more than twenty years.

§ 3. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not more than fifteen years.

§ 4. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose; (a) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found; or (b) when in the possession of, or used by, an unnaturalized foreign born person, who has been convicted of a crime of violence in any court of record, state or federal of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in §8 and has not been registered as in said section required; or (d) when empty or loaded pistol shells of 30 or larger caliber which have been or are susceptible or use in the machine gun are found in the immediate vicinity thereof.

§ 5. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

§ 6. Exceptions. Nothing contained in this act shall prohibit or interfere with (1.) the manufacture for, and sale of, machine guns to the military forces or the peace

officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; (2.) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; (3.) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

§ 7. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail, for not exceeding six months or by both such fine and imprisonment.

§ 8. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the Secretary of State, on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Secretary of State, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive and aggressive purpose.

TEXAS:

1933 Tex. Gen. Laws 219-20, 1st Called Sess., An Act Defining “Machine Gun” and “Person”; Making It an Offense to Possess or Use Machine Guns. . . , ch. 82, §§ 1-4, 6

§ 1. Definition. “Machine gun” applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be automatically discharged from a magazine by a single functioning of the firing device. “Person” applies to and includes firm, partnership, association or corporation.

§ 2. Whosoever shall possess or use a machine gun, as defined in Section 1, shall be guilty of a felony and upon conviction thereof, shall be confined in the State Penitentiary, for not less than two nor more than ten (10) years.

§ 3. Whoever shall sell, lease, give, barter, exchange, or trade, or cause to be sold, leased, given, bartered, exchanged, or traded, a machine gun as hereinabove defined to any person shall be guilty of a felony and upon conviction thereof, shall be confined to the State Penitentiary, for not less than two (2) nor more than (10) years.

§ 4. [Excludes military, police, unusable keepsakes, prison officers.]

§ 6. The fact that there are many gangsters purchasing machine guns in Texas, causing a menace to the citizenry of Texas, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

VERMONT:

1923 Vt. Acts and Resolves 127, An Act to Prohibit the Use of Machine Guns and Automatic Rifles in Hunting, § 1.

A person engaged in hunting for game who uses, carries, or has in his possession a machine gun of any kind or description, or an automatic rifle of military type with a magazine capacity of over six cartridges, shall be fined not more than five hundred dollars nor less than fifty dollars. The presence of such a firearm in a hunting camp shall be presumptive evidence that the possessor of such a firearm has violated the provisions of this section.

VIRGINIA:

1934 Va. Acts 137-39, An Act to define the term “machine gun”; to declare the use and possession of a machine gun for certain purposes a crime and to prescribe the punishment therefor, ch. 96, §§ 1-7.

§ 1. Where used in this act; (a) “Machine gun” applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than seven shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semi-automatically or otherwise discharged without reloading. (b) “Crime of violence” applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, . . .

§ 2. Possession or use of machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by death or by imprisonment in the State penitentiary for a term not less than twenty years.

§ 3. Unlawful possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

§ 4. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose; (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or (b) When in the possession of , or used by, an unnaturalized foreign born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or (c) When the machine gun is of the kind described in section eight and has not been registered as in said section required; or (d) When empty or loaded pistol shells of thirty (thirty one-hundredths inch or seven and sixty-three one hundredths millimeter) or larger caliber which have been or are susceptible to use in the machine gun are found in the immediate vicinity thereof.

§ 5. The presence of a machine gun in any room, boat, or vehicle shall be prima facie evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

§ 6. (excludes military police etc.)

§ 7. Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, load, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold. . .

WASHINGTON:

1933 Wash. Sess. Laws 335-36, An Act Relating to Machine Guns, Regulating the Manufacture, Possession, Sale of Machine Guns and Parts, and Providing Penalty for the Violation Thereof, and Declaring an Emergency, ch. 64, §§ 1-5.

§ 1. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: provided, however, that such limitation shall not apply to any peace officer in the discharge

of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

§ 2. For the purpose of this act a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

§ 3. Any person violating any of the provisions of this act shall be guilty of a felony.

§ 4. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the State of Washington to seize said machine gun, or parts thereof, wherever and whenever found.

§ 5. This act is necessary for the immediate preservation of public health and safety, and shall take effect immediately.

WEST VIRGINIA:

1925 W.Va. Acts 31-32, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace . . . , ch. 3, § 7, pt. b. It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot or other dangerous weapon of like kind or character or any machine gun, sub-machine gun or high powered rifle or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the forgoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the above mentioned arms to an unnaturalized person.

1925 W.Va. Acts 30-31, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms . . . , ch. 3, § 7, pt. b. (b) It shall be unlawful for any person to carry, transport, or have in his possession any machine gun, sub-machine gun, and what is commonly known as a high

powered rifle, or any gun of a similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this state, and approved by the governor, or until a license therefore shall have been obtained from the circuit court as in the case of pistols and all such licenses together with the numbers identifying such rifle shall be certified to the superintendent of the department of public safety. Provided, further, that nothing herein shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this state at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by such superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent of the department of public safety, in accordance with such rules and regulations as may from time to time be prescribed by such department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit and said application shall contain the same provisions as are required to be shown under the provisions of this act by applicants for pistol licenses, and shall be duly verified by such applicant, and at least one other reputable citizen of this state. Any such permit as granted under the provisions of this act may be revoked by the governor at his pleasure upon the revocation of any such permit the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high powered rifle, or gun of similar kind and character, held by reason of said permit, and any and all ammunition therefor, and the said department of public safety shall also confiscate any such machine gun, sub-machine gun and what is commonly known as a high powered rifle, or any gun of similar kind and character and any and all ammunition therefor so owned, carried, transported or possessed contrary to the provisions of this act, and shall safely store and keep the same, subject to the order of the governor.

WISCONSIN:

1928-1929 Wis. Sess. Laws 157, An Act to Create . . . the Statutes, Relating to Machine Guns and Providing a Penalty, ch. 132, § 1.

Any person who shall own, use or have in his possession a machine gun shall be punished by imprisonment in the state prison for a term the minimum of which shall be one year and the maximum fifteen years. Nothing in this section shall be construed as prohibiting police officers, national guardsmen, sheriffs and their deputies from owning, using or having in their possession a machine gun while actually engaged in the performance of their lawful duties; nor shall any person or

organization be prohibited from possessing any machine gun received from the government as a war trophy.

1931-1933 Wis. Sess. Laws 245-47, An Act . . . Relating to Machine Guns and to Make Uniform the Law with Reference Thereto, ch. 76, § 1, pt. 164.01 to 164.06. 164.01 Definitions (a) “Machine gun” applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device. . .

164.02 Use of Machine Gun is a Separate Crime. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than twenty years.

164.03 Possession for Aggressive Purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term not less than ten years.

164.04 Possession when Presumed For Aggressive Purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose; (1) when the machine gun is on premises not owned or rented, for a bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or (2) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or (3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required; or (4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.05 Presumptions from Presence of Gun. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

164.06 Exceptions. Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of , machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger

caliber, for a purpose manifestly not aggressive or offensive. . . [manufacturers and owners required to register].

1931-1933 Wis. Sess. Laws 778, An Act . . . Relating to the Sale, Possession, Transportation and Use of Machine Guns and Other Weapons in Certain Cases, and Providing a Penalty, ch. 359, § 1.

No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property. (2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years. (3) [doesn't apply to police, military etc.].

WYOMING:

1933 Wyo. Sess. Laws 117, An Act Relating to the Registering and Recording of Certain Facts Concerning the Possession and Sale of Firearms by all Wholesalers, Retailers, Pawn Brokers, Dealers and Purchasers, Providing for the Inspection of Such Register, Making the Violation of the Provisions Hereof a Misdemeanor, and Providing a Penalty Therefor, ch. 101, §§ 1-4.

§ 1. All wholesalers, retailers, dealers and pawn brokers are hereby required to keep a record of all firearms which may come into their possession, whether new or second hand, which record shall be known as the Firearms Register. Such register shall contain the following information, to wit: the name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or second hand, whether it is automatic, a revolver, a single shot pistol, a rifle, a shot gun or a machine gun, the name of the party to whom said firearm is sold in such purchasers handwriting and the date of such sale.

§ 2. Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said Firearm Register, at the time of the delivery to him of any firearm so purchased.

§ 3. The firearm register, herein required to be kept, shall be prepared by every wholesaler, retailer, pawn broker and dealer in firearms in the state of Wyoming within 30 days after this Act shall become effective and shall thereafter be continued as herein provided. It shall be kept at the place of business of said

wholesaler, retailer, pawn broker or dealer, and shall be subject to inspection by any peace officer at all reasonable times.

§ 4. Any person, firm or corporation who shall fail or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$100.00, or imprisoned in the County Jail for a period of not to exceed six months, or by both such fine and imprisonment.

SOURCE: <https://firearmslaw.duke.edu/repository/search-the-repository/>

EXHIBIT E

EXHIBIT E

DANGEROUS WEAPONS LAWS

ALABAMA

1837 Ala. Acts 7, An Act to Suppress the Use of Bowie Knives, §§ 1, 2.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansas [sic] Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie-Knife or Arkansas [sic] Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

And be it further enacted, [t]hat for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same to his list of taxable property, he shall be subject to the pains and penalties of perjury.

1839 Ala. Acts 67, An Act to Suppress the Evil Practice of Carrying Weapons Secretly, § 1

That if any person shall carry concealed about his person any species of fire arms, or any bowie knife, Arkansas tooth-pick, or any other knife of the like kind, dirk, or any other deadly weapon, the person so offending shall, on conviction thereof, before any court having competent jurisdiction, pay a fine not less than fifty, nor more than five hundred dollars, to be assessed by the jury trying the case; and be imprisoned for a term not exceeding three months, at the discretion of the Judge of said court.

1841 Ala. Acts 148–49, Of Miscellaneous Offences, ch. 7, § 4.

Everyone who shall hereafter carry concealed about his person, a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly weapon, pistol or any species of firearms, or air gun, unless such person shall be threatened with, or have good cause to apprehend an attack, or be travelling, or setting out on a journey, shall on conviction, be fined not less than fifty nor more than three hundred dollars: It shall devolve on the person setting up the excuse here allowed for carrying concealed weapons, to make it out by proof,

to the satisfaction of the jury; but no excuse shall be sufficient to authorize the carrying of an air gun, bowie knife, or knife of the like kind or description.

The Revised Code of Alabama Page 169, Image 185 (1867) available at The Making of Modern Law: Primary Sources.

Taxation, § 10. On All pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each; and on all bowie knives, or knives of the like description, held by persons not regular dealers, as aforesaid, a tax of three dollars each; and such tax must be collected by the assessor when assessing the same, on which a special receipt shall be given to the tax payer therefor, showing that such tax has been paid for the year, and in default of such payment when demanded by the assessor, such pistols, revolvers, bowie knives, or knives of like description, must be seized by him, and unless redeemed by payment in ten days thereafter, with such tax, with an additional penalty of fifty per cent., the same must be sold at public outcry before the court house door, after five days notice; and the overplus remaining, if any, after deducting the tax and penalty aforesaid, must be paid over to the person from whom the said pistol, revolver, bowie knife, or knife of like description, was taken, and the net amount collected by him must be paid over to the collector every month, from which, for each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto.

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 882, Image 898 (1877) available at The Making of Modern Law: Primary Sources.

Offenses Against Public Peace, § 4109. Carrying Concealed Weapons – Any person who, not being threatened with, or having good reason to apprehend, an attack, or traveling, or setting out on a journey, carries concealed about his person a bowie knife, or any other knife or instrument of like kind or description, or a pistol, or fire arms of any other kind or description, or an air gun, must be fined, on conviction, not less than fifty, nor more than three hundred dollars; and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months. (Footnote – Not unconstitutional. – 1 Ala. 612 Co-extensive only with necessity – 49 Ala. 355. . .)

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which

the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 989, Image 1005 (1877) available at The Making of Modern Law: Primary Sources.

Proceedings In Circuit and City Courts, § 4809. Carrying Concealed Weapons. – In an indictment for carrying concealed weapons, it is sufficient to charge that the defendant “carried concealed about his person a pistol, or other description of fire-arms,” or “a bowie-knife, or other knife or instrument of the like kind or description,” without averring the want of a legal excuse on his part; and the excuse, if any, must be proved by the defendant, on the trial, to the satisfaction of the jury.

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 901, Image 917 (1877) available at The Making of Modern Law: Primary Sources.

Offenses Against Public Health, etc. § 4230 (3751). Selling, giving, or lending, pistol or bowie knife, or like knife, to boy under eighteen. – Any person who sells, gives, or lends, to any boy under eighteen years of age, any pistol, or bowie knife, or other knife of like kind or description, must on conviction, be fined not less than fifty, nor more than five hundred dollars.

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 883, Image 899 (1877) available at The Making of Modern Law: Primary Sources.

Carrying Weapons, Dangerous or Unusual Weapons | Alabama | 1873

Offenses Against Public Justice, &c. § 4110. Carrying, concealed, brass knuckles and slung-shots. – Any person who carries, concealed about his person, brass knuckles, slung-shot, or other weapon of like kind or description, shall, on conviction thereof, be fined not less than twenty, nor more than two hundred dollars, and may also, at the discretion of the court trying the case, be imprisoned in the county jail, or sentenced to hard labor for the county, for a term not exceeding six months. § 4111. Carrying rifle or shot-gun walking canes. – Any person who shall carry a rifle or shot-gun walking cane, shall, upon conviction, be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned in the penitentiary not less than two years.

J. M. Falkner, The Code of Ordinances of the City Council of Montgomery [Alabama], with the Charter Page 148-49, Image 148-49 (1879) available at The Making of Modern Law: Primary Sources.

§ 428. Any person who, not being threatened with or having good reason to apprehend an attack, or travelling or setting out on a journey, carries concealed about his person a bowie-knife or any other knife of like kind or description, or a pistol or fire-arms of any other kind or description, air gun, slung-shot, brass-knuckles, or other deadly or dangerous weapon, must, on conviction, be fined not less than one nor more than one hundred dollars.

William Logan Martin, Commissioner, The Code of Alabama, Adopted by Act of the General Assembly of the State of Alabama, Approved February 16, 1897, Entitled “An Act to Adopt a Code of Laws for the State Alabama ” with Such Statutes Passed at the Session of 1896-97, as are Required to be Incorporated Therein by Act Approved February 17, 1897; and with Citations to the Decisions of the Supreme Court of the State Construing or Mentioning the Statutes Page 1137, Image 1154 (Vol. 1, 1897) available at The Making of Modern Law: Primary Sources.

[License Taxes; From Whom and For What Business Required; Prices; County Levy,] Taxation, § 27. For dealers in pistols, or pistol cartridges, or bowie-knives, or dirk-knives, whether principal stock in trade or not, three hundred dollars. Any cartridges, whether called rifle or pistol cartridges, or by any other name, that can be used in a pistol, shall be deemed pistol cartridges within the meaning of this subdivision. Any person or firm who orders for another, or delivers any cartridges within this state, shall be deemed a dealer under this provision.

ALASKA

Fred F. Barker, Compilation of the Acts of Congress and Treaties Relating to Alaska: From March 30, 1867, to March 3, 1905 139 1906.

That it shall be unlawful for any person to carry concealed about his person, in any manner whatever, any revolver, pistol, or other firearm, or knife (other than an ordinary pocket knife), or any dirk or dagger, slung shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

1896-99 Alaska Sess. Laws 1270, An Act To Define And Punish Crimes In The District Of Alaska And To Provide A Code Of Criminal Procedure For Said District, chap. 6, § 117.

That it shall be unlawful for any person to carry concealed about his person in any manner whatever, any revolver, pistol, or other firearm, or knife (other than an ordinary pocket knife), or any dirk or dagger, slung shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

ARIZONA

Coles Bashford, The Compiled Laws of the Territory of Arizona, Including the Howell Code and the Session Laws From 1864 to 1871, Inclusive: To Which is Prefixed the Constitution of the United States, the Mining Law of the United States, and the Organic Acts of the Territory of Arizona and New Mexico Page 96, Image 102 (1871) available at The Making of Modern Law: Primary Sources, 1867.

An Act to prevent the improper use of deadly weapons, and the indiscriminate use of fire arms in the towns and villages of the territory. § 1. That any person in this Territory, having, carrying or procuring from another person, any dirk, dirk knife, bowie knife, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry or threatening manner, not in necessary self defense, or who shall, in any manner, unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county of this Territory, shall be fined in any sum not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not less than one nor more than six months, in the discretion of the court, or both such fine and imprisonment, together with the cost of prosecution.

1889 Ariz. Sess. Laws 16, An Act Defining And Punishing Certain Offenses Against The Public Peace, § 1.

If any person within any settlement, town, village or city within this territory shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto, shall forfeit to the County in which his is convicted, the weapon or weapons so carried.

1893 Ariz. Sess. Laws 3, An Act To Regulate And Prohibit The Carrying Of Deadly Weapons Concealed, § 1.

It shall be unlawful for any person to have or carry concealed on or about his person any pistol or other firearm, dirk, dagger, slung-shot, sword cane, spear, brass knuckles, or other knuckles of metal, bowie knife or any kind of knife of weapon except a pocket-knife not manufactured and used for the purpose of offense and defense.

1901 Arizona 1251-53, Crimes Against the Public Peace, §§ 381, 385, 390.

§ 381. It shall be unlawful for any person (except a peace officer in actual service and discharge of his duty) , to have or carry concealed on or about his person, any pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass knuckles or other knuckles of metal, bowie-knife or any kind of knife or weapon, except a pocket knife, not manufactured and used for the purpose of offense and defense.

§ 385. If any person within any settlement, town, village or city within this territory shall carry on or about his person, saddle, or in saddlebags, any pistol, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie- knife or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition shall forfeit to the county in which he is convicted the weapon or weapons so carried.

§ 390. Persons travelling may be permitted to carry arms within settlements or towns of the territory, for one half hour after arriving in such settlements or towns, and while going out of such towns or settlements; and sheriffs and constables of the various counties of this territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties . . .

1901 Ariz. Acts 1252, Crimes and Punishments, §§ 387, 391.

§ 387. If any person shall go into church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show or public exhibition of any kind or into a ball room, social party or social gathering, to any election precinct, on the day or days of any election, where any portion of the people of this territory are collected to vote at any election, or to any other place where people may be assembled to minister, or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie knife or any other kind of knife manufactured and sold for the purposes of offense or defense, he shall be punished by a fine not less than fifty or more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

§ 391. It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted in a conspicuous place in his bar room, or reception room . . . a plain notice to travelers to divest themselves of their weapons in accordance with section 382 . . .

ARKANSAS

Slaves, in Laws of the Arkansas Territory 521 (J. Steele & J. M'Campbell, Eds., 1835).

Race and Slavery Based | Arkansas | 1835

§ 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover, every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offense.

Josiah Gould A Digest of the Statutes of Arkansas All Laws of a General and Permanent Character in Force the Close of the Session of the General Assembly of 380 381–82. 1837.

Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor.

George Eugene Dodge, A Digest of the Laws and Ordinances of the City of Little Rock, with the Constitution of State of Arkansas, General Incorporation Laws, and All Acts of the General Assembly Relating to the City Page 230-231, Image 230-231 (1871) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Arkansas | 1871

City Ordinances, § 287. Whenever there shall be found upon the person of any one, who has been found guilty of a breach of the peace, or for conduct calculated to provoke a breach of the peace, any pistol, revolver, bowie-knife, dirk, rifle, shot gun, slung-shot, colt, or knuckles of lead, brass or other metal; or when, upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of any one while in the act or commission of the act aforesaid, such person shall be fined not less than twenty-five nor more than five hundred dollars, in addition to the penalty for the breach of the peace aforesaid.

Act of Feb. 16, 1875, 1874-75 Ark. Acts 156.

§ 1. That any person who shall wear or carry any pistol of any kind whatever, or any dirk, butcher or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or razor, as a weapon, shall be adjudged guilty of a misdemeanor, and upon conviction thereof, in the county in which said offense shall have been committed, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, to be recovered by presentment or indictment in the Circuit Court, or before any Justice of the Peace of the county wherein such offense shall have been committed; Provided, That nothing herein contained shall be so construed as to prohibit any person wearing or carrying any weapon aforesaid on his own premises, or to prohibit persons traveling through the country, carrying such weapons while on a journey with their baggage, or to prohibit any officer of the law wearing or carrying such weapons when engaged in the discharge of his official duties, or any person summoned by any such officer to assist in the execution of any legal process, or any private person legally authorized to execute any legal process to him directed.

1881 Ark. Acts 191, An Act to Preserve the Public Peace and Prevent Crime, chap. XCVI (96), § 1-2.

That any person who shall wear or carry, in any manner whatever, as a weapon, any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor. . . . Any person, excepting such officers or persons on a journey, and on his premises, as are mentioned in section one of this act, who shall wear or carry any such pistol as i[s] used in the army or navy of the United States, in any manner except uncovered, and in his hand, shall be guilty of a misdemeanor.

CALIFORNIA

1849 Cal. Stat. 245, An Act to Incorporate the City of San Francisco, § 127.

[I]f any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the county jail not more than three months.

S. Garfielde, Compiled Laws of the State of California: Containing All the Acts of the Legislature of a Public and General Nature, Now in Force, Passed at the Sessions of 1850-51-52-53. To Which are Prefixed the Declaration of Independence, the Constitutions of the United States and of California, the Treaty

of Queretaro, and the Naturalization Laws of the United States Page 663-664, Image 682-683 (1853) available at The Making of Modern Law: Primary Sources. Sentence Enhancement for Use of Weapon | California | 1853
Compiled Laws of California, § 127.

If any person shall be found having upon him or her any picklock, crow, key, bitt, or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, shop, warehouse, or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any money, goods, and chattels, every person so offending shall, on conviction thereof, be imprisoned in the county jail not more than two years; and if any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the county jail not more than three months.

William H. R. Wood, Digest of the Laws of California: Containing All Laws of a General Character Which were in Force on the First Day of January, 1858; Also, the Declaration of Independence, Constitution of the United States, Articles of Confederation, Kentucky and Virginia Resolutions of 1798-99, Acts of Congress Relative to Public Lands and Pre-Emptions. Together with Judicial Decisions, Both of the Supreme Court of the United States and of California, to Which are Also Appended Numerous Forms for Obtaining Pre-Emption and Bounty Lands, Etc., Etc. Page 334, Image 340 (1861) available at The Making of Modern Law: Primary Sources.

Crimes and Punishments, Art. 1904. That any person in this state having, carrying or procuring from another person any dirk, dirk-knife, bowie-knife, sword, sword-cane, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry and threatening manner, not in necessary self-defense, or who shall, in any manner, unlawfully use the same, in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county of this state, shall be fined in any sum not less than one hundred, nor more than five hundred dollars, or imprisonment in the county jail not less than one nor more than six months, at the discretion of the court, or both such fine and imprisonment, together with the costs of prosecution; which said costs shall, in all cases be computed and collected in the same manner as costs in civil cases. . . provided, nevertheless, that no sheriff, deputy sheriff, marshal, constable or other peace officer, shall be held to answer under the provisions of this act, for drawing or exhibiting any of the weapons herein-before mentioned, while in the lawful discharge of his or their duties. . .

Theodore Henry Hittell, The General Laws of the State of California, from 1850 to 1864, Inclusive: Being a Compilation of All Acts of a General Nature Now in Force, with Full References to Repealed Acts, Special and Local Legislation, and Statutory Constructions of the Supreme Court. To Which are Prefixed the Declaration of Independence, Constitution of the United States, Treaty of Guadalupe Hidalgo, Proclamations to the People of California, Constitution of the State of California, Act of Admission, and United States Naturalization Laws, with Notes of California Decisions Thereon Page 261, Image 272 (1868) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | California | 1864

An Act to Prohibit the Carrying of Concealed Weapons, § 1.

Every person not being peace-officer, provost-marshal, enrolling-officer, or officer acting under the laws of the United States in the department of the provost-marshal of this State, State and Federal assessors, collectors of taxes and licenses while in

the performance of official duties, or traveler, who shall carry or wear any dirk, pistol, sword in cane, slungshot, or other dangerous or deadly weapon concealed, shall, upon conviction thereof before any court of competent jurisdiction, be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail for not less than thirty nor more than ninety days, or fined in any sum not less than twenty nor more than two hundred dollars. § 2. Such persons, and no others, shall be deemed travelers within the meaning of this act, as may be actually engaged in making a journey at the time.

William. M. Caswell, Revised Charter and Compiled Ordinances and Resolutions of the City of Los Angeles Page 85, Image 83 (1878) available at The Making of Modern Law: Primary Sources. 1878

Ordinances of the City of Los Angeles, § 36. In future, no persons, except peace officers, and persons actually traveling, and immediately passing through Los Angeles city, shall wear or carry any dirk, pistol, sword in a cane, slung-shot, or other dangerous or deadly weapon, concealed or otherwise, within the corporate limits of said city, under a penalty of not more than one hundred dollars fine, and imprisonment at the discretion of the Mayor, not to exceed ten days. It is hereby made the duty of each police officer of this city, when any stranger shall come within said corporate limits wearing or carrying weapons, to, as soon as possible, give them information and warning of this ordinance; and in case they refuse or decline to obey such warning by depositing their weapons in a place of safety, to complain of them immediately.

L. W. Moultrie, City Attorney, Charter and Ordinances of the City of Fresno, 1896 Page 37, Image 35 (1896) available at The Making of Modern Law: Primary Sources. Misdemeanors. § 53.

No junk-shop keeper or pawnbroker shall hire, loan or deliver to any minor under the age of 18 years any gun, pistol or other firearm, dirk, bowie-knife, powder, shot, bullets or any weapon, or any combustible or dangerous material, without the written consent of the parent or guardian of such minor.

L. W. Moultrie, Charter and Ordinances of the City of Fresno Page 30, Image 28 (1896) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Fresno, § 8.

Any person excepting peace officers and travelers, who shall carry concealed upon his person any pistol or firearm, slungshot, dirk or bowie-knife, or other deadly weapon, without a written permission (revocable at any time) from the president of the board of trustees, is guilty of a misdemeanor.

1917 Cal. Sess. Laws 221-225, An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another, § 5.

Carrying Weapons | California | 1917

§ 5. Any person who attempts to use, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any loaded pistol, revolver, or other firearm, or any instrument or weapon commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bomb, or bombshell or any other dangerous or deadly instrument or weapon, is guilty of a felony. The carrying or possession of any of the weapons specified in this section by any person while committing, or attempting or threatening to commit a felony, or breach of the peace, or any act of violence against the person or property of another, shall be presumptive evidence of carrying or possessing such weapon with intent to use the same in violation of this section.

1923 Cal. Stat. 695 An Act to Control and Regulate the Possession, Sale and Use of Pistols, Revolvers, and Other Firearms Capable of Being Concealed Upon the Person

Dangerous or Unusual Weapons, Felons, Foreigners and Others Deemed Dangerous By the State | California | 1923

§ 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

§ 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the

State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

COLORADO

1862 Colo. Sess. Laws 56, An Act To Prevent The Carrying Of Concealed Deadly Weapons In The Cities And Towns Of This Territory, § 1.

If any person or persons shall, within any city, town, or village in this Territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in a sum not less than five, nor more than thirty-five dollars.

1867 Colo. Sess. Laws 229, Criminal Code, § 149.

Carrying Weapons | Colorado | 1867

If any person or persons shall, within any city, town or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person, any pistol, bowie-knife, dagger or other deadly weapon, such person shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than five nor more than thirty-five dollars. The provision of this section shall not be construed to apply to sheriffs, constables and police officers, when in the execution of their official duties.

1876 Colo. Const. 30, art. II, § 13.

Post-Civil War State Constitutions | Colorado | 1876

That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when hereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

1876 Colo. Sess. Laws 304, General Laws, § 154:

[I]f any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, such person, on conviction shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail no exceeding six months.

Edward O. Wolcott, The Ordinances of Georgetown [Colorado] Passed June 7th, A.D. 1877, Together with the Charter of Georgetown, and the Amendments Thereto: A Copy of the Patent Heretofore Issued to Georgetown by the

Government of the United States, and the Rules and Order of Business Page 100, Image 101 (1877) available at The Making of Modern Law: Primary Sources.

Offenses Affecting Streets and Public Property, § 9.

If any person or persons, within the corporate limits of Georgetown, shall be found carrying concealed, upon his or her person, any pistol, bowie knife, dagger, or other deadly weapon, such person shall, on conviction thereof, be fined in a sum not less than five dollars, nor more than fifty dollars.

Colo. Rev. Stat 1774, Carrying Concealed Weapons—Penalty—Search Without Warrant—Jurisdiction of Justice, § 248. (1881)

No person, unless authorized so to do by the chief of police of a city, mayor of a town or the sheriff of a county, shall use or carry concealed upon his person any firearms, as defined by law, nor any pistol, revolver, bowie knife, dagger, sling shot, brass knuckles or other deadly weapon

Isham White, The Laws and Ordinances of the City of Denver, Colorado Page 369, Image 370 (1886) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Colorado | 1886

City of Denver, Slung Shot – Brass Knuckles, § 10.

Whenever there shall be found upon the person of anyone who is guilty of a breach of the peace, or of conduct calculated to provoke a breach of the peace, any slung shot, colt, or knuckles of lead, brass or other metal, or, when upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of anyone while in the act of commission of the acts aforesaid, such person shall upon conviction be fined not less than twenty-five dollars nor more than three hundred dollars.

CONNECTICUT

Charles Stoers Hamilton, Charter and Ordinances of the City of New Haven, Together with Legislative Acts Affecting Said City Page 164, Image 167 (1890) available at The Making of Modern Law: Primary Sources.

Good Order and Decency § 192.

Every person who shall carry in said City, any steel or brass knuckles, pistol, or any slung shot, stiletto or weapon of similar character, or shall carry any weapon concealed on his person without permission of the Mayor or Superintendent of Police in writing, shall, on conviction, pay a penalty of not less than five, nor more than fifty dollars for every such offense.

DELAWARE

1797 Del. Laws 104, An Act For the Trial Of Negroes, ch. 43, § 6.

Race and Slavery Based | Delaware | 1797

And be it further enacted by the authority aforesaid, That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling pieces, clubs, or other arms and weapons whatsoever, without his master's special license for the same, and be convicted thereof before a magistrate, he shall be whipped with twenty-one lashes, upon his bare back.

1881 Del. Laws 987, An Act Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, ch. 548, § 1.

That if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars or imprisoned in the county jail for not less than ten nor more than thirty days, or both at the discretion of the court: Provided, that the provisions of this section shall not apply to the carrying of the usual weapons by policemen and peace officers.

Revised Statutes of the State of Delaware, of Eight Hundred and Fifty-Two. As They Have Since Been Amended, Together with the Additional Laws of a Public and General Nature, Which Have Been Enacted Since the Publication of the Revised Code of Eighteen Fifty-Two. To the Year of Our Lord One Thousand Eight Hundred and Ninety-Three; to Which are Added the Constitutions of the United States and of this State, the Declaration of Independence, and Appendix Page 987, Image 1048 (1893) available at The Making of Modern Law: Primary Sources.

An Act Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, § 1.

§ 1. That if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars or imprisoned in the county jail for not less than ten nor more than thirty days, or both at the discretion of the court: Provided, that the provisions of this section shall not apply to the carrying of the usual weapons by policemen and other peace officers.

§ 2. That if any person shall, except in lawful self-defense discharge any firearm in any public road in this State, shall be deemed guilty of a misdemeanor and upon

conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding one month, or both at the discretion of the court.

DISTRICT OF COLUMBIA

1 William B. Webb The Laws of the Corporation of the of Washington Digested and Arranged under Appropriate in Accordance with a Joint Resolution of the City 418 (1868), Act of Nov. 18, 1858.

It shall not be lawful for any person or persons to carry or have concealed about their persons any deadly or dangerous weapons, such as dagger, pistol, bowie knife, dirk knife, or dirk, colt, slungshot, or brass or other metal knuckles within the City of Washington; and any person or persons who shall be duly convicted of so carrying or having concealed about their persons any such weapon shall forfeit and pay upon such conviction not less than twenty dollars nor more than fifty dollars; which fines shall be prosecuted and recovered in the same manner as other penalties and forfeitures accruing to the city are sued for and recovered: Provided, That the Police officers when on duty shall be exempt from such penalties and forfeitures.

An Act to Prevent the Carrying of Concealed Weapons, Aug. 10, 1871, reprinted in Laws of the District of Columbia: 1871-1872, Part II, 33 (1872).

Carrying Weapons | | 1871

Ch. XXV. Be it enacted by the Legislative Assembly of the District of Columbia, That it shall not be lawful for any person or persons to carry or have concealed about their persons any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk-knives, or dirks, razors, razor-blades, sword-canes, slung-shots, or brass or other metal knuckles, within the District of Columbia; and any person or persons who shall be duly convicted of so carrying or having concealed about their persons any such weapons shall forfeit and pay, upon such a conviction, not less than twenty dollars nor more than fifty dollars, which fine shall be prosecuted and recovered in the same manner as other penalties and forfeitures are sued for and recovered: Provided, That the officers, non-commissioned officers, and privates of the United States army, navy, and marine corps, police officers, and members of any regularly organized militia company or regiment, when on duty, shall be exempt from such penalties and forfeitures.

Washington D.C. 27 Stat. 116 (1892)

CHAP. 159.—An Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person or persons within the District of Columbia, to have concealed about their person any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk knives or dirks, blackjacks, razors, razor blades, sword canes, slung shot, brass or other metal knuckles.

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and imprisonment, in the discretion of the court: Provided, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: Provided, further, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: Provided further, That nothing contained in the first or second sections of this act shall be so construed as to apply. to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment

in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

SEC. 4. That all such weapons as hereinbefore described which may be taken from any person offending against any of the provisions shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

SEC. 5. That any person or persons who shall, within the District of Columbia, sell, barter, hire, lend or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine or penalty of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the jail of the District of Columbia not more than three months. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond with sureties, to be by them approved, conditioned in such penal sum as they shall fix to the United States for the compliance by said applicant with all the provisions of this section; and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine. All persons whose business it is to sell barter, hire, lend or give any such weapon or weapons shall be and they hereby, are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, which register shall be subject to the inspection of the major and superintendent of Metropolitan Police of the District of Columbia, and further to make a weekly report, under oath to said major and superintendent of all such sales, barterings, hirings, lendings or gifts. And one half of every fine imposed under this section shall be paid to the informer, if any, whose information shall have led to the conviction of the person paying said fine. Any police officer failing to arrest any person guilty in his sight or presence and knowledge, of any violation of any section of this act shall be fined not less than fifty nor more than five hundred dollars.

SEC 6. That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed.

FLORIDA

John P. Duval, Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840 Page 423, Image 425 (1839) available at The Making of Modern Law: Primary Sources, 1835.

An Act to Prevent any Person in this Territory from Carrying Arms Secretly. Be it Enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person in this Territory to carry arms of any kind whatsoever secretly, on or about their persons; and if any dirk, pistol, or other arm, or weapon, except a common pocket-knife, shall be seen, or known to be secreted upon the person of any one in this Territory, such person so offending shall, on conviction, be fined not exceeding five hundred dollars, and not less than fifty dollars, or imprisoned not more than six months, and not less than one month, at the discretion of the jury: Provided, however, that this law shall not be so construed as to prevent any person from carrying arms openly, outside of all their clothes; and it shall be the duty of judges of the superior courts in this Territory, to give the matter contained in this act in special charge to the grand juries in the several counties in this Territory, at every session of the courts.

1838 Fla. Laws ch. 24, p. 36 (Feb. 10, 1838).

No. 24. An Act in addition to An Act, (approved January 30th, 1835) entitled An Act to prevent any person in this Territory from carrying arms secretly.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons in this Territory to vend dirks, pocket pistols, sword canes, or bowie knives, until he or they shall have first paid to the treasurer of the county in which he or they intend to vend weapons, a tax of two hundred dollars per annum, and all persons carrying said weapons openly shall pay to the officer aforesaid a tax of ten dollars per annum; and it shall be the duty of said officer to give the parties so paying a written certificate, stating that they have complied with the provisions of this act. Four fifths of all monies so collected to be applied by the county courts to county purposes, the other fifth to be paid to the prosecuting attorney.

Sec. 2. Be it further enacted, That if any person shall be known to violate this act, he or they so offending, shall be subject to an indictment, and on conviction, to a fine of not less than two hundred nor exceeding five hundred dollars, at the discretion of the court.

Sec. 3. Be it further enacted, That it shall be the duty of the several Judges of the Superior Courts of this Territory, to give this act in charge to the grand jurors [sic] of their respective districts at each term of the court.

Passed 5th February 1838.—Approved 10th Feb. 1838.

https://www.google.com/books/edition/Acts_of_the_Legislative_Council_of_the_T/-LIwAQAAAJ?hl=en&gbpv=1&dq=%22vend+dirks,+pocket+pistols,+sword+canes,+or+bowie+knives%22&pg=PA36&printsec=frontcover

Fla. Act of Aug. 8, 1868, as codified in Fla. Rev. Stat., tit. 2, pt. 5 (1892) 2425. Manufacturing or selling slung shot: Whoever manufactures, or causes to be manufactured, or sells or exposes for sale any instrument or weapon of the kind usually known as slung-shot, or metallic knuckles, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

1868 Fla. Laws 2538, Persons Engaged in Criminal Offence, Having Weapons, chap. 7, § 10.

Sentence Enhancement for Use of Weapon | Florida | 1868

Whoever, when lawfully arrested while committing a criminal offense or a breach or disturbance of the public peace, is armed with or has on his person slung shot, metallic knuckles, billies, firearms or other dangerous weapon, shall be punished by imprisonment not exceeding three months, or by fine not exceeding one hundred dollars.

James F McClellan, A Digest of the Laws of the State of Florida: From the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of March, One Thousand Eight Hundred and Eighty-One, Inclusive, Page 403, Image 419 (1881) available at The Making of Modern Law: Primary Sources. [1868] Offences Against Public Peace, § 13.

Whoever shall carry arms of any kind whatever, secretly, on or about their person, or whoever shall have about or on their person any dirk, pistol or other arm or weapon, except a common pocket knife, upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding six months.

Florida Act of Aug. 6, 1888, chap. 1637, subchap. 7, § 10, as codified in Fla. Rev. State., tit. 2, pt. 5 (1892) 2423.

Persons Engaged in criminal offense having weapons. – Whoever, when lawfully arrested while committing a criminal offense or a breach or disturbance of the

public peace is armed or has on his person slung-shot, metallic knuckles, billies, firearms or other dangerous weapon, shall be punished by imprisonment not exceeding one year and by fine not exceeding fifty dollars.

GEORGIA

Lucius Q.C. Lamar, A Compilation of the Laws of the State of Georgia, Passed by the Legislature since the Year 1810 to the Year 1819, Inclusive. Comprising all the Laws Passed within those Periods, Arranged under Appropriate Heads, with Notes of Reference to those Laws, or Parts of Laws, which are Amended or Repealed to which are Added such Concurred and Approved Resolutions, as are Either of General, Local, or Private Moment. Concluding with a Copious Index to the Laws, a Separate one to the Resolutions Page 599, Image 605 (1821) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Georgia | 1816

Offences Against the Public Peace, (1816) § 19.

If any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with intent feloniously to break and enter into any dwelling-house, ware-house, store, shop, coach-house, stable, or out-house, or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person, or shall be found in or upon any dwelling-house, ware-house, store, shop, coach-house, stable, or out-house, with intent to steal any goods or chattels; every such person shall be deemed a rogue and vagabond, and on conviction, shall be sentenced to undergo an imprisonment in the common jail of the county, or in the penitentiary, at hard labour, for such period of time as the jury shall recommend to the court.

1837 Ga. Acts 90, An Act to Guard and Protect the Citizens of this State, Against the Unwarrantable and too Prevalent use of Deadly Weapons, §§ 1–4.

§ 1 . . . it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or to have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kinds of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defense, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used as horseman's pistols, &c.

§ 2. And be it further enacted by the authority aforesaid, That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum

not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

§ 3. And be it further enacted by the authority aforesaid, That it shall be the duty of all civil officers, to be vigilant in carrying the provisions of this act into full effect, as well also as Grand Jurors, to make presentments of each and every offence under this act, which shall come under their knowledge.

§4. And be it further enacted by the authority aforesaid, That all fines and forfeitures arising under this act, shall be paid into the county Treasury, to be appropriated to county purposes: Provided, nevertheless, that the provisions of this act shall not extend to Sheriffs, Deputy Sheriffs, Marshals, Constables, Overseers or Patrols, in actual discharge of their respective duties, but not otherwise: Provided, also, that no person or persons, shall be found guilty of violating the before recited act, who shall openly wear, externally, Bowie Knives, Dirks, Tooth Picks, Spears, and which shall be exposed plainly to view: And provided, nevertheless, that the provisions of this act shall not extend to prevent venders, or any other persons who now own and have for sale, any of the aforesaid weapons, before the first day of March next.

1860 Ga. Laws 56, An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned, § 1.

[A]ny person other than the owner, who shall sell or furnish to any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defense, shall, on indictment and conviction, be fined by the Court in a sum not exceeding five hundred dollars, and imprisoned in the common Jail of the county not exceeding six months . . .

R. H. Clark, The Code of the State of Georgia (1873) § 4528 – Deadly weapons not to be carried in public places

No person in this State is permitted or allowed to carry about his or her person, any dirk, bowie knife, pistol or revolver, or any kind of deadly weapon, to any Court of justice, or any election ground, or precinct, or any place of public worship, or any other public gathering in this State, except militia muster grounds; and if any person or persons shall violate any portion of this section, he, she or they shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty nor more than fifty dollars for each and every such offense, or

imprisonment in the common jail of the county not less than ten nor more than twenty days, or both, at the discretion of the Court.

HAWAII

1852 Haw. Sess. Laws 19, Act to Prevent the Carrying of Deadly Weapons Dangerous or Unusual Weapons | Hawaii | 1852

§ 1. Any person not authorized by law, who shall carry, or be found armed with, any bowie-knife, sword-cane, pistol, air-gun, slung-shot or other deadly weapon, shall be liable to a fine of no more than Thirty, and no less than Ten Dollars, or in default of payment of such fine, to imprisonment at hard labor, for a term not exceeding two months and no less than fifteen days, upon conviction of such offense before any District Magistrate, unless good cause be shown for having such dangerous weapons: and any such person may be immediately arrested without warrant by the Marshal or any Sheriff, Constable or other officer or person and be lodged in prison until he can be taken before such Magistrate.

1913 Haw. Rev. Laws ch. 209, § 3089, Carrying Deadly Weapons Dangerous or Unusual Weapons | Hawaii | 1913

§ 3089. Persons not authorized; punishment. Any person not authorized by law, who shall carry, or be found armed with any bowie-knife, sword-cane, pistol, air-gun, slung-shot, or other deadly weapon, shall be liable to a fine of not more than Two Hundred and Fifty Dollars and not less than Ten Dollars, or in default of payment of such fine, to imprisonment of a term not exceeding one year, nor less than three months, upon conviction for such offense, unless good cause be shown for having such dangerous weapon; and any such person may be immediately arrested without warrant by the high sheriff, or any sheriff, policeman, or other officer or person.

IDAHO

Crimes and Punishments, in Compiled and Revised Laws of the Territory of Idaho 354 (M. Kelly, Territorial Printer 1875).

Carrying Weapons | Idaho | 1875

§ 133. If any person shall have found upon him or her any pick-lock, crow-key, bit or other instrument or tool, with intent feloniously to crack and enter into any dwelling-house, store, shop, warehouse, or other building containing valuable property, or shall be found in the aforesaid buildings with intent to steal any money, goods and chattels, every person so offending shall, on conviction thereof, be imprisoned in the Territorial prison for a term not less than one year nor more

than five years; and if any person shall have upon him or her any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than three months.

Charter and Revised Ordinances of Boise City, Idaho. In Effect April 12, 1894
Page 118-119, Image 119-120 (1894) available at The Making of Modern Law:
Primary Sources.

Carrying Weapons | Idaho | 1879

Carrying Concealed Weapons, § 36.

Every person not being a sheriff, deputy sheriff, constable or other police officer, who shall carry or wear within the incorporated limits of Boise City, Idaho, any bowie knife, dirk knife, pistol or sword in cane, slung-shot, metallic knuckles, or other dangerous or deadly weapons, concealed, unless such persons be traveling or setting out on a journey, shall, upon conviction thereof before the city magistrate of said Boise City, be fined in any sum not exceeding twenty-five dollars for each offense, or imprisoned in the city jail for not more than twenty days, or by both such fine and imprisonment.

1909 Id. Sess. Laws 6, An Act To Regulate the Use and Carrying of Concealed Deadly Weapons and to Regulate the Sale or Delivery of Deadly Weapons to Minors Under the Age of Sixteen Years to Provide a Penalty for the Violation of the Provisions of this Act, and to Exempt Certain Persons, § 1.

Carrying Weapons | Idaho | 1909

If any person, (excepting officials of a county, officials of the State of Idaho, officials of the United States, peace officers, guards of any jail, any officer of any express company on duty), shall carry concealed upon or about his person any dirk, dirk knife, bowie knife, dagger, slung shot, pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad, or other construction camp within the State of Idaho

ILLINOIS

Mason Brayman, Revised Statutes of the State of Illinois: Adopted by the General Assembly of Said State, at Its Regular Session, Held in the Years A. D. 1844-'5: Together with an Appendix Containing Acts Passed at the Same and Previous Sessions, Not Incorporated in the Revised Statutes, but Which Remain in Force
Page 176, Image 188 (1845) available at The Making of Modern Law: Primary
Sources.

Sentence Enhancement for Use of Weapon | Illinois | 1845

Criminal Jurisprudence, § 139. If any person shall be found,, having upon him or her, any pick-lock, crow, key, bit, or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, warehouse, shop or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any goods and chattels, every such person so offending, shall, on conviction, be deemed a vagrant, and punished by confinement in the penitentiary, for any term not exceeding two years. And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined, in a sum not exceeding one hundred dollars, or imprisoned, not exceeding three months.

Harvey Bostwick Hurd, The Revised Statutes of the State of Illinois. A. D. 1874. Comprising the Revised Acts of 1871-2 and 1873-4, Together with All Other General Statutes of the State, in Force on the First Day of July, 1874 Page 360, Image 368 (1874) available at The Making of Modern Law: Primary Sources. Disorderly Conduct: Disturbing the Peace, § 56.

Whoever, at a late and unusual hour of the night time, willfully and maliciously disturbs the peace and quiet of any neighborhood or family, by loud or unusual noises, or by tumultuous or offensive carriage, threatening, traducing, quarreling, challenging to fight or fighting, or whoever shall carry concealed weapons, or in a threatening manner display any pistol, knife, slungshot, brass, steel or iron knuckles, or other deadly weapon, day or night, shall be fined not exceeding \$100.

Consider H. Willett, Laws and Ordinances Governing the Village of Hyde Park [Illinois] Together with Its Charter and General Laws Affecting Municipal Corporations; Special Ordinances and Charters under Which Corporations Have Vested Rights in the Village. Also, Summary of Decisions of the Supreme Court Relating to Municipal Corporations, Taxation and Assessments Page 64, Image 64 (1876) available at The Making of Modern Law: Primary Sources.

Misdemeanors, § 39.

No person, except peace officers, shall carry or wear under their clothes, or concealed about their person, any pistol, revolver, slung-shot, knuckles, bowie-knife, dirk-knife, dirk, dagger, or any other dangerous or deadly weapon, except by written permission of the Captain of Police.

Harvey Bostwick Hurd, Late Commissioner, The Revised Statutes of the State of Illinois. 1882. Comprising the “Revised Statutes of 1874,” and All Amendments Thereto, Together with the General Acts of 1875, 1877, 1879, 1881 and 1882, Being All the General Statutes of the State, in Force on the First Day of December, 1882 Page 375, Image 392 (1882) available at The Making of Modern Law:

Primary Sources. [1881]

Deadly Weapons: Selling or Giving to Minor. § 54b.

Whoever, not being the father, guardian, or employer or the minor herein named, by himself or agent, shall sell, give, loan, hire or barter, or shall offer to sell, give, loan, hire or barter to any minor within this state, any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25), nor more than two hundred (\$200).

Revised Ordinances of the City of Danville [Illinois] Page 66, Image 133 (1883) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Danville. Concealed Weapons. § 22.

Whoever shall carry concealed upon or about his person any pistol, revolver, derringer, bowie-knife, dirk, slung-shot, metallic knuckles, or a razor, as a weapon, or any other deadly weapon of like character, capable or being concealed upon the person, or whoever shall in a threatening or boisterous manner, flourish or display the same, shall be fined not less than one dollar, nor more than one hundred dollars; and in addition to the said penalty shall, upon the order of the magistrate before whom such conviction is had, forfeits the weapon so carried to the city.

Illinois Act of Apr. 16, 1881, as codified in Ill. Stat. Ann., Crim. Code, chap. 38 (1885) 88. Possession or sale forbidden, § 1.

Be it enacted by the people of the state of Illinois represented in the General Assembly. That whoever shall have in his possession, or sell, or give or loan, hire or barter, or whoever shall offer to sell, give loan, have or barter, to any person within this state, any slung shot or metallic knuckles, or other deadline weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor . . .

INDIANA

1804 Ind. Acts 108, A Law Entitled a Law Respecting Slaves, § 4.

And be it further enacted, That no slave or mulatto whatsoever shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive, but all and every gun weapon and ammunition found in the possession or custody

of any negro or mulatto, may be seized by any person and upon due proof thereof made before any justice of the peace of the district where such seizure shall be, shall by his order be forfeited to the seizor, for his use and moreover every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back, well laid for every such offense.

1855 Ind. Acts 153, An Act To Provide For The Punishment Of Persons Interfering With Trains or Railroads, chap. 79, § 1.

That any person who shall shoot a gun, pistol, or other weapon, or throw a stone, stick, clubs, or any other substance whatever at or against any locomotive, or car, or train of cars containing persons on any railroad in this State, shall be deemed guilty of a misdemeanor . . .

1859 Ind. Acts 129, An Act to Prevent Carrying Concealed or Dangerous Weapons, and to Provide Punishment Therefor.

§ 1. Be it enacted by the General Assembly of the State of Indiana, That every person not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword in cane, or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow man, shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.

1875 Ind. Acts 62, An Act Defining Certain Misdemeanors, And Prescribing Penalties Therefore, § 1.

That if any person shall draw or threaten to use any pistol, dirk, knife, slung shot, or any other deadly or dangerous weapon upon any other person he shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in any sum not less than one nor more than five hundred dollars, to which may be added imprisonment in the county jail not to exceed six months; That the provisions of this act shall not apply to persons drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.

The Revised Statutes of Indiana: Containing, Also, the United States and Indiana Constitutions and an Appendix of Historical Documents. Vol. 1 Page 366, Image 388 (1881) available at The Making of Modern Law: Primary Sources.

Sensitive Places and Times | Indiana | 1881

Crimes. § 1957. Attacking Public Conveyance. 56. Whoever maliciously or mischievously shoots a gun, rifle, pistol, or other missile or weapon, or throws a stone, stick, club, or other substance whatever, at or against any stage-coach,

locomotive, railroad-car, or train of cars, or street-car on any railroad in this State, or at or against any wharf-boat, steamboat, or other water-craft, shall be imprisoned in the county jail not more than one year nor less than thirty days, and fined not more than one hundred dollars nor less than ten dollars.

1905 Ind. Acts 677, Public Conveyance—Attacking, § 410.

Sensitive Places and Times | Indiana | 1905

Whoever maliciously or mischievously shoots a gun, rifle, pistol or other weapon, or throws a stone, stick, club or any other substance whatever, at or against any stage coach, or any locomotive, railroad car, or train of cars, street car, or interurban car on any railroad in this state, or at or against any wharf-boat, steamboat, or other watercraft, shall be imprisoned in the county jail not less than thirty days nor more than one year, and fined not less than ten dollars nor more than one hundred dollars.

IOWA

S. J. Quincy, Revised Ordinances of the City of Sioux City. Sioux City, Iowa Page 62, Image 62 (1882) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Iowa | 1882

Ordinances of the City of Sioux City, Iowa, § 4.

No person shall, within the limits of the city, wear under his clothes, or concealed about his person, any pistol, revolver, slung-shot, cross-knuckles, knuckles of lead, brass or other metal, or any bowie-knife, razor, billy, dirk, dirk-knife or bowie-knife, or other dangerous weapon. Provided, that this section shall not be so construed as to prevent any United States, State, county, or city officer or officers, or member of the city government, from carrying any such weapon as may be necessary in the proper discharge of his official duties.

Geoffrey Andrew Holmes, Compiled Ordinances of the City of Council Bluffs, and Containing the Statutes Applicable to Cities of the First-Class, Organized under the Laws of Iowa Page 206-207, Image 209-210 (1887) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Iowa | 1887

Carrying Concealed Weapons Prohibited, § 105.

It shall be unlawful for any person to carry under his clothes or concealed about his person, or found in his possession, any pistol or firearms, slungshot, brass knuckles, or knuckles of lead, brass or other metal or material , or any sand bag, air guns of any description, dagger, bowie knife, or instrument for cutting, stabbing or striking, or other dangerous or deadly weapon, instrument or device; provided that

this section shall not be construed to prohibit any officer of the United States, or of any State, or any peace officer, from wearing and carrying such weapons as may be convenient, necessary and proper for the discharge of his official duties.

William H. Baily, The Revised Ordinances of Nineteen Hundred of the City of Des Moines, Iowa Page 89-90, Image 89-90 (1900) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Iowa | 1900

Ordinances City of Des Moines, Weapons, Concealed, § 209.

It shall be unlawful for any person to carry under his clothes or concealed about his person, or found in his possession, any pistol or other firearms, slungshot, brass knuckles, or knuckles of lead, brass or other metal or material, or any sand bag, air guns of any description, dagger, bowie knife, dirk knife, or other knife or instrument for cutting, stabbing or striking, or other dangerous or deadly weapon, instrument or device. Provided, that this section shall not be construed to prohibit any officer of the United States or of any State, or any peace officer from wearing or carrying such weapons as may be convenient, necessary and proper for the discharge of his official duties.

1913 Iowa Acts 307, ch. 297, § 2

§ 1. It shall be unlawful for any person, except as hereinafter provided, to go armed with and have concealed upon his person a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, picket billy, sand bag, skull cracker, slung-shot, or other offensive and dangerous weapons or instruments concealed upon his person.

KANSAS

C. B. Pierce, Charter and Ordinances of the City of Leavenworth, with an Appendix Page 45, Image 45 (1863) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Kansas | 1862

An Ordinance Relating to Misdemeanors, § 23.

For carrying or having on his or her person in a concealed manner, any pistol, dirk, bowie knife, revolver, slung shot, billy, brass, lead or iron knuckles, or any other deadly weapon within this city, a fine not less than three nor more than one hundred dollars.

Samuel Kimball, Charter, Other Powers, and Ordinances of the City of Lawrence Page 149, Image 157 (1866) available at The Making of Modern Law: Primary Sources, 1863.

Nuisances, § 10. Any person who shall in this city have or carry concealed or partially concealed, upon his person, any pistol, bowie knife or other deadly weapon, shall, on conviction, be fined not less than one nor more than ten dollars; Provided, This section shall not apply to peace officers of the city or state. The carrying of a weapon in a holster, exposed to full view, shall not be deemed a concealed or partially concealed weapon under this section.

The General Statutes of the State of Kansas, to Which the Constitutions of the United State of Kansas, Together with the Organic Act of the Territory of Kansas, the Treaty Ceding the Territory of Louisiana to the United States, and the Act Admitting Kansas into the Union are Prefixed Page 378, Image 387 (1868) available at The Making of Modern Law: Primary Sources, 1868.

Crimes and Punishments, § 282. Any person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the government of the United States, who shall be found within the limits of this state, carrying on his person a pistol, bowie-knife, dirk or other deadly weapon, shall be subject to arrest upon the charge of misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

Revised Ordinances of the City of Salina, Together with the Act Governing Cities of the Second Class: Also a Complete List of the Officers of Salina During its Organization as a Town and City of the Second and Third Class Page 99, Image 100 (1879) available at The Making of Modern Law: Primary Sources. 1879 Ordinances of the City of Salina, An Ordinance Relating to the Carrying of Deadly Weapons, § 1. That it shall be unlawful for any person to carry on or about his person any pistol, bowie knife, dirk, or other deadly or dangerous weapon, anywhere within the limits of the city of Salina, save and except as hereinafter provided. § 2. This ordinance shall not apply to cases when any person carrying any weapon above mentioned is engaged in the pursuit of any lawful business, calling or employment and the circumstances in which such person is placed at the time aforesaid, are such as to justify a prudent man in carrying such weapon, for the defense of his person, property or family, nor to cases where any person shall carry such weapon openly in his hands, for the purpose of sale, barter, or for repairing the same, or for use in any lawful occupation requiring the use of the same. § 3. Any person violating any of the provisions of this ordinance shall, upon

conviction thereof before the police court, be fined in any sum not less than twenty-five nor more than one hundred dollars.

1881 Kan. Sess. Laws 92, c. 37, § 24.

The Council shall prohibit and punish the carrying of firearms, or other dangerous or deadly weapons, concealed or otherwise, and cause to be arrested and imprisoned, fined or set to work, all vagrants, tramps, confidence men and persons found in said city without visible means of support or some legitimate business.

1883 Kan. Sess. Laws 159, An Act To Prevent Selling, Trading Or Giving Deadly Weapons Or Toy Pistols To Minors, And To Provide Punishment Therefor, §§ 1-2.

§ 1. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie knife, brass knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall upon conviction before any court of competent jurisdiction, be fined not less than five nor more than one hundred dollars.

§ 2. Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot or other dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than one nor more than ten dollars.

1883 Kan. Sess. Laws 159, An Act To Prevent Selling, Trading Or Giving Deadly Weapons Or Toy Pistols To Minors, And To Provide Punishment Therefor, §§ 1-2.

§ 1. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie knife, brass knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall upon conviction before any court of competent jurisdiction, be fined not less than five nor more than one hundred dollars.

§ 2. Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot or other dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than one nor more than ten dollars.

O. P. Ergenbright, Revised Ordinances of the City of Independence, Kansas: Together with the Amended Laws Governing Cities of the Second Class and

Standing Rules of the City Council Page 162, Image 157 (1887) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Kansas | 1887

Weapons, § 27. Any person who in this city shall draw any pistol or other weapon in a hostile manner, or shall make any demonstration or threat of using such weapon on or against any person; or any person who shall carry or have on his or her person, in a concealed manner, any pistol, dirk, bowie-knife, revolver, slung-shot, billy, brass, lead, or iron knuckles, or any deadly weapon, within this city, shall be fined not less than five dollars, nor more than one hundred dollars:

Provided, that this ordinance shall not be so construed as to prohibit officers of the law while on duty from being armed.

Bruce L. Keenan, Book of Ordinances of the City of Wichita Published by Authority of a Resolution Adopted by the City Council April 24, 1899, under the Direction of Judiciary Committee and City Attorney, and Formally Authorized by Ordinance No. 1680 Page 46, Image 70 (1900) available at The Making of Modern Law: Primary Sources. 1899

Ordinances of the City of Wichita, Carrying Unconcealed Deadly Weapons, § 2. Any person who shall in the city of Wichita carry unconcealed, any fire-arms, slungshot, sheath or dirk knife, or any other weapon, which when used is likely to produce death or great bodily harm, shall upon conviction, be fined not less than one dollar nor more than twenty-five dollars. Using or Carrying Bean Snapper, § 3. Any person who shall, in the city of Wichita, use or carry concealed or unconcealed, any bean snapper or like articles shall upon conviction be fined in any sum not less than one dollar nor more than twenty-five dollars. Carrying Concealed Deadly Weapons, § 4. Any person who shall in the city of Wichita, carry concealed about his person any fire-arm, slung shot, sheath or dirk knife, brass knuckles, or any weapon, which when used is likely to produce death or great bodily harm, shall upon conviction, be fined in any sum not exceeding one hundred dollars.

KENTUCKY

1798 Ky. Acts 106. No negro, mulatto, or Indian whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive but all and every gun, weapon and ammunition found in the possession or custody of any negro, mulatto or Indian may be seized by any person and upon due proof thereof made before any justice of the peace of the county where such seizure shall be shall by his order, be forfeited to the seizer for his own use, and moreover every

such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her back, well laid for every such offense.

1859 Ky. Acts 245, An Act to Amend An Act Entitled “An Act to Reduce to One the Several Acts in Relation to the Town of Harrodsburg, § 23.

If any person, other than the parent or guardian, shall sell, give or loan, any pistol, dirk, bowie knife, brass knucks, slung-shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

LOUISIANA

1813 La. Acts 172, An Act Against Carrying Concealed Weapons, and Going Armed in Public Places in an Unnecessary Manner, § 1.

Carrying Weapons | Louisiana | 1813

Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened, That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine

Henry A. Bullard & Thomas Curry, 1 A New Digest of the Statute Laws of the State of Louisiana, from the Change of Government to the Year 1841 at 252 (E. Johns & Co., New Orleans, 1842).

Carrying Weapons | Louisiana | 1842

[A]ny person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him, that do not appear in full open view, any person so offending, shall, on conviction thereof, before a justice of the peace, be subject to pay a fine not to exceed fifty dollars, nor less than twenty dollars

Louisiana 1855 law 1855 La. L. Chap. 120, Sec. 115, p. 148

Sec. 115, Be it further enacted, &c., That whoever shall carry a weapon or weapons concealed on or about his person, such as pistols, bowie knife, dirk, or any other dangerous weapon, shall be liable to prosecution by indictment or presentment, and on conviction for the first offence shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisonment for one month; and for the second offence not less than five hundred dollars nor more

than one thousand dollars, or imprisonment in the parish prison at the discretion of the court, not to exceed three months, and that it shall be the duty of the Judges of the District Courts in this State to charge the Grand Jury, specially as to this section.

<https://babel.hathitrust.org/cgi/pt?id=osu.32437123281277&view=1up&seq=300&q1=Bowie>

1870 La. Acts 159–60, An Act to Regulate the Conduct and to Maintain the Freedom of Party Election . . . , § 73.

Subject(s): Sensitive Places and Times

[I]t shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor; and on conviction shall be punished by a fine of not less than one hundred dollars, and imprisonment in the parish jail not less than one month

La. Const. of 1879, art. III.

Post-Civil War State Constitutions | Louisiana | 1879

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.

MAINE

An Act to Prevent Routs, Riots, and Tumultuous assemblies, and the Evil Consequences Thereof, reprinted in CUMBERLAND GAZETTE (Portland, MA.), Nov. 17, 1786, at 1. On October 26, 1786 the following was passed into law by the Massachusetts Assembly: That from & after the publication of this act, if any persons, to the number of twelve, or more, being armed with clubs or other weapons; or if any number of persons, consisting of thirty, or more, shall be unlawfully, routously, riotously or tumultuously assembled, any Justice of the Peace, Sheriff, or Deputy ... or Constable ... shall openly make [a] proclamation [asking them to disperse, and if they do not disperse within one hour, the officer is] ... empowered, to require the aid of a sufficient number of persons in arms ... and if any such person or persons [assembled illegally] shall be killed or wounded, by reason of his or their resisting the persons endeavoring to disperse or seize them, the said Justice, Sheriff, Deputy-Sheriff, Constable and their assistants, shall be indemnified, and held guiltless.

The Revised Statutes of the State of Maine, Passed October 22, 1840; To Which are Prefixed the Constitutions of the United States and of the State of Maine, and to Which Are Subjoined the Other Public Laws of 1840 and 1841, with an Appendix Page 709, Image 725 (1847) available at The Making of Modern Law: Primary Sources.

Justices of the Peace, § 16.

Any person, going armed with any dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without a reasonable cause to fear an assault on himself, or any of his family or property, may, on the complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term, not exceeding one year, with the right of appeal as before provided.

1841 Me. Laws 709, ch. 169, § 16.

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

The Revised Statutes of the State of Maine, Passed August 29, 1883, and Taking Effect January 1, 1884 Page 928, Image 955 (1884) available at The Making of Modern Law: Primary Sources.

Prevention of Crimes, § 10.

Whoever goes armed with any dirk, pistol, or other offensive and dangerous weapon, without just cause to fear an assault on himself, family, or property, may, on complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties to keep the peace for a term not exceeding one year, and in case of refusal, may be committed as provided in the preceding sections.

MARYLAND

The Laws Of Maryland, With The Charter, The Bill Of Rights, The Constitution Of The State, And Its Alterations, The Declaration Of Independence, And The Constitution Of The United States, And Its Amendments Page 465, Image 466 (1811) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Maryland | 1809 If any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with an intent feloniously to break and enter into any dwelling-house, ware-house, stable or out-house, or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person, or shall be found in or upon any dwelling-house, warehouse, stable or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, every such person shall be deemed a rouge and vagabond, and, on being duly convicted thereof, shall be sentenced to undergo a confinement in the said penitentiary for a period of time not less than three months nor more than two years, to be treated as law prescribes.

1872 Md. Laws 57, An Act To Add An Additional Section To Article Two Of The Code Of Public Local Laws, Entitled “Anne Arundel County,” Sub-title “Annapolis,” To Prevent The Carrying Of concealed Weapons In Said City, § 246. Carrying Weapons | Maryland | 1872

It shall not be lawful for any person to carry concealed, in Annapolis, whether a resident thereof or not, any pistol, dirk-knife, bowie-knife, sling-shot, billy, razor, brass, iron or other metal knuckles, or any other deadly weapon, under a penalty of a fine of not less than three, nor more than ten dollars in each case, in the discretion of the Justice of the Peace, before whom the same may be tried, to be collected. . .

John Prentiss Poe, The Maryland Code : Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local

Acts of the Session of 1888 incorporated therein Page 1457, Image 382 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources.

Sensitive Places and Times | Maryland | 1874

Election Districts—Fences. § 99.

It shall not be lawful for any person in Kent county to carry, on the days of election, secretly or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall be fined not less than five nor more than twenty dollars, and on refusal to pay said fine shall be committed by such justice of the peace to the jail of the county until the same shall be paid.

John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local Acts of the Session of 1888 Incorporated Therein Page 522-523, Image 531-532 (Vol. 1, 1888) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Maryland | 1884

City of Baltimore, § 742.

Whenever any person shall be arrested in the city of Baltimore, charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall be taken before any of the police justices of the peace of the said city, and any such person shall be found to have concealed about his person any pistol, dirk knife, bowie-knife, sling-shot, billy, brass, iron or any other metal knuckles, razor, or any other deadly weapon whatsoever, such person shall be subject to a fine of not less than five dollars nor more than twenty-five dollars in the discretion of the police justice of the peace before whom such person may be taken, and the confiscation of the weapon so found, which said fine shall be collected as other fines are now collected; provided, however, that the provisions of this section shall not apply to those persons who, as conservators of the peace are entitled or required to carry a pistol or other weapon as a part of their official equipment.

1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls § 1:

That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof by the Circuit Court

of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each such offense. . .

John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Acts of the Session of 1888 Incorporated Therein, and Prefaced with the Constitution of the State Page 468-469, Image 568-569 (Vol. 1, 1888) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Maryland | 1886

Concealed Weapons, § 30.

Every person, not being a conservator of the peace entitled or required to carry such weapon as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie- knife, slung-shot, billy, sand-club, metal knuckles, razor, or any other dangerous or deadly weapon of any kind whatsoever, (penknives excepted,) concealed upon or about his person; and every person who shall carry or wear any such weapon openly, with the intent or purpose of injuring any person, shall, upon conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months in jail or in the house of correction.

1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls § 1.

That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof by the Circuit Court of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each such offense. . .

John Prentiss Poe, The Baltimore City Code, Containing the Public Local Laws of Maryland Relating to the City of Baltimore, and the Ordinances of the Mayor and City Council, in Force on the First Day of November, 1891, with a Supplement, Containing the Public Local Laws Relating to the City of Baltimore, Passed at the Session of 1892 of the General Assembly, and also the Ordinances of the Mayor and City Council, Passed at the Session of 1891-1892, and of 1892-1893, up to the Summer Recess of 1893 Page 297-298, Image 306-307 (1893) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Maryland | 1890

Ordinances of Baltimore, § 742A.

Every person in said city of Baltimore not being a conservator of the peace, entitled or required to carry such weapons as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie-knife, sling-shot, billy, sand-club, metal knuckles, razor or any other dangerous or deadly weapon of any kind whatsoever, (pen knives excepted.) concealed upon or about his person; and every person who shall carry or wear such weapons openly, with the intent or purpose of injuring any person, shall, upon a conviction thereof, be fined not more than five hundred dollars, and be imprisoned not more than six months in jail or in the house of correction; that this act shall not release or discharge any person or persons already offending against the general law in such cases made and provided, but any such person or persons may be proceeded against, prosecuted and punished under the general law of this State as if this act had not been passed.

MASSACHUSETTS

1750 Mass. Acts 544, An Act For Preventing And Suppressing Of Riots, Routs And Unlawful Assemblies, chap. 17, § 1.

If any persons to the number of twelve or more, being armed with clubs or other weapons. . . shall be unlawfully, riotously, or tumultuously assembled . . . (Read riot act, if don't disperse) . . . It shall be lawful for every officer . . . to seize such persons, and carry them before a justice of the peace; and if such persons shall be

killed or hurt by reason of their resisting . . . officers and their assistants shall be indemnified and held guiltless.

1814 Mass. Acts 464, An Act In Addition To An Act, Entitled “An Act To Provide For The Proof Of Fire Arms, Manufactured Within This Commonwealth,” ch. 192, § 1, 2.

All musket barrels and pistol barrels, manufactured within this Commonwealth, shall, before the same shall be sold, and before the same shall be stocked, be proved by the person appointed according to the provisions of an act . . . ; § 2 That if any person or persons, from and after the passing of this act, shall manufacture, within this Commonwealth, any musket or pistol, or shall sell and deliver, or shall knowingly purchase any musket or pistol, without having the barrels first proved according to the provisions of the first section of this act, marked and stamped according the provisions of the first section of the act.

Theron Metcalf, The Revised Statutes of the Commonwealth of Massachusetts, Passed November 4, 1835; to Which are Subjoined, an Act in Amendment Thereof, and an Act Expressly to Repeal the Acts Which are Consolidated Therein, Both Passed in February 1836; and to Which are Prefixed, the Constitutions of the United States and of the Commonwealth of Massachusetts Page 750, Image 764 (1836) available at The Making of Modern Law: Primary Sources.

Of Proceedings to Prevent the Commission of Crimes, § 16.

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

1850 Mass. Gen. Law, chap. 194, §§ 1, 2, as codified in Mass. Gen. Stat., chap. 164 (1873) § 10.

Whoever when arrested upon a warrant of a magistrate issued against him for an alleged offense against the laws of this state, and whoever when arrested by a sheriff, deputy sheriff, constable, police officer, or watchman, while committing a criminal offense against the laws of this state, or a breach or disturbance of the public peace, is armed with, or has on his person, slung shot, metallic knuckles, bills, or other dangerous weapon, shall be punished by fine . . .

1850 Mass. Gen. Law, chap. 194, §§ 1, 2 as codified in Mass. Gen. Stat., chap. 164 (1873) § 11.

Whoever manufactures, or causes to be manufactured, or sells, or exposes for sale, any instrument or weapon of the kind usually known as slung shot, or metallic knuckles, shall be punished by fine not less than fifty dollars, or by imprisonment in the jail not exceeding six months.

1927 Mass. Acts 416, An Act Relative to Machine Guns and Other Firearms, ch. 326, § 5 (amending §10)

Carrying Weapons | Massachusetts | 1927

Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a pistol or revolver, loaded or unloaded, or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty... or whoever so carries any stiletto, dagger, dirk knife, slung shot, metallic knuckles or sawed off shotgun, or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a crime or a breach or disturbance of the public peace, is armed with, or has on his person, or has on his person or under his control in a vehicle, a billy or dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than six months nor more than two and a half years in a jail . . .

MICHIGAN

1887 Mich. Pub. Acts 144, An Act to Prevent The Carrying Of Concealed Weapons, And To Provide Punishment Therefore, § 1.

It shall be unlawful for any person, except officers of the peace and night-watches legitimately employed as such, to go armed with a dirk, dagger, sword, pistol, air gun, stiletto, metallic knuckles, pocket-billy, sand bag, skull cracker, slung shot, razor or other offensive and dangerous weapon or instrument concealed upon his person.

1891 Mich. Pub. Acts 409, Police Department, pt 15: . . . And all persons who shall carry concealed on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles, or other dangerous weapon, or who shall lay in wait , lurk or be concealed, with intent to do injury to any person or property, who shall threaten to beat or kill another or injure him in his person or property . . . shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the costs of prosecution, and in imposition of any such fine and costs the court may make a further sentence that in default of payment, such offender be imprisoned in the city prison. . .

1927 Mich. Pub. Acts 888-89, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

Dangerous or Unusual Weapons | Michigan | 1927

It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. . . .

1929 Mich. Pub. Acts 529, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

Dangerous or Unusual Weapons | Michigan | 1929

It shall be unlawful within this state to manufacture, sell, offer for sale or possess any machine gun or firearm which can be fired more than sixteen times without reloading or any muffler, silencer, or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container, or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact.

MINNESOTA

W. P. Murray, The Municipal Code of Saint Paul: Comprising the Laws of the State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the Common Council; Revised to December 1, 1884 Page 289, Image 295 (1884) available at The Making of Modern Law: Primary Sources.

Concealed Weapons – License, § 1.

It shall be unlawful for any person, within the limits of the city of St. Paul, to carry or wear under his clothes, or concealed about his person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon. § 2.

Any such weapons or weapons, duly adjudged by the municipal court of said city to have been worn or carried by any person, in violation of the first section of this ordinance, shall be forfeited or confiscated to the said city of St. Paul, and shall be so adjudged. § 3. Any policeman of the city of St. Paul, may, within the limits of

said city, without a warrant, arrest any person or persons, whom such policeman may find in the act of carrying or wearing under their clothes, or concealed about their person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon, and detain him, her or them in the city jail, until a warrant can be procured, or complaint made for the trial of such person or persons, as provided by the charter of the city of St. Paul, for other offenses under said charter, and for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to, as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

George Brooks Young. General Statutes of the State of Minnesota in Force January 1, 1889 Page 1006, Image 1010 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources.

Dangerous or Unusual Weapons | Minnesota | 1888

Making, Selling, etc., Dangerous Weapons, §§ 333-334.

§ 333. A person who manufactures, or causes to be manufactured, or sells, or keeps for sale, or offers or gives or disposes of any instrument or weapon of the kind usually known as slung-shot, sand-club, or metal knuckles, or who, in any city of this state, without the written consent of a magistrate, sells or gives any pistol or fire-arm to any person under the age of eighteen years, is guilty of a misdemeanor. Carrying, using, etc., certain Weapons

§ 334. A person who attempts to use against another, or who, with intent so to use, carries, conceals, or possesses any instrument or weapon of the kind commonly known as a slung-shot, sand-club, or metal knuckles, or a dagger, dirk, knife, pistol or other fire-arm, or any dangerous weapon, is guilty of a misdemeanor.

MISSISSIPPI

1799 Miss. Laws 113, A Law For The Regulation Of Slaves. No Negro or mulatto shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun, weapon and ammunition found in the possession or custody of any negro or mulatto may be seized by any person . . . every such offender shall have and receive by order of such justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense.

1804 Miss. Laws 90, An Act Respecting Slaves, § 4. No Slave shall keep or carry any gun, powder, shot, club or other weapon whatsoever offensive or defensive, except tools given him to work with . . .

1837 Miss. Law 289-90, An Act To Prevent The Evil Practice Of Dueling In This State And For Other Purposes, § 5.

That if any person or persons shall be guilty of fighting in any corporate city or town, or any other town or public place, in this state, and shall in such fight use any rifle, shot gun, sword, sword cane, pistol, dirk, bowie knife, dirk knife, or any other deadly weapon; or if any person shall be second or aid in such fight, the persons so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may also be prosecuted and convicted as in other cases of murder.

Laws of the State of Mississippi ; embracing all Acts of a Public Nature from January Session, 1824, to January Session 1838, Inclusive Page 736, Image 738 (Jackson, 1838) available at The Making of Modern Law: Primary Sources, 1838. An Act to Prevent the Evil Practice of Dueling in this State, and for other Purposes, § 5. Be it further enacted, That if any person or persons shall be guilty of fighting in any corporate city or town, or any other town, or public place, in this state, and shall in such fight use any rifle, shot gun, sword, sword cane, pistol, dirk, bowie knife, dirk knife, or any other deadly weapon; or if any persons shall be second or aid in such fight, the persons so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may also be prosecuted and convicted as in other cases of murder.

Volney Erskine Howard, The Statutes of the State of Mississippi of a Public and General Nature, with the Constitutions of the United States and of this State: And an Appendix Containing Acts of Congress Affecting Land Titles, Naturalization, &c, and a Manual for Clerks, Sheriffs and Justices of the Peace Page 676, Image 688 (1840) available at The Making of Modern Law: Primary Sources. 1840 Crimes, Misdemeanors and Criminal Prosecution, § 55. If any person having or carrying any dirk, dirk knife, Bowie knife, sword, sword cane, or other deadly weapon, shall, in the presence of three or more persons, exhibit the same in a rude, angry and threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in the circuit or criminal court of the proper

county, shall be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding three months.

1878 Miss. Laws 175, An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes, § 1.

That any person not being threatened with or havin good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a long journey, or peace officers, or deputies in discharge of their duties, who carries concealed in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly weapon of like kind or description shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offense by a fine of not less than five dollars nor more than one hundred dollars . . .

MISSOURI

Organic Laws:-Laws of Missouri Territory, (Alphabetically Arranged):-Spanish Regulations for the Allotment of Lands:- Laws of the United States, for Adjusting Titles to Lands, &c. to Which are Added, a Variety of Forms, Useful to Magistrates Page 374, Image 386 (1818) available at The Making of Modern Law: Primary Sources. 1818.

Slaves, § 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover, every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offence. § 4. Every free negro or mulatto, being a housekeeper may be permitted to keep one gun, powder and shot; and all negroes or mulattoes bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder shot and weapons, offensive and defensive, by license from a justice of the peace of the district [county] wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes or of the owners of such as are slaves.

Everett Wilson Pattison, The Revised Ordinance of the City of St. Louis, Together with the Constitution of the United States, and of the State of Missouri; the Charter of the City; and a Digest of the Acts of the General Assembly, Relating to the City Page 491-492, Image 499-500 (1871) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Missouri | 1871

Ordinances of the City of St. Louis, Misdemeanors, §§ 9-10.

§ 9. Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol, or revolver, colt, billy, slung shot, cross knuckles, or knuckles of lead, brass or other metal, bowie knife, razor, dirk knife, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, within the City of St. Louis, without written permission from the Mayor; and any person who shall violate this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten nor more than five hundred dollars for each and every offence.

§ 10. Nothing in the preceding section shall be so construed as to prevent any United States, State, county or city officer, or any member of the city government, from carrying or wearing such weapons as may be necessary in the proper discharge of his duties.

1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled “Of Crimes And Criminal Procedure” § 1274.

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit and such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

W. J. Connell, The Revised Ordinances of the City of Omaha, Nebraska, Embracing All Ordinances of a General Nature in Force April 1, 1890, Together with the Charter for Metropolitan Cities, the Constitution of the United States and the Constitution of the State of Nebraska Page 344, Image 356 (1890) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1890

Ordinances of Omaha, Concealed Weapons, § 10.

It shall be unlawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slung-shot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon within the corporate limits of the city of Omaha. Any person guilty of a violation of this section shall, on conviction, be fined not exceeding one hundred (\$100) dollars for each and every offense; nothing in this section, however, shall be so construed as to prevent the United States Marshals and their deputies, sheriffs and their deputies, regular or special police officers of the city, from carrying or wearing such weapons as may be deemed necessary in the proper discharge of their duties. Provided, however, If it shall be proved from the testimony on the trial of any such case, that the accused was, at the time of carrying any weapon as aforesaid, engaged in the pursuit of lawful business, calling or employment and the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid, for the defense of his person, property or family, the accused shall be acquitted.

William K. Amick, The General Ordinances of the City of Saint Joseph (A City of the Second Class) Embracing all Ordinances of General Interest in Force July 15, 1897, together with the Laws of the State of Missouri of a General Nature Applicable to the City of St. Joseph. Compiled and Arranged Page 508, Image 515 (1897) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Missouri | 1897

Concealed Weapons – Carrying of, § 7.

Any person who shall in this city wear under his clothes or carry concealed upon or about his person, or be found having upon or about his person concealed, any pistol or revolver, colt, billy, slung shot, cross knuckles or knuckles of lead, brass or other metal, dirk, dagger, razor, bowie knife, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, shall be deemed guilty of a misdemeanor.

Joplin Code of 1917, Art. 67, § 1201. Missouri. Weapons; Deadly.

If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful

purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, spring-back knife, razor, knuckles, bill, sword cane, dirk, dagger, slung shot, or other similar deadly weapons, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have any such weapons in his possession when intoxicated, or directly or indirectly shall sell or deliver, loan or barter, to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor. Provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers, and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

1923 Mo. Laws 241-42, An Act to Provide the Exercise of the Police Powers of the State by and through Prohibiting the Manufacture, Possession, Transportation, Sale and Disposition of Intoxicating Liquors. . . § 17.

Sensitive Places and Times | Missouri | 1923

Any person, while in charge of, or a passenger thereon, who shall carry on his person, or in, on, or about, any wagon, buggy, automobile, boat, aeroplane, or other conveyance or vehicle whatsoever, in, or upon which any intoxicating liquor, including wine or beer, is carried, conveyed or transported in violation of any provision of the laws of this state, any revolver, gun or other firearm, or explosive, any bowie knife, or other knife having a blade of more than two and one-half inches in length, any sling shot, brass knucks [sic], billy, club or other dangerous weapon, article or thing which could, or might, be used in inflicting bodily injury or death upon another, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by the imprisonment in the state penitentiary for a term of not less than two years. Provided, that this section shall not apply to any person or persons transporting intoxicating liquor for personal use and not for sale in violation of law. Provided, that this section shall not apply to any person or passenger who did not know that such vehicle or conveyance was being used for unlawful purposes.

MONTANA

1864 Mont. Laws 355, An Act to Prevent the Carrying of Concealed Deadly Weapons in the Cities and Towns of This Territory, § 1.

If any person shall within any city, town, or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol,

bowie-knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than twenty five dollars, nor more than one hundred dollars.

1879 Mont. Laws 359, Offences against the Lives and Persons of Individuals, ch. 4, § 23.

If any person shall, by previous appointment or agreement, fight a duel with a rifle, shot-gun, pistol, bowie-knife, dirk, small-sword, back-sword, or other dangerous weapon, and in so doing shall kill his antagonist, or any person or persons, or shall inflict such wound as that the party or parties injured shall die thereof within one year thereafter, every such offender shall be deemed guilty of murder in the first degree, and, upon conviction thereof, shall be punished accordingly [death by hanging].

1885 Mont. Laws 74, Deadly Weapons, An Act to Amend § 62 of Chapter IV of the Fourth Division of the Revised Statutes, § 62-63.

Every person in this territory having, carrying, or procuring from another person, any dirk, dirk-knife, sword, sword-cane, pistol, gun, or other deadly weapon, who shall in the presence of one or more persons, draw or exhibit any of said deadly weapons in a rude or angry or threatening manner, not in necessary self defense, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county in this territory shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not less than one month nor more than three months, at the discretion of the court, or by both such fine and imprisonment, together with the costs of prosecution, which said costs shall in all cases be computed and collected in the same manner as costs in civil cases; and all fines and forfeitures arising under the provisions of this act shall be paid into the county treasury for school purposes: Provided, that no sheriff, deputy sheriff, constable, marshal, or other peace officer, shall be held to answer, under the provisions of this act, for drawing or exhibiting any of the weapons hereinbefore mentioned while in the lawful discharge of his or their duties.

1887 Mont. Laws 549, Criminal Laws, § 174.

If any person shall have upon him or her any pistol, gun, knife, dirk-knife, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than three months.

NEBRASKA

1858 Neb. Laws 69, An Act To Adopt And Establish A Criminal code For The Territory Of Nebraska, § 135.

And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon with intent to assault any person, every such person, on conviction, shall be fined in a sum not exceeding one hundred dollars. . .

Gilbert B. Colfield, Laws, Ordinances and Rules of Nebraska City, Otoe County, Nebraska Page 36, Image 36 (1872) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1872

Ordinance No. 7, An Ordinance Prohibiting the Carrying of Fire Arms and Concealed Weapons, § 1.

Be it ordained by the Mayor and Councilmen of the City of Nebraska City, That it shall be, and it is hereby declared to be unlawful for any person to carry, openly or concealed, any musket, rifle, shot gun, pistol, sabre, sword, bowie knife, dirk, sword cane, billy slung shot, brass or other metallic knuckles, or any other dangerous or deadly weapons, within the corporate limits of Nebraska City, Neb; Provided, that nothing herein contained shall prevent the carrying of such weapon by a civil or military officer, or by a soldier in the discharge of his duty, nor by any other person for mere purposes of transportation from one place to another.

W. J. Connell, The Revised Ordinances of the City of Omaha, Nebraska, Embracing All Ordinances of a General Nature in Force April 1, 1890, Together with the Charter for Metropolitan Cities, the Constitution of the United States and the Constitution of the State of Nebraska Page 344, Image 356 (1890) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1890

Ordinances of Omaha, Concealed Weapons, § 10.

It shall be unlawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slung-shot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon within the corporate limits of the city of Omaha. Any person guilty of a violation of this section shall, on conviction, be fined not exceeding one hundred (\$100) dollars for each and every offense; nothing in this section, however, shall be so construed as to prevent the United States Marshals and their deputies, sheriffs and their deputies, regular or special police officers of the city, from carrying or wearing such weapons as may be deemed necessary in the proper discharge of their duties. Provided, however, If it shall be proved from

the testimony on the trial of any such case, that the accused was, at the time of carrying any weapon as aforesaid, engaged in the pursuit of lawful business, calling or employment and the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid, for the defense of his person, property or family, the accused shall be acquitted.

Compiled Ordinances of the City of Fairfield, Clay County, Nebraska Page 34, Image 34 (1899) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1899

Ordinance No. 20, An Ordinance to Prohibit the Carrying of Concealed Weapons and Fixing a Penalty for the violations of the same. Be it ordained by the Mayor and Council of the City of Fairfield, Nebraska: § 1.

It shall be unlawful for any person to carry upon his person any concealed pistol, revolver, dirk, bowie knife, billy, sling shot, metal knuckles, or other dangerous or deadly weapons of any kind, excepting only officers of the law in the discharge or their duties; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the penalty hereinafter provided. § 2. Any such weapon or weapons, duly adjudged by the Police Judge of said city to have been worn or carried by any person in violation of the first section of this ordinance, shall be forfeited or confiscated to the City of Fairfield and shall be so adjudged.

NEVADA

Bonnifield, The Compiled Laws of the State of Nevada. Embracing Statutes of 1861 to 1873, Inclusive Page 563, Image 705 (Vol. 1, 1873) available at The Making of Modern Law: Primary Sources.

Of Crimes and Punishments, §§ 35-36.

§ 35. If any person shall by previous appointment or agreement, fight a duel with a rifle, shotgun, pistol, bowie knife, dirk, smallsword, backsword, or other dangerous weapon, and in doing shall kill his antagonist, or any person or persons, or shall inflict such wound as that the party or parties injured shall die thereof within one year thereafter, every such offender shall be deemed guilty of murder in the first degree and upon conviction thereof shall be punished accordingly.

§ 36. Any person who shall engage in a duel with any deadly weapon although no homicide ensue or shall challenge another to fight such duel, or shall send or deliver any verbal or written message reporting or intending to be such challenge, although no duel ensue, shall be punished by imprisonment in the State prison not

less than two nor more than ten years, and shall be incapable of voting or holding any office of trust or profit under the laws of this State.

David E. Baily, The General Statutes of the State of Nevada. In Force. From 1861 to 1885, Inclusive. With Citations of the Decisions of the Supreme Court Relating Thereto Page 1077, Image 1085 (1885) available at The Making of Modern Law: Primary Sources.

Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | Nevada | 1881

An Act to prohibit the carrying of concealed weapons by minors. § 1.

Every person under the age of twenty-one (21) years who shall wear or carry any dirk, pistol, sword in case, slung shot, or other dangerous or deadly weapon concealed upon his person, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty nor more than two hundred (\$200) dollars, or by imprisonment in the county jail not less than thirty days nor more than six months or by both such fine and imprisonment.

NEW JERSEY

The Grants, Concessions, And Original Constitutions Of The Province Of New Jersey Page 289-290 (1881) (1686)

An Act Against Wearing Swords, Etc. Whereas there hath been great complaint by the inhabitants of this Province, that several persons wearing swords, daggers, pistols, dirks, stilettoes, skeines, or any other unusual or unlawful weapons, by reason of which several persons in this Province, receive great abuses, and put in great fear and quarrels, and challenges made, to the great abuse of the inhabitants of this Province. . . And be it further enacted by the authority aforesaid, that no person or persons after publication hereof, shall presume privately to wear any pocket pistol, skeines, stilettoes, daggers or dirks, or other unusual or unlawful weapons within this Province, upon penalty for the first offence five pounds, and to be committed by any justice of the peace, his warrant before whom proof thereof shall be made, who is hereby authorized to enquire of and proceed in the same, and keep in custody till he hath paid the said five pounds, one half to the public treasury for the use of this Province, and the other half to the informer: And if such person shall again offend against this law, he shall be in like manner committed upon proof thereof before any justice of the peace to the common jail, there to remain till the next sessions, and upon conviction thereof by verdict of twelve men, shall receive judgment to be in prison six month, and pay ten pounds for the use aforesaid. And be it further enacted by the authority aforesaid, that no planter shall ride or go armed with sword, pistol or dagger, upon the penalty of five pounds, to

be levied as aforesaid, excepting all officers, civil and military, and soldiers while in actual service, as also all strangers, travelling upon their lawful occasions through this Province, behaving themselves peaceably.

Charles Nettleton, Laws of the State of New-Jersey Page 474, Image 501 (1821) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | New Jersey | 1799

[An Act to Describe, Apprehend and Punish Disorderly Persons (1799)], § 2.

And whereas diverse ill disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses, with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behavior hath not been of sufficient effect to prevent them from carrying their evil purpose into execution; Be it further enacted, That if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with an intent to break and enter into any dwelling-house or out-house; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or upon any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

Charles Nettleton, Laws of the State of New-Jersey Page 474, Image 501 (1821) available at The Making of Modern Law: Primary Sources, 1799.

[An Act to Describe, Apprehend and Punish Disorderly Persons (1799)], § 2. And whereas diverse ill disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses, with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behavior hath not been of sufficient effect to prevent them from carrying their evil purpose into execution; Be it further enacted, That if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with an intent to break and enter into any dwelling-house or out-house; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be

found in or upon any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 41, Image 41 (1874) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New Jersey | 1871

An Ordinance To Prevent the Carrying of Loaded or Concealed Weapons within the Limits of Jersey City. The Mayor and Aldermen of Jersey City do ordain as follows: § 1.

That it shall not be lawful for any person or persons (excepting policemen and private watchmen when on duty), within the corporate limits of Jersey City, to carry, have, or keep concealed on his or her person any instrument or weapon commonly known as a slung-shot, billy, sand-club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket-knife), and loaded pistol or other dangerous weapon, under the penalty of not exceeding twenty dollars for each offense. § 2. That it shall not be lawful for any person or persons (excepting policemen and private watchmen when on duty), within the corporate limits of Jersey City, to carry or wear any sword in a cane, or air-gun, under the penalty of not exceeding twenty dollars for each offense. § 3. Any forfeiture on penalty arising under this ordinance may be recovered in the manner specified by the City Charter, and all persons violating any of the provisions aforesaid shall, upon conviction, stand committed until the same be paid.

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 86- 87, Image 86-87 (1874) available at The Making of Modern Law: Primary Sources.

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 41, Image 41 (1874) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New Jersey | 1871

An Ordinance To Prevent the Carrying of Loaded or Concealed Weapons within the Limits of Jersey City. The Mayor and Aldermen of Jersey City do ordain as follows: § 1.

That it shall not be lawful for any person or persons (excepting policemen and private watchmen when on duty), within the corporate limits of Jersey City, to carry, have, or keep concealed on his or her person any instrument or weapon commonly known as a slung-shot, billy, sand-club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket-knife), and loaded pistol or other dangerous weapon, under the penalty of not exceeding twenty dollars for each offense. § 2. That it shall not be lawful for any person or persons (excepting policemen and private watchmen when on duty), within the corporate limits of Jersey City, to carry or wear any sword in a cane, or air-gun, under the penalty of not exceeding twenty dollars for each offense. § 3. Any forfeiture or penalty arising under this ordinance may be recovered in the manner specified by the City Charter, and all persons violating any of the provisions aforesaid shall, upon conviction, stand committed until the same be paid.

Carrying Weapons, Registration and Taxation | New Jersey | 1873

An Ordinance In Relation to the Carrying of Dangerous Weapons. The Mayor and Aldermen of Jersey City do ordain as follows: § 1. That with the exceptions made in the second section of this ordinance, no person shall, within the limits of Jersey City, carry, have or keep on his or her person concealed, any slung-shot, sand-club, metal knuckles, dirk or dagger not contained as a blade of a pocket knife, loaded pistol or other dangerous weapon. § 2. That policemen of Jersey City, when engaged in the performance of police duty, the sheriff and constables of the County of Hudson, and persons having permits, as hereinafter provided for, shall be and are excepted from the prohibitions of the first section of this ordinance. § 3. The Municipal Court of Jersey City may grant permits to carry any of the weapons named in the first section to such persons as should, from the nature of their profession, business or occupation, or from peculiar circumstances, be allowed so to do; and may, in granting such permits, impose such conditions and restrictions in each case as to the court shall seem proper. All applications for permits shall be made in open court, by the applicant in person, and in all cases the court shall require a written endorsement of the propriety of granting a permit from at least three reputable freeholders; nor shall any such permit be granted to any person until the court is satisfied that such person is temperate, of adult age, and capable of exercising self-control . Permits shall not be granted for a period longer than one year, and shall be sealed by the seal of the court. The possession of a permit shall not operate as an excuse unless the terms of the same are strictly complied with. In cases of emergency, permits may be granted by a single Justice of the Municipal Court, or by the Chief of Police, to be in force not longer than thirty days, but such permit shall not be renewable. §4. That no person shall, within the limits of Jersey City, carry any air gun or any sword cane. § 5. The penalty for a violation of this ordinance shall be a fine not exceeding fifty dollars, or imprisonment in the city prison not exceeding ten days, or both fine and imprisonment not exceeding the aforesaid amount and time, in the discretion of the court.

Mercer Beasley, Revision of the Statutes of New Jersey: Published under the Authority of the Legislature; by Virtue of an Act Approved April 4, 1871 Page 304, Image 350 (1877) available at The Making of Modern Law: Primary Sources. Sentence Enhancement for Use of Weapon | New Jersey | 1877

An Act Concerning Disorderly Persons, § 2.

And whereas, diverse ill-disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses (as well as places of public resort or assemblage), with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behavior hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement with an intent to break and enter into any building: or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or near any dwelling house, warehouse, stable, barn, coach-house, smoke-house, or out-house, or in any enclosed yard or garden, or area belonging to any house, or in any place of public resort or assemblage for business, worship, amusement, or other lawful purposes with intent to steal any goods or chattels, then he or she shall be deemed and adjudged a disorderly person.

1905 N.J. Laws 324-25, A Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 172, § 1.

Any person who shall carry any revolver, pistol or other deadly, offensive or dangerous weapon or firearm or any stiletto, dagger or razor or any knife with a blade of five inches in length or over concealed in or about his clothes or person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding two hundred dollars or imprisonment at hard labor, not exceeding two years, or both; . . .

1927 N.J. Laws 742, A Further Supplement to an Act Entitled, “An Act for the Punishment of Crimes,” ch. 321, § 1.

Manufacturing, Inspection and Sale of Gunpowder and Firearms | New Jersey | 1927

No pawnbroker shall hereafter sell or have in his possession for sale or to loan or give away, any machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or

other high explosive. Any pawnbroker violating the provisions of this act shall be guilty of a high misdemeanor and punished accordingly.

NEW MEXICO

1852 N.M. Laws 67, An Act Prohibiting the Carrying a Certain Class of Arms, within the Settlements and in Balls, § 1.

That each and every person is prohibited from carrying short arms such as pistols, daggers, knives, and other deadly weapons, about their persons concealed, within the settlements, and any person who violates the provisions of this act shall be fined in a sum not exceeding ten dollars, nor less than two dollars, or shall be imprisoned for a term not exceeding fifteen days nor less than five days.

1853 N.M. Laws 406, An Act Prohibiting The Carrying Of Weapons Concealed Or Otherwise, § 25.

That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, or any class of pistols whatever, bowie knife, cuchillo de cinto (belt buckle knife), Arkansas toothpick, Spanish dagger, slung shot, or any other deadly weapon, of whatever class or description that may be, no matter by what name they may be known or called under the penalties and punishment which shall hereinafter be described.

1859 N.M. Laws 94, § 1-2.

§ 1. That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, of any class of pistols whatever, bowie knife (cuchillo de cinto), Arkansas toothpick, Spanish dagger, slung-shot, or any other deadly weapon, of whatever class or description they may be, no matter by what name they may be known or called, under the penalties and punishment which shall hereinafter be described. § 2. Be it further enacted: That if any person shall carry about his person, either concealed or otherwise, any deadly weapon of the class and description mentioned in the preceeding section, the person or persons who shall so offend, on conviction, which shall be by indictment in the district court, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court trying the cause, on the first conviction under this act; and for the second conviction, the party convicted shall be imprisoned in the county jail for a term of not less than three months, nor more than one year, also at the discretion of the court trying the cause.

1864-1865 N.M. Laws 406-08, An Act Prohibiting the Carrying of Weapons Concealed or Otherwise, ch. 61, § 25, 1864.

That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, or any class of pistols whatever, bowie knife (cuchillo de cinto), Arkansas toothpick, Spanish dagger, slungshot, or any other deadly weapon, of whatever class or description that may be, no matter by what name they may be known or called, under the penalties and punishment which shall hereinafter be described.

An Act to Prohibit the Unlawful Carrying and Use of Deadly Weapons, Feb. 18, 1887, reprinted in Acts of the Legislative Assembly of the Territory of New Mexico, Twenty-Seventh Session 55, 58 (1887).

Brandishing, Carrying Weapons, Dangerous or Unusual Weapons, Firing Weapons, Transportation | New Mexico | 1887

§ 8. Deadly weapons, within the meaning of this act, shall be construed to mean all kinds and classes of pistols, whether the same be a revolved, repeater, derringer, or any kind or class of pistol or gun; any and all kinds of daggers, bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including sword canes, and any kind of sharp pointed canes; as also slung shots, bludgeons or any other deadly weapons with which dangerous wounds can be inflicted. . . .

NEW YORK

The Colonial Laws Of New York From The Year 1664 To The Revolution, Including The Charters To The Duke Of York, The Commissions And Instructions To Colonial Governors, The Dukes Laws, The Laws Of The Dongan And Leisler Assemblies, The Charters Of Albany And New York And The Acts Of The Colonial Legislatures From 1691 To 1775 Inclusive Page 687, Image 689 (1894) available at The Making of Modern Law: Primary Sources.

Race and Slavery Based | New York | 1664

Laws of the Colony of New York. And be it further enacted by the authority aforesaid that it shall not be lawful for any slave or slave to have or use any gun, pistol, sword, club or any other kind of weapon whatsoever, but in the presence or by the direction of his her or their Master or Mistress, and in their own ground on Penalty of being whipped for the same at the discretion of the Justice of the Peace before whom such complaint shall come or upon the view of the said justice not exceeding twenty lashes on the bare back for every such offense.

Montgomery Hunt Throop, The Revised Statutes of the State of New York; As Altered by Subsequent Legislation; Together with the Other Statutory Provisions of a General and Permanent Nature Now in Force, Passed from the Year 1778 to the Close of the Session of the Legislature of 1881, Arranged in Connection with the Same or kindred Subjects in the Revised Statutes; To Which are Added References to Judicial Decisions upon the Provisions Contained in the Text, Explanatory Notes, and a Full and Complete Index Page 2512, Image 677 (Vol. 3, 1882) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New York | 1866

An Act to Prevent the Furtive Possession and use of slung-shot and other dangerous weapons. Ch. 716, § 1.

Every person who shall within this state use, or attempt to use or with intent to use against any other person shall knowingly and secretly conceal on his person, or with like intent shall willfully and furtively possess any possess any instrument or weapon of the kind commonly known as slung-shot, billy, sand club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket knife), or sword-cane or air-gun shall be deemed guilty of felony, and on conviction thereof be punished by imprisonment in the state prison, or penitentiary or county jail, for a term not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. § 2. The having possession of any of the weapons mentioned in the first section of this act by any other than a public officer, willfully and secretly concealed on the person or knowingly and furtively carried thereon, shall be presumptive evidence of so concealing and possessing or carrying the same with the intent to use the same in violation of the provisions of this act.

George S. Diossy, The Statute Law of the State of New York: Comprising the Revised Statutes and All Other Laws of General Interest, in Force January 1, 1881, Arranged Alphabetically According to Subjects Page 321, Image 324 (Vol. 1, 1881) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New York | 1881

Offenses Against Public Decency; Malicious Mischief, and Other Crimes not Before Enumerated, Concealed Weapons, § 9.

Every person who shall within this state use, or attempt to use, or with intent to use against any other person, shall knowingly and secretly conceal on his person, or with like intent shall willfully and furtively possess any instrument or weapon of the kind commonly known as a slung-shot, billy, sand club or metal knuckles, and any dirk shall be deemed guilty of felony, and on conviction thereof may be punished by imprisonment in the state prison, or penitentiary or county jail, for a

term not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

George R. Donnan, Annotated Code of Criminal Procedure and Penal Code of the State of New York as Amended 1882-5 Page 172, Image 699 (1885) available at The Making of Modern Law: Primary Sources.

Carrying, Using, Etc., Certain Weapons, § 410.

A person who attempts to use against another, or who, with intent so to use, carries, conceals or possesses any instrument or weapon of the kind commonly known as the slung-shot, billy, sand –club or metal knuckles, or a dagger, dirk or dangerous knife, is guilty of a felony. Any person under the age of eighteen years who shall have, carry or have in his possession in any public street, highway or place in any city of this state, without a written license from a police magistrate of such city, any pistol or other fire-arm of any kind, shall be guilty of a misdemeanor. This section shall not apply to the regular and ordinary transportation of fire-arms as merchandise, or for use without the city limits. § 411. Possession, Presumptive Evidence. The possession, by any person other than a public officer, of any of the weapons specified in the last section, concealed or furtively carried on the person, is presumptive evidence of carrying, or concealing, or possessing, with intent to use the same in violation of that section.

Charter and Ordinances of the City of Syracuse: Together with the Rules of the Common Council, the Rules and Regulations of the Police and Fire Departments, and the Civil Service Regulations Page 215, Image 216 (1885) available at The Making of Modern Law: Primary Sources.

[Offenses Against the Public Peace and Quiet,] § 7.

Any person who shall carry about his or her person any dirk, bowie knife, sword or spear cane, pistol, revolver, slung shot, jimmy, brass knuckles, or other deadly or unlawful weapon, or shall use any deadly or unlawful weapon, with intent to do bodily harm to any person, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor longer than three months, or to both such fine and imprisonment.

1900 N.Y. Laws 459, An Act to Amend Section Four Hundred and Nine of the Penal Code, Relative to Dangerous Weapons, ch. 222, § 1.

Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | New York | 1900

Making, et cetera, dangerous weapons. – A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any

instrument or weapon of the kind usually known as slunghsot, billy, sand-club or metal knuckles, or who, in any city or incorporated village in this state, without the written consent of the police magistrate, sells or gives any pisol or other firearm, to any person under the age of eighteen years or without a like consent sells or gives away any air-gun, or spring-gun, or other instrument or weapon in which the propelling force is a spring or air to any person under ht age of twelve years, or who sells or gives away any instrument or weapon commonly known as a toy pistol, in or upon which any loaded or blank cartridges are used or may be used, to any person under the age of sixteen years, is guilty of a misdemeanor.

1911 N.Y. Laws 442, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 1.

Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | New York | 1911

Section[] eighteen hundred and ninety-six . . . [is] hereby amended . . . § 1896.

Making and disposing of dangerous weapons. A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, or metal knuckles, to any person; or a person who offers, sells, loans, leases or gives any gun, revolver, pistol or other firearm or any airgun, spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor, to any person under the age of sixteen years, is guilty of a misdemeanor.

1911 N.Y. Laws 442-43, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 1.

Section . . . eighteen hundred and ninety-seven . . . [is] hereby amended to read as follows: § 1897. Carrying and use of dangerous weapons. A person who attempts to use against another, or who carries, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles or bludgeon, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon, is guilty of a felony. Any person under the age of sixteen years, who shall have, carry, or have in his possession, any of the articles named or described in the last section, which is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor. . . . Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.

1913 N.Y. Laws 1627-30, vol. III, ch. 608, § 1, Carrying and Use of Dangerous Weapons

Carrying Weapons, Dangerous or Unusual Weapons | New York | 1913

§ 1. A person who attempts to use against another, or who carries or possesses, any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bludgeon, bomb or bombshell, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instruments or weapon, is guilty of a felony.

1931 N.Y. Laws 1033, An Act to Amend the Penal Law in Relation to Carrying and Use of Glass Pistols, ch. 435, § 1.

Dangerous or Unusual Weapons | New York | 1931

A person who attempts to use against another an imitation pistol, or who carries or possesses any instrument or weapon of the kind commonly known as a black-jack, slungshot, billy, sand club, sandbag, metal knuckles, bludgeon, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, machine gun, sawed off shot-gun, or any other dangerous or deadly instrument, or weapon is guilty of a misdemeanor, and if he has been previously convicted of any crime he is guilty of a felony.

NORTH CAROLINA

James Iredell, A Digested Manual of the Acts of the General Assembly of North Carolina, from the Year 1838 to the Year 1846, Inclusive, Omitting All the Acts of a Private and Local Nature, and Such as were Temporary and Whose Operation Has Ceased to Exist Page 73, Image 73 (1847) available at The Making of Modern Law: Primary Sources, 1840.

Crimes and Punishments, 1840 – 1. – Ch. 30, If any free negro, mulatto, or free person of color shall wear, or carry about his or her person, or keep in his or her house, any shot gun, musket, rifle, pistol, sword, dagger, or bowie knife, unless he or she shall have obtained a license therefor from the Court of Pleas and Quarter Sessions of his or her county, within one year preceding the wearing, keeping or carrying thereof, he or she shall be guilty of a misdemeanor and may be indicted therefor.

James Iredell, A Digested Manual of the Acts of the General Assembly of North Carolina, from the Year 1838 to the Year 1846, Inclusive, Omitting All the Acts of a Private and Local Nature, and Such as were Temporary and Whose Operation Has Ceased to Exist Page 75, Image 75 (1847) available at The Making of Modern Law: Primary Sources, 1846.

Crimes and Punishments, 1846 – 7- Ch. 42. It shall not be lawful for any person or persons to sell or barter and deliver, to any slave, or slaves, any gun cotton, fire arms, swords, dirks or other side arms, unless those articles be for the owner or employer, and by the written order of the owner or employer of such slave or slaves, under the penalty of one hundred dollars for each offence, to be recovered, by warrant, before any Justice of the Peace, and applied, one half to the use of the party suing for the same, and the other half to the wardens of the poor of the county; and, moreover, may be indicted in the County or Superior Courts of Law; and the defendant, on conviction, shall be fined or imprisoned at the discretion of the Court; the fine, however, not to exceed fifty dollars, or the imprisonment three months.

1858-1859 N.C. Sess. Laws 34-36, Pub. Laws, An Act Entitled Revenue, chap. 25, § 27, pt. 15.

The following subjects shall be annually listed, and be taxed the amounts specified: . . . Every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rifle cane, used or worn about the person of any one at any time during the year, one dollar and twenty-five cents. Arms used for mustering shall be exempt from taxation.

1856-1857 N.C. Sess. Laws 34, Pub. Laws, An Act Entitled “Revenue,” ch. 34, § 23, pt. 4, 1856.

On every pistol, except such as are used exclusively for mustering, and on every bowie-knife, one dollar and twenty five cents; on dirks and swordcanes, sixty five cents: Provided, however, That of said arms, only such shall be taxable, as at some time within the year have been used, worn or carried about the person of the owner, or of some other, by his consent.

1858-1859 N.C. Sess. Laws 34-36, Pub. Laws, An Act Entitled Revenue, chap. 25, § 27, pt. 15, 1858.

The following subjects shall be annually listed, and be taxed the amounts specified: . . . Every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rifle cane, used or worn about the person of any one at any time during the year, one dollar and twenty-five cents. Arms used for mustering shall be exempt from taxation.

1860-1861 N.C. Sess. Laws 68, Pub. Laws, An Act to Amend Chapter 107, Section 66, of the Revised Code, Relating to Free Negroes Having Arms, ch. 34, § 1, 1860.

That chapter 107, section 66, of the Revised Code be amended to read as follows: If any free negro shall wear or carry about his person or keep in his house any shot gun, musket, rifle, pistol, sword, sword cane, dagger, bowie knife, powder or shot, he shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars.

North Carolina: N.C. Sess. Laws (1879) chap. 127, as codified in North Carolina Code, Crim. Code, chap. 25 (1883) § 1005, Concealed weapons, the carrying or unlawfully, a misdemeanor.

If any one, except when on his own premises, shall carry concealed about his person any pistol, bowie knife, dirk, dagger, slungshot, loaded case, brass, iron or metallic knuckles or razor or other deadly weapon or like kind, he shall be guilty of a misdemeanor, and be fined or imprisoned at the discretion of the court. And if anyone not being on his own lands, shall have about his person any such deadly weapon, such possession shall be prima facie evidence of the concealment thereof.

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NORTH DAKOTA

1895 N.D. Rev. Codes 1293, Penal Code, Crimes Against the Public Health and Safety, ch. 40, §§ 7312-13.

§ 7312. Carrying or using slung shot. Every person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

§ 7313. Carrying concealed weapons. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapon, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

1915 N.D. Laws 96, An Act to Provide for the Punishment of Any Person Carrying Concealed Any Dangerous Weapons or Explosives, or Who Has the Same in His Possession, Custody or Control, unless Such Weapon or Explosive Is Carried in the Prosecution of a Legitimate and Lawful Purpose, ch. 83, §§ 1-3, 5.

§ 1. Any person other than a public officer, who carries concealed in his clothes any instrument or weapon of the kind usually known as a black-jack, slung-shot, billy, sand club, sand bag, bludgeon, metal knuckles, or any sharp or dangerous weapon usually employed in attack or defense of the person, or any gun, revolver, pistol or other dangerous fire arm loaded or unloaded, or any person who carries concealed nitro-glycerin, dynamite, or any other dangerous or violent explosive, or has the same in his custody, possession or control, shall be guilty of a felony. . . .

OHIO

1788-1801 Ohio Laws 20, A Law Respecting Crimes and Punishments . . . , ch. 6. Sentence Enhancement for Use of Weapon | Ohio | 1788

Burglary . . . If the person or persons so breaking and entering any dwelling house, shop, store or vessel as aforesaid, shall commit, or attempt to commit any personal abuse, force, or violence, or shall be so armed with any dangerous weapon or weapons as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof, shall moreover, forfeit all his, her or their estate, real and personal, to this territory, out of which the party injured shall be recompensed as aforesaid, and the offender shall also be committed to any gaol [jail] in the territory for a term not exceeding forty years.

1859 Ohio Laws 56, An Act to Prohibit the Carrying or Wearing of Concealed Weapons, § 1.

Carrying Weapons | Ohio | 1859

[W]hoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie knife, dirk, or any other dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction of the first offense shall be

fined not exceeding two hundred dollars, or imprisoned in the county jail not more than thirty days; and for the second offense, not exceeding five hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court.

Joseph Rockwell Swan, The Revised Statutes of the State of Ohio, of a General Nature, in Force August 1, 1860. With Notes of the Decisions of the Supreme Court Page 452, Image 464 (1860) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Ohio | 1859

An Act to Prohibit the Carrying or Wearing of Concealed Weapons, §§ 1-2.

§ 1. Be it enacted by the General Assembly of the State of Ohio, that whoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie knife, dirk, or any other dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction of the first offense shall be fined not exceeding two hundred dollars, or imprisoned in the county jail not more than thirty days; and for the second offense, not exceeding five hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court. Sec.

§ 2. If it shall be proved to the jury, from the testimony on the trial of any case presented under the [section of this act banning the carrying of concealed weapons], that the accused was, at the time of carrying any of the weapon or weapons aforesaid, engaged in the pursuit of any lawful business, calling, or employment, and that the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid for the defense of his person, property or family, the jury shall acquit the accused.

Michael Augustus Daugherty, The Revised Statutes and Other Acts of a General Nature of the State of Ohio: In Force January 1, 1880 Page 1633, Image 431 (Vol. 2, 1879) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Ohio | 1880

Offences Against Public Peace, § 6892.

Whoever carries any pistol, bowie-knife, dirk, or other dangerous weapon, concealed on or about his person, shall be fined not more than two hundred dollars, or imprisoned not more than five hundred dollars, or imprisoned not more than three months, or both.

OKLAHOMA

1890 Okla. Laws 495, art. 47

Brandishing, Carrying Weapons, Hunting, Possession by, Use of, and Sales to
Minors and Others Deemed Irresponsible | Oklahoma | 1890

§ 1. It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

§ 2. It shall be unlawful for any person in the Territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided.

§ 3. It shall be unlawful for any person within this Territory, to sell or give to any minor any of the arms or weapons designated in sections one and two of this article.

§ 4. Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under to other circumstances: Provided, however, That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.

§ 5. Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while traveling or removing from one place to another, and not otherwise.

§ 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

§ 8. It shall be unlawful for any person in this Territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

§ 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

1890 Okla. Sess. Laws 475, Crimes Against The Public Health And Safety, §§ 18-19.

§ 18. Every person who manufactures or causes to be manufactured, or sells or offers or keeps for sale, or gives or disposes of any instrument or weapon of the kind usually known as slung shot, or of any similar kind is guilty of a misdemeanor.

§ 19. Every person who carries upon his person, whether concealed or not or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

General Laws Relating to Incorporated Towns of Indian Territory Page 37, Image 33 (1890) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oklahoma | 1890

Revised Ordinances of the Town of Checotah, Ordinance No. 11, § 3.

To wear or carry any pistol of any kind whatever, or any dirk, butcher knife or bowie knife, or a sword, or a spear in a cane, brass or metal knuckles or a razor, slung shot, sand bag, or a knife with a blade over three inches long, with a spring handle, as a weapon.

Leander G. Pitman, The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 495-496, Image 511-512 (1891) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oklahoma | 1891

Concealed Weapons, §§ 1, 2, 4-10.

§ 1. It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

§ 2. It shall be unlawful for any person in this territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided.

§ 4. Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: Provided, however That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.

§ 5. Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while travelling or removing from one place to another, and not otherwise.

§ 6. Any person violating the provisions of any one of the forgoing sections, shall on the first conviction be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not to exceed thirty days or both at the discretion of the court. On the second and every subsequent conviction, the party offending shall on conviction be fined not less than fifty dollars nor more than two hundred and fifty dollars or be imprisoned in the county jail not less than thirty days nor more than three months or both, at the discretion of the court.

§ 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

§ 8. It shall be unlawful for any person in this territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

§ 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

§ 10. Any person violating the provisions of section seven, eight, or nine of this article; shall on conviction, be punished by a fine of not less than fifty dollars, nor more than five hundred and shall be imprisoned in the county jail for not less than three nor more than twelve months.

Wilson's Rev. & Ann. St. Okla.(1903) § 583, c. 25.

It shall be unlawful for any person in the territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

OREGON

1885 Or. Laws 33, An Act to Prevent Persons from Carrying Concealed Weapons and to Provide for the Punishment of the Same, §§ 1-2.

§ 1. It shall be unlawful for any person to carry concealed about his person in any manner whatever any revolver, pistol, or other fire-arm, or any knife (other than an ordinary pocket knife), or any dirk or dagger, slung-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

§ 2. Any person violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than five days nor more than one hundred days, or by both fine and imprisonment, in the discretion of the court.

Laws of Oregon (1885), An Act to Prevent Persons from Carrying Concealed Weapons, § 1-4, p. 33, as codified in Ore. Code, chap. 8 (1892) § 1969.

It shall be unlawful for any person to carry concealed about his person in any manner whatever any revolver, pistol, or other fire-arm, or any knife (other than an ordinary pocket knife), or any dirk or dagger, slung-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

The Charter of Oregon City, Oregon, Together with the Ordinances and Rules of Order Page 259, Image 261 (1898) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oregon | 1898

An Ordinance Providing for the Punishment of Disorderly Persons, and Keepers and Owners of Disorderly Houses, § 2.

It shall be unlawful for any person to carry any sling shot, billy, dirk, pistol or any concealed deadly weapon or to discharge any firearms, air gun, sparrow gun, flipper or bean shooter within the corporate limits of the city, unless in self-defense, in protection of property or an officer in the discharge of his duty; provided, however, permission may be granted by the mayor to any person to carry a pistol or revolver when upon proper representation it appears to him necessary or prudent to grant such permission.

1917 Or. Sess. Laws 804-808, An Act Prohibiting the manufacture, sale, possession, carrying, or use of any blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger or stiletto, and regulating the carrying and sale of certain firearms, and defining the duties of certain executive officers, and providing penalties for violation of the provisions of this Act, §§ 7-8.

Carrying Weapons | Oregon | 1917

§ 7. Any person who attempts to use, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any loaded pistol, revolver or other firearm, or any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, metal knuckles, bomb or bomb-shell, or any other dangerous or deadly weapon or instrument, is guilty of a felony. The carrying or possession of any of the weapons specified in this section by any person while committing, or attempting or threatening to commit a felony, or a breach of the peace, or any act of violence against the person or property of another, shall be presumptive evidence of carrying or possessing such weapon with intent to use the same in violation of this section.

Any person who violates the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment in the county jail for not less than one month nor more than six months, or by imprisonment in the penitentiary for not exceeding five years.

§ 8. Whenever any person shall be arrested and it shall be discovered that such person possesses or carries or has possessed or carried upon his person any loaded pistol, revolver or other firearm, or any weapon named or enumerated in Section 7 of this Act, in violation of any of the sections of this Act, it shall be the duty of the person making the arrest to forthwith lay an information for a violation of said section or sections against the person arrested before the nearest or most accessible magistrate having jurisdiction of the offense, and such magistrate must entertain and examine such information and act thereon in the manner prescribed by law.

Section 11. Any person not a citizen of the United States of America, who shall be convicted of carrying a deadly weapon, as described in Sections 1, 2 and 7 of this Act, shall be guilty of a felony and on conviction thereof shall be punished by imprisonment in the State prison for a period not exceeding five years.

PENNSYLVANIA

1851 Pa. Laws 382, An Act Authorizing Francis Patrick Kenrick, Bishop Of Philadelphia, To Convey Certain Real Estate In The Borough Of York, And A supplement To The Charter Of Said Borough, § 4.

That any person who shall willfully and maliciously carry any pistol, gun, dirk knife, slung shot, or deadly weapon in said borough of York ,shall be deemed guilty of a felon, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than 6 months nor more than one

year and shall give security for future good behavior for such sum and for such time as the court before whom such conviction shall take place may fix

Laws of the City of Johnstown, Pa., Embracing City Charter, Act of Assembly of May 23, 1889, for the Government of Cities of the Third Class, General and Special Ordinances, Rules of Select and Common Councils and Joint Sessions Page 86, Image 86 (1897) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Pennsylvania | 1897

An Ordinance for the Security of Persons and Property of the Inhabitants of the City of Johnstown; The preservation of the Public Peace and Good Order of the City, and Prescribing Penalties for Offenses Against the Same, § 12.

No person shall willfully carry concealed upon his or her person any pistol, razor, dirk or bowie-knife, black jack, or handy billy, or other deadly weapon, and any person convicted of such offense shall pay a fine of not less than five dollars or more than fifty dollars with costs.

RHODE ISLAND

1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, § 1.

No person shall wear or carry in this state any dirk, bowie knife, butcher knife, dagger, razor, sword in cane, air gun, billy, brass or metal knuckles, slung shot, pistol or fire arms of any description, or other weapons of like kind and description concealed upon his persons . . . [additional fine provided if intoxicated while concealed carrying].

1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, §§1-3.

Carrying Weapons, Sentence Enhancement for Use of Weapon | Rhode Island | 1893

§ 1. No person shall wear or carry in this state any dirk, bowie knife, butcher knife, dagger, razor, sword in cane, air gun, billy, brass or metal knuckles, slung shot, pistol or fire arms of any description, or other weapons of like kind and description concealed upon his person: Provided, that officers or watchmen whose duties require them to make arrests or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act.

§ 2. Any person convicted of a violation of the provisions of section 1 shall be fined not less than twenty dollars nor more than two hundred dollars, or be imprisoned not less than six months nor more than one year.

§ 3. Whenever any person shall be arrested charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall have concealed upon his person any of the weapons mentioned in section 1, such person, upon complaint and conviction, in addition to the penalties provided in section 2, shall be subject to a fine of not less than five dollars nor more than twenty five dollars, and the confiscation of the weapon so found.

General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State Page 1010-1011, Image 1026-1027 (1896) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Rhode Island | 1896

Offences Against Public Policy, §§ 23, 24, 26.

§ 23. No person shall wear or carry in this state any dirk, bowie-knife, butcher knife, dagger, razor, sword-in-cane, air-gun, billy, brass or metal knuckles, slung-shot, pistol or fire-arms of any description, or other weapons of like kind and description concealed upon his person: provided, that officers or watchmen whose duties require them to make arrests or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this and the two following sections.

§ 24. Any person convicted of a violation of the provisions of the preceding section shall be fined not less than ten nor more than twenty dollars, or be imprisoned not exceeding three months, and the weapon so found concealed shall be confiscated

....

§ 26. No negative allegations of any kind need be averred or proved in any complaint under the preceding three sections, and the wearing or carrying of such concealed weapons or weapons shall be evidence that the wearing or carrying of the same is unlawful; but the respondent in any such case may show any fact that would render the carrying of the same lawful under said sections.

1908 (January Session) R.I. Pub. Laws 145, An Act in Amendment of section 23 of chapter 283 of the General Laws

Carrying Weapons | Rhode Island | 1908

§ 23. No person shall wear or carry in this state any dirk, dagger, razor, sword-in-cane, bowie knife, butcher knife, or knife of any description having a blade of more than three inches in length, measuring from the end of the handle, where the

blade is attached to the end of said blade, any air gun, billy, brass or metal knuckles, slung-shot, pistol or firearms of any description, or other weapons of like kind and description, concealed upon his person: Provided, that officers or watchmen whose duties require them to arrest or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provision of this and the two other following sections.

SOUTH CAROLINA

1880 S.C. Acts 448, § 1, as codified in S.C. Rev. Stat. (1894). § 129 (2472.)

§ 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, not met and sitting in General Assembly, and by the authority of the same, That any person carrying a pistol , dirk, dagger, slung shot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury, concealed about his person shall be guilty of a misdemeanor and upon conviction thereof, before a Court of competent jurisdiction shall forfeit to the County the weapon so carried concealed and be fined in a sum not more than two hundred dollars, or imprisoned for not more than twelve months, or both, in the discretion of the Court.

§ 2. It shall be the duty of every Trial Justice, Sheriff, Constable, or other peace officer, to cause all persons violating this Act to be prosecuted therefor whenever they shall discover a violation hereof.

1923 S.C. Acts 221

If any person shall knowingly sell, offer for sale, give, or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, loaded cane or sling shot, he shall be guilty of a misdemeanor. Any person being the parent or guardian, of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever any gun, pistol, or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding Fifty Dollars or imprisoned not exceeding thirty days.

SOUTH DAKOTA

S.D. Terr. Pen. Code (1877), § 457 as codified in S.D. Rev. Code, Penal Code (1903), §§ 470-471.

§ 470. Every person who carries upon his person, whether concealed or not, or uses or attempt to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

§ 471. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapons, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

S.D. Rev. Code, Penal Code 1150 (1903) §§ 470, 471

§ 470. Every person who carries upon his person, whether concealed or not, or uses or attempt to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

§ 471. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapons, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

TENNESSEE

1837-38 Tenn. Pub. Acts 200-01, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in this State, ch 137, § 2.

That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas toothpick under his clothes, or keep the same concealed about his person, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.

1837-1838 Tenn. Pub. Acts 200, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in this State, ch. 137, § 1.

That if any merchant, . . . shall sell, or offer to sell . . . any Bowie knife or knives, or Arkansas tooth picks . . . such merchant shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a period not less than one month nor more than six months.

1837-1838 Tenn. Pub. Acts 201, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in the State, ch. 137, § 4.

That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden rencounter [sic], shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this state, for a period of time not less than three years, nor more than fifteen years.

Seymour Dwight Thompson, A Compilation of the Statute Laws of the State of Tennessee, of a General and Permanent Nature, Compiled on the Basis of the Code of Tennessee, With Notes and References, Including Acts of Session of 1870-1871 Page 125, Image 794 (Vol. 2, 1873) available at The Making of Modern Law: Primary Sources. [1856]

Offences Against Public Policy and Economy. § 4864.

Any person who sells, loans, or gives, to any minor a pistol, bowie-knife, dirk, Arkansas tooth-pick, hunter's knife, or like dangerous weapon, except a gun for hunting or weapon for defense in traveling, is guilty of a misdemeanor, and shall be fined not less than twenty-five dollars, and be imprisoned in the county jail at the discretion of the court.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 190, Image 191 (1863) available at The Making of Modern Law: Primary Sources.

Offences Affecting Public Safety: Carrying Concealed Weapons, § 3.

It shall not be lawful for any person or persons to carry concealed about his or their persons any pistol, Bowie-knife, dirk, or any other deadly weapon; and any person so offending, shall upon conviction thereof before the Recorder, be fined not less than ten nor more than fifty dollars for each and every offence.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 44, Image 44 (1867) available at The Making of Modern Law: Primary Sources.

Police Regulations Of The State, Offences Against Public Peace, §§ 4746, 4747, 4753, 4757.

§ 4746. Any person who carries under his clothes or concealed about his person, a bowie-knife, Arkansas tooth-pick or other knife or weapon of like form and shape or size, is guilty of a misdemeanor.

§ 4747. It is a misdemeanor to sell, or offer to sell, or to bring into the State for the purpose of selling, giving away or otherwise disposing of any knife or weapon mentioned in the preceding section.

§ 4753. No person shall ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any dangerous weapon, to the fear or terror of any person.

§ 4757. No person shall either publicly or privately carry a dirk, sword-cane, Spanish stiletto, belt or pocket pistol, except a knife, conspicuously on the strap of a shot-pouch, or on a journey to a place out of his county or State.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 50, Image 50 (1867) available at The Making of Modern Law: Primary Sources.

Police Regulations of the State. Selling Liquors or Weapons to Minors. § 4864. Any person who sells, loans or gives to any minor a pistol, bowie-knife, dirk, Arkansas toothpick, hunter's knife, or like dangerous weapon, except a gun for hunting or weapon for defense in traveling, is guilty of a misdemeanor and shall be fined not less than twenty-five dollars, and imprisoned in the county jail at the discretion of the court.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 44, Image 44 (1867) available at The Making of Modern Law: Primary Sources.

Police Regulations Of the State. Offences Against Public Peace. Concealed Weapons. §§ 4746-4747.

§ 4746. Any person who carries under his clothes or concealed about his person, a bowie-knife, Arkansas tooth-pick or other knife or weapon of like form and shape or size, is guilty of a misdemeanor. Selling such weapons misdemeanor.

§ 4747. It is a misdemeanor to sell, or offer to sell, or to bring into the state for the purpose of selling, giving away or otherwise disposing of any knife or weapon mentioned in the preceding Section.

James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code Page 108, Image 203 (Nashville, 1871) available at The Making of Modern Law: Primary Sources. 1869 Elections.

§ 2. That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other

public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon.

§ 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.

Tenn. Pub. Acts (1879), chap. 186, as codified in Tenn. Code (1884). 5533: It shall not be lawful for any person to carry, publicly or privately, any dirk, razor concealed about his person, sword cane, loaded cane, slung-shot or brass knucks, Spanish stiletto, belt or pocket pistol, revolver, or any kind of pistol, except the army or navy pistol used in warfare, which shall be carried openly in hand.

William King McAlister Jr., Ordinances of the City of Nashville, to Which are Prefixed the State Laws Chartering and Relating to the City, with an Appendix Page 340-341, Image 345-346 (1881) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Nashville, Carrying Pistols, Bowie-Knives, Etc., § 1. That every person found carrying a pistol, bowie-knife, dirk-knife, slung-shot, brass knucks or other deadly weapon, shall be deemed guilty of a misdemeanor, and, upon conviction of such first offense, shall be fined from ten to fifty dollars, at the discretion of the court, but upon conviction of every such subsequent offense, shall be fined fifty dollars; Provided, however, that no ordinary pocket knife and common walking-canes shall be construed to be deadly weapons.

Claude Waller, Digest of the Ordinances of the City of Nashville, to Which are Prefixed the State Laws Incorporating, and Relating to, the City, with an Appendix Containing Various Grants and Franchises Page 364-365, Image 372-373 (1893) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Nashville, § 738.

Every person found carrying a pistol, bowie-knife, dirk-knife, slung-shot, brass knucks, or other deadly weapon, shall be deemed guilty of a misdemeanor, and, upon conviction of such first offense, shall be fined from ten to fifty dollars, at the discretion of the court; but, upon conviction of every subsequent offense, shall be fined fifty dollars; Provided, however, That no ordinary pocket-knife and common walking canes shall be construed to be deadly weapons. . .

TEXAS

A Digest of the General Statute Laws of the State of Texas: to Which Are Subjoined the Repealed Laws of the Republic and State of Texas (Austin, Texas: Williamson S. Oldham & George W. White, comp., 1859)

Texas, Chapter 3, Act of August 28, 1856

Art. 493. If any person shall assault another with intent to murder, he shall be punished by confinement in the Penitentiary, not less than two years, nor more than seven years. If the assault be made with a bowie-knife, or dagger, the punishment shall be doubled. Page 520

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015073228879&view=1up&seq=538&q1=bowie%20knife>

Art. 610. If any person be killed with a *bowie knife* or *dagger*, under circumstances which would otherwise render the homicide a case of manslaughter, the killing shall nevertheless be deemed murder, and punished accordingly. [emphasis in original] Page 534

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015073228879&view=1up&seq=552&q1=bowie%20knife>

1871 Tex. Laws 25, An Act to Regulate the Keeping and Bearing of Deadly Weapons.

§ 1. Be it enacted by the Legislature of the State of Texas, That any person carrying on or about his person, saddle, or in his saddle bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, unless he had reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the State, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fine imposed and collected shall go into the treasury of the county in which they may have been imposed; provided, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State from keeping or carrying arms with their baggage; provided

further, that members of the Legislature shall not be included under the term “civil officers” as used in this act.

§ 2. Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense.

Tex. Act of Apr. 12, 1871, as codified in Tex. Penal Code (1879).
Art. 163.

If any person other than a peace officer, shall carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election, during the hours the polls are open, within the distance of one-half mile of any poll or voting place, he shall be punished as prescribed in article 161 of the code.

1879 Tex. Crim. Stat. tit. IX, Ch. 4 (Penal Code)

Art. 318. If any person in this state shall carry on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars; and, in addition thereto, shall forfeit to the county in which he is convicted, the weapon or weapons so carried.

Art. 319. The preceding article shall not apply to a person in actual service as a militiaman, nor to a peace officer or policeman, or person summoned to his aid, not to a revenue or other civil officer engaged in the discharge of official duty, not to the carrying of arms on one’s own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack, upon legal process.

Art. 320. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball-room, social party, or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster, or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other fire-arm, dirk,

dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of a knife manufactured and sold for the purposes of offense and defense, he shall be punished by fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

Art. 321. The preceding article shall not apply to peace officers, or other persons authorized or permitted by law to carry arms at the places therein designated.

Art. 322. Any person violating any of the provisions of articles 318 and 320, may be arrested without warrant by any peace officer, and carried before the nearest justice of the peace for trial; and any peace officer who shall fail to refuse to arrest such person on his own knowledge, or upon information from some credible person, shall be punished by fine not exceeding five hundred dollars.

Art. 323. The provisions of this chapter shall not apply to or be enforced in any county which the governor may designate, by proclamation, as a frontier county and liable to incursions by hostile Indians.

1897 Tex. Gen. Laws 221, An Act To Prevent The Barter, Sale And Gift Of Any Pistol, Dirk, Dagger, Slung Shot, Sword Cane, Spear, Or Knuckles Made Of Any Metal Or Hard Substance To Any Minor Without The Written Consent Of The Parent Or Guardian Of Such Minor. . . , chap. 155.

That if any person in this State shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor, any pistol, dirk, dagger, slung shot, sword-cane, spear or knuckles made of any metal or hard substance, bowie knife or any other knife manufactured or sold for the purpose of offense or defense, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, he shall be punished by fine of not less then twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment and during the time of such imprisonment such offender may be put to work upon any public work in the county in which such offense is submitted.

Theodore Harris, Charter and Ordinances of the City of San Antonio. Comprising All Ordinances of a General Character in Force August 7th, Page 220, Image 225 (1899) available at The Making of Modern Law: Primary Sources.

Brandishing | Texas | 1899

Ordinances of the City of San Antonio, Ordinances, ch. 22, § 4.

If any person shall, within the city limits, draw any pistol, gun, knife, sword-cane, club or any other instrument or weapon whereby death may be caused, in a threatening manner, or for the purpose of intimidating others, such person shall be deemed guilty of an offense.

UTAH

Dangerous and Concealed Weapon, Feb. 14, 1888, reprinted in The Revised Ordinances Of Salt Lake City, Utah 283 (1893) (Salt Lake City, Utah). § 14. Any person who shall carry and slingshot, or any concealed deadly weapon, without the permission of the mayor first had and obtained, shall, upon conviction, be liable to a fine not exceeding fifty dollars.

Chapter 5: Offenses Against the Person, undated, reprinted in The Revised Ordinances Of Provo City, Containing All The Ordinances In Force 105, 106-7 (1877) (Provo, Utah).

§ 182: Every person who shall wear, or carry upon his person any pistol, or other firearm, slungshot, false knuckles, bowie knife, dagger or any other dangerous or deadly weapon, is guilty of an offense, and liable to a fine in any sum not exceeding twenty-five dollars; Provided, that nothing in this section, shall be construed to apply to any peace officer, of the United States, the Territory of Utah, or of this city.¹

VERMONT

No. 85.—An Act Against Carrying Concealed Weapons, Ch. 85, p. 95. 1892.

Section 1. A person who shall carry a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

Sec. 2. A person who shall carry or have in his possession while a member of and in attendance upon any school, any firearms, dirk knife, bowie knife, dagger or other dangerous or deadly weapon shall, upon conviction thereof, be fined not exceeding twenty dollars.

Approved November 19, 1892.

https://www.google.com/books/edition/Acts_and_Laws_Passed_by_the_Legislature/DXFOAQAIAAJ?hl=en&gbpv=1&dq=Vermont+%22while+a+member+of+an+d+in+attendance+upon+any+school,%22++%22any+firearms,+dirk+knife,+bowie

¹ See http://www.supremecourt.gov/DocketPDF/18/18-280/99640/20190514123503867_Ch Charles%20Appendix.pdf.

[+knife,+dagger+or+other+dangerous+or+deadly+weapon%22%C2%A0&pg=PA95&printsec=frontcover](#)

Ordinances of the City of Barre, Vermont
Carrying Weapons, Firing Weapons | Vermont | 1895
CHAPTER 16, § 18.

No person, except on his own premises, or by the consent and permission of the owner or occupant of the premises, and except in the performance of some duty required by law, shall discharge any gun, pistol, or other fire arm loaded with ball or shot, or with powder only, or firecrackers, serpent, or other preparation whereof gunpowder or other explosive substance is an ingredient, or which consists wholly of the same, nor shall make any bonfire in or upon any street, lane, common or public place within the city, except by authority of the city council.

CHAPTER 38, SEC. 7. No person shall carry within the city any steel or brass knuckles, pistol, slung shot, stiletto, or weapon of similar character, nor carry any weapon concealed on his person without permission of the mayor or chief of police in writing.²

² See http://www.supremecourt.gov/DocketPDF/18/18-280/99640/20190514123503867_Ch Charles%20Appendix.pdf.

VIRGINIA

Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force; with a New and Complete Index. To Which are Prefixed the Declaration of Rights, and Constitution, or Form of Government Page 187, Image 195 (1803) available at The Making of Modern Law: Primary Sources.

Race and Slavery Based | Virginia | 1792

[An Act to Reduce into one, the Several Acts Concerning Slaves, Free Negroes, and Mulattoes (1792),] §§ 8-9.

§8. No negro or mulatto whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun, weapon, and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any Justice of the Peace of the County or Corporation where such seizure shall be, shall by his order be forfeited to the seizer for his own use ; and moreover, every such offender shall have and receive by order of such Justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense.

§ 9. Provided, nevertheless, That every free negro or mulatto, being a house-keeper, may be permitted to keep one gun, powder and shot; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons offensive or defensive, by license from a Justice of Peace of the County wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

Acts of the General Assembly of Virginia, Passed at the Session of 1838, chap. 101, at 76; 1838.

Be it enacted by the general assembly, That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from this use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offense forfeit and pay the sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and in each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

1847 Va. Laws 127, c. 14, § 16.

If any person shall go armed with any offensive or dangerous weapon without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may be required to find sureties for keeping the peace for a term not exceeding twelve months, with the right of appealing as before provided.

Staunton, The Charter and General Ordinances of the Town of Lexington, Virginia Page 87, Image 107 (1892) available at The Making of Modern Law: Primary Sources, 1867.

Ordinances of The Town of Lexington, VA, Of Concealed Weapons and Cigarettes, § 1. If any person carrying about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, he shall be fined not less than twenty dollars nor more than one hundred dollars; and any of such weapons mentioned shall be forfeited to the town. Nothing in this section shall apply to any officer of the town, county or state while in the discharge of his duty.

The Code of Virginia: With the Declaration of Independence and the Constitution of the United States; and the Constitution of Virginia Page 897, Image 913 (1887) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Virginia | 1887

Offences Against the Peace, § 3780. Carrying Concealed Weapons, How Punished. Forfeiture and Sale of Weapons. If any person carry about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, he shall be fined not less than twenty nor more than one hundred dollars, and such pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, shall be forfeited to the commonwealth and may be seized by an officer as forfeited; and upon the conviction of the offender the same shall be sold and the proceeds accounted for and paid over as provided in section twenty-one hundred and ninety: Provided, that this section shall not apply to any police officer, town or city sergeant, constable, sheriff, conservator of the peace, or collecting officer, while in the discharge of his official duty.

WASHINGTON

1854 Wash. Sess. Law 80, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 30.

Brandishing | Washington | 1854

Every person who shall, in a rude, angry, or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall

on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

1859 Wash. Sess. Laws 109, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 30.

Brandishing | Washington | 1859

Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife or other dangerous weapon, shall, on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

1869 Wash. Sess. Laws 203-04, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 32.

Brandishing | Washington | 1869

Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the county jail not exceeding one year and be fined in any sum not exceeding five hundred dollars.

1881 Wash. Code 181, Criminal Procedure, Offenses Against Public Policy, ch. 73, § 929.

Carrying Weapons | Washington | 1881

If any person carry upon his person any concealed weapon, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than thirty days[.]

1881 Wash. Sess. Laws 76, An Act to Confer a City Govt. on New Tacoma, ch. 6, § 34, pt. 15.

Carrying Weapons | Washington | 1881

[T]o regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise . . . to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and firearms, firecrackers, and detonation works of all descriptions[.]

William Lair Hill, Ballinger's Annotated Codes and Statutes of Washington, Showing All Statutes in Force, Including the Session Laws of 1897 Page 1956,

Image 731 (Vol. 2, 1897) available at The Making of Modern Law: Primary Sources.

Brandishing | Washington | 1881

Flourishing Dangerous Weapon, etc. Every person who shall in a manner likely to cause terror to the people passing, exhibit or flourish, in the streets of an incorporated city or unincorporated town, any dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding twenty-five dollars. Justices of the peace shall have exclusive original jurisdiction of all offenses arising under the last two preceding sections.

1883 Wash. Sess. Laws 302, An Act to Incorporate the City of Snohomish, ch. 6, § 29, pt. 15.

Carrying Weapons | Washington | 1883

[The city has power] to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols, and fire-arms, fire crackers, bombs and detonating works of all descriptions

Albert R. Heilig, Ordinances of the City of Tacoma, Washington Page 333-334, Image 334-335 (1892) available at The Making of Modern Law: Primary Sources. Carrying Weapons | Washington | 1892

Ordinances of the City of Tacoma, An Ordinance Defining Disorderly Persons and Prescribing the Punishment for Disorderly Conduct Within the City of Tacoma. All persons (except police officers and other persons whose duty it is to execute process or warrants or make arrests) who shall carry upon his person any concealed weapon consisting of a revolver, pistol or other fire arms or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

Rose M. Denny, The Municipal Code of the City of Spokane, Washington. Comprising the Ordinances of the City (Excepting Ordinances Establishing Street Grades) Revised to October 22, 1896 Page 309-310, Image 315-316 (1896) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Washington | 1896

Ordinances of Spokane, An Ordinance to Punish the Carrying of Concealed Weapons within the City of Spokane, § 1.

If any person within the City of Spokane shall carry upon his person any concealed weapon, consisting of either a revolver, pistol or other fire-arms, or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars, nor more than one hundred dollars and costs of prosecution, and be imprisoned until such fine and costs are paid; provided, that this section shall not apply to police officers and other persons whose duty is to execute process or warrants or make arrests, or persons having a special written permit from the Superior Court to carry weapons

Richard Achilles Ballinger, Ballinger's Annotated Codes and Statutes of Washington: Showing All Statutes in Force, Including the Session Laws of 1897 Page 1956-1957, Image 731-732 (Vol. 2, 1897) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Washington | 1897

Carrying Concealed Weapons, § 7084.

If any person shall carry upon his person any concealed weapon, consisting of either a revolver, pistol, or other fire-arms, or any knife, (other than an ordinary pocket knife), or any dirk or dagger, sling-shot, or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars, or imprisonment in the county jail not more than thirty days, or by both fine and imprisonment, in the discretion of the court: Provided, That this section shall not apply to police officers and other persons whose duty it is to execute process or warrants or make arrests.

WEST VIRGINIA

1870 W. Va. Code 692, Of Offenses against the Peace, ch. 148, § 7.

If any person, habitually, carry about his person, hid from common observation, any pistol, dirk, bowie knife, or weapon of the like kind, he shall be fined fifty dollars. The informers shall have one half of such fine.

1870 W. Va. Code 703, For Preventing the Commission of Crimes, ch. 153, § 8.

If any person go armed with a deadly or dangerous weapon, without reasonable cause to fear violence to his person, family, or property, he may be required to give a recognizance, with the right of appeal, as before provided, and like proceedings shall be had on such appeal.

1882 W. Va. Acts 421–22

Carrying Weapons | West Virginia | 1882

If a person carry about his person any revolver or other pistol, dirk, bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor, and fined not less than twenty-five nor more than two hundred dollars, and may, at the discretion of the court, be confined in jail not less than one, nor more than twelve months; and if any person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason, from his appearance or otherwise, to believe to be under the age of twenty-one years, he shall be punished as hereinbefore provided; but nothing herein contained shall be so construed as to prevent any person from keeping or carrying about his dwelling house or premises any such revolver or other pistol, or from carrying the same from the place of purchase to his dwelling house, or from his dwelling house to any place where repairing is done, to have it repaired, and back again. And if upon the trial of an indictment for carrying any such pistol, dirk, razor or bowie knife, the defendant shall prove to the satisfaction of the jury that he is a quiet and peaceable citizen, of good character and standing in the community in which he lives, and at the time he was found with such pistol, dirk, razor or bowie knife, as charged in the indictment, he had good cause to believe and did believe that he was in danger of death or great bodily harm at the hands of another person, and that he was, in good faith, carrying such weapon for self-defense and for no other purpose, the jury shall find him not guilty. But nothing in this section contained shall be construed as to prevent any officer charged with the execution of the laws of the state from carrying a revolver or other pistol, dirk or bowie knife.

1891 W. Va. Code 915, Of Offences Against the Peace, ch. 148, § 7.

Carrying Weapons | West Virginia | 1891

If a person carry about his person any revolver or other pistol, dirk, bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor, and fined not less than twenty-five nor more than two hundred dollars, and may, at the discretion of the court, be confined in jail not less than one nor more than twelve months; and if any person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason, from his appearance or otherwise, to believe to be under the age of twenty-one years, he shall be punished as hereinbefore provided; but nothing herein contained shall be so construed as to prevent any person from keeping or carrying about his dwelling house or premises, any such revolver or other pistol, or from carrying the same from the place of purchase to his dwelling house, or from his dwelling house to any place where repairing is done, to have it repaired and back again. And if upon the trial of an indictment for carrying any such pistol, dirk, razor or bowie knife, the defendant shall prove to the satisfaction of the jury that he is a quiet and peaceable citizen, of good character and standing in the community in which he lives, and at the time he was found with such pistol, dirk, razor or bowie knife, as charged in the indictment he had good cause to believe and did believe that he was in danger of death or great bodily harm at the hands of another person, and that he was in good faith, carrying such weapon for self-defense and for no other purpose, the jury shall find him not guilty. But nothing in this section contained shall be so construed as to prevent any officer charged with the execution of the laws of the State, from carrying a revolver or other pistol, dirk or bowie knife.

1925 W.Va. Acts 25-30, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms. . . , ch. 3, § 7, pt. a. Carrying Weapons, Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible, Registration and Taxation | West Virginia | 1925

§ 7 (a). If any person, without a state license therefor, carry about his person any revolver or other pistol, dirk, bowie-knife, slung shot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor and upon conviction thereof be confined in the county jail for a period of not less than six nor more than twelve months for the first offense; but upon conviction of the same person for the second offense in this state, he shall be guilty of a felony and be confined in the penitentiary not less than one or more than five years, and in either case fined not less than fifty nor more than two hundred dollars, in the discretion of the court. . . .

WISCONSIN

1858 Wis. Rev. Stat. 985, Of Proceedings to Prevent the Commission of Crime, ch. 175, § 18.

If any person shall go armed with a dirk, dagger, sword, pistol or pistols, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any other person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

1872 Wis. Sess. Laws 17, ch. 7, § 1, An Act to prohibit and prevent the carrying of concealed weapons.

SECTION 1. If any person shall go armed with a concealed dirk, dagger, sword, pistol, or pistols, revolver, slung-shot, brass knuckles, or other offensive and dangerous weapon, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the state prison for a term of not more than two years, or by imprisonment in the county jail of the proper county not more than twelve months, or by fine not exceeding five hundred dollars, together with the costs of prosecution, or by both said fine and costs and either of said imprisonments; and he may also be required to find sureties for keeping the peace and against the further violation of this act for a term not exceeding two years: provided, that so going armed shall not be deemed a violation of this act whenever it shall be made to appear that such person had reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, or to any person under his immediate care or custody, or entitled to his protection or assistance, or if it be made to appear that his possession of such weapon was for a temporary purpose, and with harmless intent.

1883 Wis. Sess. Laws 713, An Act to Revise, consolidate And Amend The Charter Of The City Of Oshkosh, The Act Incorporating The City, And The Several Acts Amendatory Thereof, chap. 6, § 3, pt. 56.

To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person any pistol or colt, or slung shot, or cross knuckles or knuckles of lead, brass or other metal or bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon and to provide for the confiscation or sale of such weapon.

Charter and Ordinances of the City of Superior; Also Harbor Act, Municipal Court Act, Rules of the Common Council and Board of Education Page 390, Image 481 (1896) available at The Making of Modern Law: Primary Sources. 1896

Ordinances of the City of Superior, Carrying Concealed Weapons, § 18. It shall be unlawful for any person, other than a policeman or other officer authorized to maintain the peace or to serve process, to carry or wear any pistol, sling-shot, knuckles, bowie knife, dirk, dagger or any other dangerous weapon within the limits of the City of Superior, and any person convicted of a violation of this section shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars.

WYOMING

1884 Wyo. Sess. Laws, chap. 67, § 1, as codified in Wyo. Rev. Stat., Crimes (1887): Exhibiting deadly weapon in angry manner. § 983.

Whoever shall, in the presence of one or more persons, exhibit any kind of fire-arms, Bowie Knife, dirk, dagger, slung-shot or other deadly weapon, in a rude, angry or threatening manner not necessary to the defense of his person, family or property, shall be deemed guilty of misdemeanor, and on conviction thereof, shall be punished by a fine not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months

Wyo. Comp. Laws (1876) chap. 35 § 127, as codified in Wyo. Rev. Stat., Crimes (1887) Having possession of offensive weapons. § 1027.

If any person or persons have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months.

A. McMicken, City Attorney, The Revised Ordinances of the City of Rawlins, Carbon County, Wyoming Page 131-132; Image 132-133 (1893) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Wyoming | 1893

Revised Ordinances of the City of Rawlins, Article VII, Carrying Firearms and Lethal Weapons, § 1.

It shall be unlawful for any person in said city to keep or bear upon the person any pistol, revolver, knife, slungshot, bludgeon or other lethal weapon, except the officers of the United States, of the State of Wyoming, of Carbon County and of the City of Rawlins. § 2. Any person convicted of a violation of the preceding section shall be fined not exceeding one hundred dollars, or imprisoned in the city

jail not exceeding thirty days. § 3. Persons not residing in said city shall be notified of this Ordinance by the police or any citizen, and after thirty minutes from the time of notification, shall be held liable to the penalties of this article, in case of its violation. § 4. The city marshal and policemen of the city shall arrest, without warrant, all persons found violating the provisions of this article, and are hereby authorized to take any such weapon from the person of the offender and to imprison the offender for trial, as in case of violations of other Ordinances of said city.

SOURCE: <https://firearmslaw.duke.edu/repository/search-the-repository/>

EXHIBIT F

EXHIBIT F

TRAP GUN RESTRICTIONS¹

MARYLAND:

1910 Md. Laws 521, § 16c.

Sensitive Places and Times | Maryland | 1910

§ 16c. That it shall be unlawful for any person to hunt, pursue or kill any of the birds or animals named in Section 12, 13, 14 and 14A of this Act, or any insectivorous birds (excepting English sparrows), in Allegany County on Sunday, or on election days, and it shall be prima facie evidence of a violation of this Act if any person is found in the fields or woods with on a gun on Sunday or on election days, or to hunt or kill in any trap or destroy any of the birds . . .

MICHIGAN:

1875 Mich. Pub. Acts 136, An Act To Prevent The Setting Of Guns And Other Dangerous Devices, § 1.

Dangerous or Unusual Weapons | Michigan | 1875

[I]f any person shall set any spring or other gun, or any trap or device operating by the firing or explosion of gunpowder or any other explosive, and shall leave or permit the same to be left, except in the immediate presence of some competent person, he shall be deemed to have committed a misdemeanor; and the killing of any person by the firing of a gun or device so set shall be deemed to be manslaughter.

1931 Mich. Pub. Acts 671, The Michigan Penal Code, ch. 37, § 236.

Dangerous or Unusual Weapons | Michigan | 1931

Setting spring guns, etc.—Any person who shall set any spring or other gun, or any trap or device operating by the firing or explosion of gunpowder or any other explosive, and shall leave or permit the same to be left, except in the immediate presence of some competent person, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than one year, or by a fine of not more than five hundred dollars, and the killing of any person by the firing of a gun or device so set shall be manslaughter.

¹ Further research may yield additional laws regulating trap guns.

MINNESOTA:

The Statutes at Large of the State of Minnesota: Comprising the General Statutes of 1866 as Amended by Subsequent Legislation to the Close of the Session of 1873: Together with All Laws of a General Nature in Force, March 7, A.D. 1873 with References to Judicial Decisions of the State of Minnesota, and of Other States Whose Statutes are Similar to Which are Prefixed the Constitution of the United States, the Organic Act, the Act Authorizing a State Government, and the Constitution of the State of Minnesota Page 993, Image 287 (Vol. 2, 1873) available at The Making of Modern Law: Primary Sources.

Dangerous or Unusual Weapons | Minnesota | 1873

Of Crimes and Their Punishment, Setting Spring Guns Unlawful, § 64-65.

§ 64. The setting of a so-called trap or spring gun, pistol, rifle, or other deadly weapon in this state is hereby prohibited and declared to be unlawful.

§ 65. Any person offending against the foregoing section shall be punished as follows: If no injury results therefrom to any person, the person so offending shall be punished by imprisonment in the county jail of the proper county for a period not less than six months, or by fine not exceeding five hundred dollars, or by both fine and imprisonment, at the discretion of the court. If death results to any human being from the discharge of a weapon so unlawfully set, the person so offending shall, upon conviction thereof, be punished by imprisonment in the state prison for a term not exceeding fifteen nor less than ten years. If any person is injured, but not fatally, by the discharge of any weapon so unlawfully set, the person so offending, upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding five years, in the discretion of the court.

MISSOURI:

“Shot by a Trap-Gun,” The South Bend Tribune, Feb. 11, 1891: “Chillicothe, Mo., Feb. 11 – In the circuit court George Dowell, a young farmer, was fined \$50 under an old law for setting a trap-gun. Dowell set the gun in his corn-crib to catch a thief, but his wife was the first person to visit the crib and on opening the door was shot dead.”²

² See <https://bit.ly/3CtZsfk>.

NEW HAMPSHIRE:

1915 N.H. Laws 180-81, An Act to Revise and Amend the Fish and Game Laws, ch. 133, pt. 2, § 18.

Dangerous or Unusual Weapons | New Hampshire | 1915

A person who violates a provision of this part is guilty of a misdemeanor and shall be fined as follows . . . [p]rovided, however, that a person violating the prohibition against setting a spring gun the object of which is to discharge a firearm, shall be fined not more than five hundred dollars nor less than fifty dollars, and shall be liable for twice the amount of the damage caused by his act, to be recovered by the person sustaining the injury or loss.

NEW JERSEY:

1763-1775 N.J. Laws 346, An Act for the Preservation of Deer and Other Game, and to Prevent Trespassing with Guns, ch. 539, § 10.

Dangerous or Unusual Weapons | New Jersey | 1771

And Whereas a most dangerous Method of setting Guns has too much prevailed in this Province, Be it Enacted by the Authority aforesaid, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of Six Pounds; and on Non-payment thereof shall be committed to the common Gaol of the County for Six Months.

NEW YORK:

“The Man Trap,” The Buffalo Commercial, Nov. 1, 1870: “Coroner Flynn and the jury previously impaneled yesterday morning concluded the inquest on the body of George Tweedle, the burglar, who was shot by the trap-gun in the shop of Joseph J. Agostino A Springfield musket was fastened to the sill, inside, with the muzzle three inches from the shutter. The other end of the barrel rested on a block of wood, and one end of a string was tied to the hammer, passed over a small pulley, and the other end fastened to the shutter, so that, on opening the latter, the discharge would follow. . . . The jury retired, and in a short time returned with a verdict setting forth the cause of death to have been a musket shot wound from a weapon placed as a trap by Joseph D. Agostino. As there is a statute against the use of such infernal machines, which might cause loss of life to some innocent

person, the jury censured Agostino. He will not be released, however, but will be held under \$2,000 bail.”³

NORTH DAKOTA:

1891 N.D. Laws 193, An Act to Amend Sections 1 and 2 of Chapter 63 of the General Laws of 1883, ch. 70, § 1.

Dangerous or Unusual Weapons | North Dakota | 1891

That it shall be unlawful for any person or persons to kill, ensnare or trap in any form or manner, or by any device whatever, or for any purpose, any buffalo, elk, deer, antelope or mountain sheep between the 1st day of January and the 1st day of September of each and every year. And it shall be unlawful for any person or persons, at any time, to use or employ any hound or dogs of any kind in running or driving any buffalo, elk, deer, antelope or mountain sheep, or to set any gun or guns or gun trap to be discharged upon or by, any buffalo, elk, deer, antelope or mountain sheep as driven or pursued in any manner whatever.

The Revised Codes of the State of North Dakota 1895 Together with the Constitution of the United States and of the State of North Dakota with the Amendments Thereto Page 1259, Image 1293 (1895) available at The Making of Modern Law: Primary Sources.

Dangerous or Unusual Weapons | North Dakota | 1895

Setting Spring Gun, Trap or Device. Every person who sets any spring or other gun or trap or device operating by the firing or exploding of gunpowder or any other explosive, and leaves or permits the same to be left, except in the immediate presence of some competent person, shall be deemed to have committed a misdemeanor; and the killing of any person by the firing of a gun or other device so set shall be deemed to be manslaughter in the first degree.

OREGON:

1925 Or. Laws 42, An Act Prohibiting the Placing of Spring-Guns or Set-Guns; and Providing a Penalty Therefor, ch. 31, §§ 1-2.

Dangerous or Unusual Weapons | Oregon | 1925

§ 1. It shall be unlawful for any person to place or set any loaded spring-gun or set-gun, or any gun or firearm or other device of any kind designed for containing or firing explosives in any place whatsoever where the same may be fired, exploded or discharged by the contract of any person or animal with any string, wire, rod,

³ See <https://bit.ly/3yUSGNF>.

stick, spring or other contrivance affixed thereto or connected therewith or with the trigger thereof.

§ 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment; provided, however, that this act shall not apply to any loaded spring-gun or set-gun or firearm or any device placed for the purpose of destroying gophers, moles or other burrowing rodents.

RHODE ISLAND:

1890 R.I. Pub. Laws 17, An Act In Amendment Of And IN Addition to Chapter 94 Of The Public Statutes Of Birds, § 6;

1892 R.I. Pub. Laws 14, An Act In Amendment Of Chapter 92 Of The Public Statutes, Entitled “Of Firearms And Fireworks, § 6.

Hunting | Rhode Island | 1890, 1892

§ 6. Every person who shall at any time of year, take, kill or destroy any quail or partridge, by means of any trap, snare, net or spring, or who shall construct, erect, set, repair, maintain or tend any trap, snare, net, or spring for the purpose of taking, killing or destroying any quail or partridge, or who shall shoot any water fowl by means or by the use of any battery, swivel, punt or pivot gun, shall be fined for each offence, twenty dollars. Provided, however, that at such seasons as the taking, killing or destroying of such birds is prohibited by this chapter, any person may snare on his own land.

SOUTH CAROLINA:

Edmund William McGregor Mackey, The Revised Statutes of the State of South Carolina, Prepared by Commissioners under an Act of the General Assembly, Approved March 9, 1869, to Which is Prefixed the Constitution of the United States and the Constitution of South Carolina Page 404, Image 482 (1873) available at The Making of Modern Law: Primary Sources.

Hunting | South Carolina | 1855

Hunting, General Provisions, § 21.

That it shall not be lawful for any non-resident of this State to use a gun, set a trap or decoy, or to employ any other device for killing or taking deer, turkeys, ducks or other game, not to set a trap, seine, or net, or draw or use the same, or any other contrivance for taking or killing fish, within the territorial limits of this State.

1931 S.C. Acts 78, An Act Declaring it unlawful for any person, firm, or corporation to place a loaded trap gun, spring gun, or any like devise in any building, or in any place, and providing punishment for the violation thereof: § 1. Dangerous or Unusual Weapons | South Carolina | 1931

Be it enacted by the General Assembly of the State of South Carolina: That it shall be unlawful for any person, firm, or corporation to construct, set, or place a loaded trap gun, spring gun, or any like device in any manner in any building, or in any place within this State, and any violation to the provisions of this Act shall be deemed a misdemeanor and punished by fine of not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars, or by imprisonment of not less than thirty (30) days nor more than one (1) year, or by both fine and imprisonment, in the discretion of the Court.

SOUTH DAKOTA:

1909 S.D. Sess. Laws 450, An Act for the Preservation, Propagation, Protection, Taking, Use and Transportation of Game and Fish and Establishing the Office of State Game Warden and Defining His Duties, ch. 240, §§ 21-22.

Hunting | South Dakota | 1909

§ 21. No person shall at any time catch, take or kill any of the birds or animals mentioned in this chapter in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same.

§ 22. No person shall at any time set, lay or prepare or have in possession, any trap, snare, artificial light, net, bird line, swivel gun or set gun or any contrivance whatever for the purpose of catching, taking or killing any of the same animals or birds in this chapter mentioned, except that decoys and stationary blinds may be used in hunting wild geese, brant and ducks. The use of rifles in the hunting of said birds is prohibited.

UTAH:

An Act in relation to Crimes and Punishment, Ch. XXII, Title VII, Sec. 102, in Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah 59 (Henry McEwan 1866).

Sentence Enhancement for Use of Weapon | Utah | 1865

§ 102. If any person maliciously injure, deface or destroy any building or fixture attached thereto, or wilfully and maliciously injure, destroy or secrete any goods, chattels or valuable paper of another, or maliciously, prepare any dead fall, or dig any pit, or set any gun, or arrange any other trap to injure another's person or

property, he shall be imprisoned not more than one year, or fined not exceeding five hundred dollars, or both fined and imprisoned at the discretion of the court; and is liable to the party injured in a sum equal to three times the value of the property so destroyed or injured or damage sustained, in a civil action.

1901 Utah Laws 97-98, An Act Defining an Infernal Machine, and Prescribing Penalties for the Construction or Contrivance of the Same, or Having Such Machine in Possession, or Delivering Such Machine to Any Person . . . , ch. 96, §§ 1-3. Dangerous or Unusual Weapons | Utah | 1901

§ 1. Infernal machine defined. That an infernal machine is any box, package, contrivance or apparatus, containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, or loaded pistol or gun or other dangerous or harmful weapon or thing constructed, contrived or arranged so as to explode, ignite or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled or open, or after the lapse of time, or under conditions, or in a manner calculated to endanger health, life, limb or property.

§ 2. That every person who delivers or causes to be delivered, to any express or railway company or other common carrier to any person any infernal machine, knowing it to be such, without informing such common carrier or person of the nature thereof, or sends the same through mail, or throws or places the same on or about the premises or property of another, or in any place where another may be injured thereby, in his person or property, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding twenty-five years.

§ 3. Penalty for constructing or having in possession – That every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding five years.

VERMONT:

1884 Vt. Acts & Resolves 74, An Act Relating To Traps, § 1
Dangerous or Unusual Weapons | Vermont | 1884

A person who sets a spring gun trap, or a trap whose operation is to discharge a gun or firearm at an animal or person stepping into such trap, shall be fined not less than fifty nor more than five hundred dollars, and shall be further liable to a person suffering damage to his own person or to his domestic animals by such traps, in a civil action, for twice the amount of such damage. If the person injured dies, his

personal representative may have the action, as provided in sections two thousand one hundred and thirty-eight and two thousand one hundred and thirty-nine of the Revised Laws.

1912 Vt. Acts and Resolves 261

Dangerous or Unusual Weapons | Vermont | 1912

. . . and provided further that a person violating the prohibition against setting a spring gun or other device the object of which is to discharge a firearm shall be fined not more than five hundred dollars nor less than fifty dollars, and shall also be liable for twice the amount of the damage caused by his act to be recovered by the person sustaining the injury or loss, in an action on this section.

WASHINGTON:

1909 Wash. Sess. Laws 973, An Act Relating to Crimes and Punishments and the Rights and Custody of Persons Accused or Convicted of Crime, and Repealing Certain Acts, ch. 249, ch. 7, §266, pts. 1-3.

Dangerous or Unusual Weapons | Washington | 1909

§ 266. Setting Spring Guns. Every person who shall set a so-called trap, spring pistol, rifle, or other deadly weapon, shall be punished as follows: 1. If no injury result therefrom to any human being, by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both. 2. If injuries not fatal result therefrom to any human being, by imprisonment in the state penitentiary for not more than twenty years. 3. If the death of a human being results therefrom, by imprisonment in the state penitentiary for not more than twenty years.

WISCONSIN:

David Taylor, The Revised Statutes of the State of Wisconsin, as Altered and Amended by Subsequent Legislation, Together with the Unrepealed Statutes of a General Nature Passed from the Time of the Revision of 1858 to the Close of the Legislature of 1871, Arranged in the Same Manner as the Statutes of 1858, with References, Showing the Time of the Enactment of Each Section, and Also References to Judicial Decisions, in Relation to and Explanatory of the Statutes Page 1964, Image 859 (Vol. 2, 1872) available at The Making of Modern Law: Primary Sources.

Dangerous or Unusual Weapons | Wisconsin | 1872

Offenses Cognizable Before Justices, Miscellaneous. § 53. Any person or persons in this State who shall hereafter set any gun, pistol or revolver, or any other firearms, for the purpose of killing deer or any other game, or for any other purpose, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding fifty dollars, and shall be imprisoned in the county jail of the proper county for a term of not less than twenty days.

1921 Wis. Sess. Laws 870, An Act . . . Relating to Wild Animals, ch. 530, § 1.
Hunting | Wisconsin | 1921

(29.22)(1) No person shall hunt game with any means other than the use of a gun held at arm's length and discharged from the shoulder; or place, spread or set any net, pitfall, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching, or which might catch, take or ensnare game . . . and no person shall carry with him in any automobile any gun or rifle unless the same is unloaded, and knocked down or unloaded and inclosed within a carrying case[.]

EXHIBIT G

conclusion.

THE MAN TRAP.

Inquest on the Body of Tweedle, the Burglar, Blown to Pieces by a Gun-Trap.

From the N. Y. Standard, Oct. 20th.

Coroner FLYNN and the jury previously impanelled yesterday morning concluded the inquest on the body of GEORGE TWEEDLE, the burglar, who was shot by the trap-gun in the shop of JOSEPH J. AGOSTINO, at No. 301 East Twenty-third street, on Wednesday morning. AGOSTINO and many of his friends were present, and some few of the intimates of the deceased also looked on with interest. The first and only witness examined was Officer OLIVER WINSHIP, of the Eighteenth Precinct. He testified that early that morning, before seven o'clock, he was informed that the body of a man was lying in the back-yard of AGOSTINO'S gun-shop. He went there and found the body as described. The hat, shown to the jury, he identified as the one found lying beside the body, having evidently been worn by the burglar. It was a round black felt hat, and its tattered and riddled appearance showed how terrible must have been the charge in the weapon. It was filled with little holes made by small shot, and the whole top had been blown open. The chisel and piece of stick were also shown. The officer found a hole in one of the shutters of the rear window, which looked as if an attempt had been made to pry it open. A Springfield musket was fastened to the sill, inside, with the muzzle three inches from the shutter. The other end of the barrel rested on a block of wood, and one end of a string was tied to the hammer, passed over a small pulley, and the other end fastened to the shutter, so that, on opening the latter, the discharge would follow.

Nothing further was elicited from this witness, and the case was here rested, there being no more testimony. The jury retired, and in a short time returned with a verdict setting forth the cause of death to have been a musket shot wound from a weapon placed as a trap by JOSEPH D. AGOSTINO. As there is a statute against the use of such infernal machines, which might cause loss of life to some innocent person, the jury censured AGOSTINO. He will not be released, however, but will be held under \$2,000 bail.

HOW THREE BAWLING GAYERS

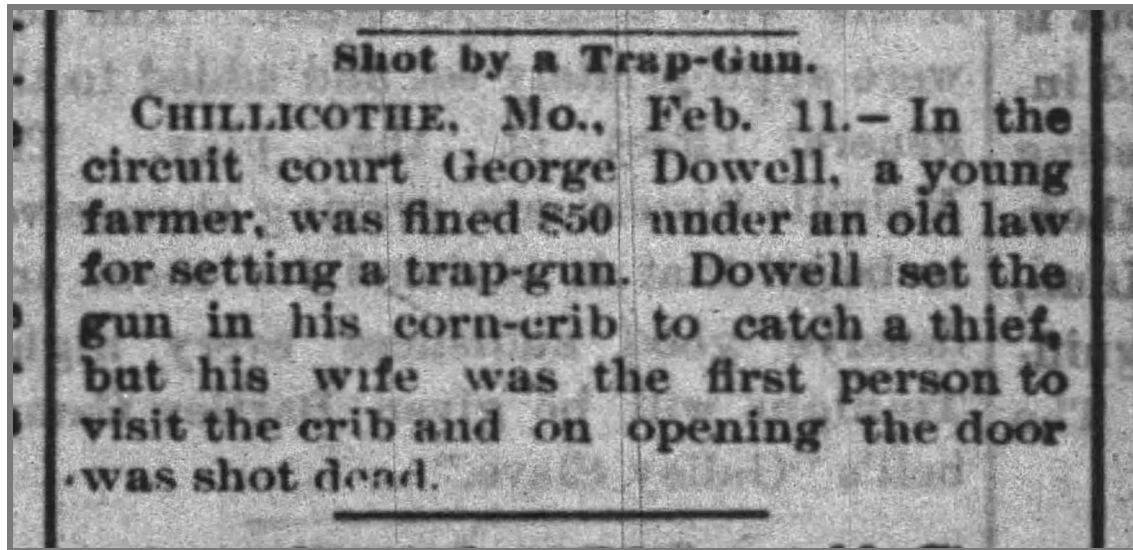


EXHIBIT H

EXHIBIT H: TABLE OF BOWIE KNIFE LAWS BY TYPE

STATE	No Concealed Carry	No Carry	Greater Criminal Penalty	Tax/Punish for Sale	Tax Ownership	No Sale to Barred Groups*	No brandish
Alabama	1839,1841 1876,1879		1837	1837,1897	1837,1867	1876	
Alaska							
Arizona	1893,1901	1889					
Arkansas	1875	1881	1871				
California	1896					1896	1855,1858
Colorado	1862,1877	1881					
Connecticut							
Delaware							
District of Columbia	1871						
Florida				1838a			
Georgia	1837***,1873			1837***		1860	
Hawaii		1852,1913					
Idaho	1909	1879					
Illinois	1876,1881 1883					1881	
Indiana		1859					
Iowa	1882,1887 1900						
Kansas	1862,1863 1887					1883	
Kentucky						1859	
Louisiana	1855	1870					
Maine							
Maryland	1872,1884 1886,1890						
Massachusetts							
Michigan	1891						

Minnesota	1884						
Mississippi	1878,1896^		1837,1838		1841**		1840
Missouri	1871,1883 1890,1897	1917,1923					
Montana	1864		1879				
Nebraska	1890,1899	1872					
Nevada			1873				
New Hampshire							
New Jersey							
New Mexico	1859,1887						
New York		1885					
North Carolina	1879				1856,1858	1846b	
North Dakota							
Ohio	1859,1880						
Oklahoma	1890,1903	1890,1891					
Oregon							
Pennsylvania	1897						
Rhode Island	1893,1896 1908						
South Carolina						1923	
South Dakota							
Tennessee	1838,1863 1867	1869,1881 1893	1838,1856	1838,1867		1856,1867	
Texas		1871				1897	
Utah		1877					
Vermont							
Virginia	1838,1867, 1887		1838				
Washington							1854,1859 1869
West Virginia	1870	1882,1891 1925					
Wisconsin	1883						
Wyoming							1884

Source: <https://firearmslaw.duke.edu/repository/search-the-repository/> unless otherwise noted.

*Barred groups included Native Americans/Indians, African Americans/Enslaved, minors.

#Table excludes laws that punish carry/use of “knives” or “sharp or dangerous weapons” but do not mention Bowie knives by name.

** 1841 Miss. Chap. 1, p. 52. See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

^ 1896 Miss. L. chap. 104, pp. 109-10. See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

***<https://dlg.galileo.usg.edu/georgiabooks/pdfs/gb0439.pdf>, pp. 210-211.

a 1838 Fla. Laws ch. 24, p. 36 (Feb. 10, 1838). See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

b 1846 N.C. L. chap. 42. See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

Exhibit K

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Blake Graham, in their official capacities

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
12 CIVIL DIVISION

13
14 **JAMES MILLER et al.,**

15 Plaintiffs,

16 v.

17 **CALIFORNIA ATTORNEY**
18 **GENERAL ROB BONTA et al.,**

19 Defendants.
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3:19-cv-01537-BEN-JLB

DECLARATION OF SAUL
CORNELL

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

Action Filed: August 15, 2019

DECLARATION OF SAUL CORNELL

I, Saul Cornell, declare under penalty of perjury that the following is true and correct:

1. I have been asked to provide an expert opinion on the history of firearms regulation in the Anglo-American legal tradition, with a particular focus on how the Founding era understood the right to bear arms, as well as the understanding of the right to bear arms held at the time of the ratification of the Fourteenth Amendment to the United States Constitution. In *New York State Rifle & Pistol Association, Inc. v. Bruen*, the U.S. Supreme Court underscored that text, history, and tradition are the foundation of modern Second Amendment jurisprudence. This modality of constitutional analysis requires that courts analyze history and evaluate the connections between modern gun laws and earlier approaches to firearms regulation in the American past. My report explores these issues in some detail. Finally, I have been asked to evaluate the statute at issue in this case, particularly regarding its connection to the tradition of firearms regulation in American legal history.

2. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

BACKGROUND AND QUALIFICATIONS

3. I am the Paul and Diane Guenther Chair in American History at Fordham University. The Guenther Chair is one of three endowed chairs in the history department at Fordham and the only one in American history. In addition to teaching constitutional history at Fordham University to undergraduates and graduate students, I teach constitutional law at Fordham Law School. I have been a Senior Visiting research scholar on the faculty of Yale Law School, the University of Connecticut Law School, and Benjamin Cardozo Law School. I have given invited lectures, presented papers at faculty workshops, and participated in

1 conferences on the topic of the Second Amendment and the history of gun
 2 regulation at Yale Law School, Harvard Law School, Stanford Law School, UCLA
 3 Law School, the University of Pennsylvania Law School, Columbia Law School,
 4 Duke Law School, Pembroke College Oxford, Robinson College, Cambridge,
 5 Leiden University, and McGill University.¹

6 4. My writings on the Second Amendment and gun regulation have been
 7 widely cited by state and federal courts, including the majority and dissenting
 8 opinions in *Bruen*.² My scholarship on this topic has appeared in leading law
 9 reviews and top peer-reviewed legal history journals. I authored the chapter on the
 10 right to bear arms in *The Oxford Handbook of the U.S. Constitution* and co-
 11 authored the chapter in *The Cambridge History of Law in America* on the Founding
 12 era and the Marshall Court, the period that includes the adoption of the Constitution
 13 and the Second Amendment.³ Thus, my expertise not only includes the history of
 14 gun regulation and the right to keep and bear arms, but also extends to American
 15 legal and constitutional history broadly defined. I have provided expert witness
 16 testimony in *Rocky Mountain Gun Owners, Nonprofit Corp. v. Hickenlooper*, No.
 17 14-cv-02850 (D. Colo.); *Chambers, v. City of Boulder*, No. 2018 CV 30581 (Colo.
 18 D. Ct., Boulder Cty.), *Zeleny v. Newsom*, No. 14-cv-02850 (N.D. Cal.), and *Miller v.*
 19 *Smith*, No. 2018-cv-3085 (C.D. Ill.); *Jones v. Bonta*, 3:19-cv-01226-L-AHG (S.D.
 20 Cal.); *Baird v. Bonta*, No. 2:19-cv-00617 (E.D. Cal.); *Worth v. Harrington*, No. 21-
 21 cv-1348 (D. Minn.).

22
 23 ¹ For a full *curriculum vitae* listing relevant invited and scholarly
 24 presentations, see Exhibit 1.

25 ² *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022).

26 ³ Saul Cornell, *The Right to Bear Arms*, in THE OXFORD HANDBOOK OF THE
 27 U.S. CONSTITUTION 739–759 (Mark Tushnet, Sanford Levinson & Mark Graber
 28 eds., 2015); Saul Cornell & Gerald Leonard, *Chapter 15: The Consolidation of the*
Early Federal System, in 1 THE CAMBRIDGE HISTORY OF LAW IN AMERICA 518–544
 (Christopher Tomlins & Michael Grossberg eds., 2008).

RETENTION AND COMPENSATION

5. I am being compensated for services performed in the above-entitled case at an hourly rate of \$500 for reviewing materials, participating in meetings, and preparing reports; \$750 per hour for depositions and court appearances; and an additional \$100 per hour for travel time. My compensation is not contingent on the results of my analysis or the substance of any testimony.

BASIS FOR OPINION AND MATERIALS CONSIDERED

6. The opinion I provide in this report is based on my review of the amended complaint filed in this lawsuit, my review of the local ordinances at issue in this lawsuit, my education, expertise, and research in the field of legal history. The opinions contained herein are made pursuant to a reasonable degree of professional certainty.

SUMMARY OF OPINIONS

7. Understanding text, history, and tradition require a sophisticated grasp of historical context. One must canvass the relevant primary sources, secondary literature, and jurisprudence to arrive at an understanding of the scope of permissible regulation consistent with the Second Amendment.

8. It is impossible to understand the meaning and scope of Second Amendment protections without understanding the way Americans in the Founding era approached legal questions and rights claims. In contrast to most modern lawyers, the members of the First Congress who wrote the words of the Second Amendment and the American people who enacted the text into law were well schooled in English common law ideas. Not every feature of English common law survived the American Revolution, but there were important continuities between English law and the common law in America.⁴ Each of the new states, either by

⁴ William B. Stoebuck, *Reception of English Common Law in the American Colonies*, 10 WM. & MARY L. REV. 393 (1968); MD. CONST. OF 1776, DECLARATION OF RIGHTS, art. III, § 1; Lauren Benton & Kathryn Walker, *Law for*

statute or judicial decision, adopted multiple aspects of the common law, focusing primarily on those features of English law that had been in effect in the English colonies for generations.⁵ No legal principle was more important to the common law than the concept of the peace.⁶ As one early American justice of the peace manual noted: “the term peace, denotes the condition of the body politic in which no person suffers, or has just cause to fear any injury.”⁷ Blackstone, a leading source of early American views about English law, opined that the common law “hath ever had a special care and regard for the conservation of the peace; for peace is the very end and foundation of civil society.”⁸

9. In *Bruen*, Justice Kavanaugh reiterated *Heller*’s invocation of Blackstone’s authority as a guide to how early Americans understood their inheritance from England. Specifically, Justice Kavanaugh stated in unambiguous terms that there was a “well established historical tradition of prohibiting the carrying of dangerous and unusual weapons.”⁹ The dominant understanding of *the Empire: The Common Law in Colonial America and the Problem of Legal Diversity*, 89 CHI.-KENT L. REV. 937 (2014).

⁵ 9 STATUTES AT LARGE OF PENNSYLVANIA 29-30 (Mitchell & Flanders eds. 1903); FRANCOIS XAVIER MARTIN, A COLLECTION OF STATUTES OF THE PARLIAMENT OF ENGLAND IN FORCE IN THE STATE OF NORTH-CAROLINA 60–61 (Newbern, 1792); *Commonwealth v. Leach*, 1 Mass. 59 (1804).

⁶ LAURA F. EDWARDS, THE PEOPLE AND THEIR PEACE: LEGAL CULTURE AND THE TRANSFORMATION OF INEQUALITY IN THE POST-REVOLUTIONARY SOUTH (University of North Carolina Press, 2009).

⁷ JOSEPH BACKUS, THE JUSTICE OF THE PEACE 23 (1816).

⁸ 1 WILLIAM BLACKSTONE, COMMENTARIES *349.

⁹ *District of Columbia v. Heller*, 554 U.S. 570, 626–627 (2008), and n. 26. Blackstone and Hawkins, two of the most influential English legal writers consulted by the Founding generation, described these types of limits in slightly different terms. The two different formulations related to weapons described as dangerous and unusual in one case and sometimes as dangerous or unusual in the other instance, see Saul Cornell, *The Right to Carry Firearms Outside of the Home: Separating Historical Myths from Historical Realities*, 39 FORDHAM URB. L.J. 1695134 (2012). It is also possible that the phrase was an example of an archaic grammatical and rhetorical form hendiadys; see Samuel Bray, *Necessary AND*

1 the Second Amendment and its state constitutional analogues at the time of their
 2 adoption in the Founding period forged an indissoluble link between the right to
 3 keep and bear arms with the goal of preserving the peace.¹⁰

4 10. “Constitutional rights,” Justice Scalia wrote in *Heller*, “are enshrined
 5 with the scope they were thought to have when the people adopted them.”¹¹
 6 Included in this right was the most basic right of all: the right of the people to
 7 regulate their own internal police. Although modern lawyers and jurists are
 8 accustomed to thinking of state police power, the Founding generation viewed this
 9 concept as a right, not a power.¹² The first state constitutions clearly articulated
 10 such a right — including it alongside more familiar rights such as the right to bear
 11 arms.¹³ Pennsylvania’s Constitution framed this estimable right succinctly: “That

12 *Proper’ and ‘Cruel AND Unusual’: Hendiadys in the Constitution*, 102 VIRGINIA L.
 13 REV. 687 (2016).

14 ¹⁰ On Founding-era conceptions of liberty, see JOHN J. ZUBLY, *THE LAW OF*
 15 *LIBERTY* (1775). The modern terminology to describe this concept is “ordered
 16 liberty.” See *Palko v. Connecticut*, 302 U.S. 319, 325 (1937). For a more recent
 17 elaboration of the concept, see generally JAMES E. FLEMING & LINDA C. MCCLAIN,
 18 *ORDERED LIBERTY: RIGHTS, RESPONSIBILITIES, AND VIRTUES* (Harvard University
 19 Press, 2013). On Justice Cardozo and the ideal of ordered liberty, see *Palko v.*
Connecticut, 302 U.S. 319, 325 (1937); John T. Noonan, Jr., *Ordered Liberty:*
Cardozo and the Constitution, 1 CARDOZO L. REV. 257 (1979); Jud Campbell,
Judicial Review, and the Enumeration of Rights, 15 GEO. J.L. & PUB. POL’Y 569
 (2017).

20 ¹¹ *Heller*, 554 U.S. at 634–35; William J. Novak, *Common Regulation: Legal*
 21 *Origins of State Power in America*, 45 HASTINGS L.J. 1061, 1081–83 (1994);
 22 Christopher Tomlins, *Necessities of State: Police, Sovereignty, and the*
Constitution, 20 J. POL’Y HIST. 47 (2008).

23 ¹² On the transformation of the Founding era’s ideas about a “police right”
 24 into the more familiar concept of “police power,” see generally Aaron T. Knapp,
 25 *The Judicialization of Police*, 2 CRITICAL ANALYSIS OF L. 64 (2015); see also
 26 MARKUS DIRK DUBBER, *THE POLICE POWER: PATRIARCHY AND THE FOUNDATIONS*
 27 *OF AMERICAN GOVERNMENT* (2005); Christopher Tomlins, *Necessities of State:*
Police, Sovereignty, and the Constitution, 20 J. OF POL’Y HIST. 47 (2008).

28 ¹³ PA. CONST. of 1776, ch. I, art. III; MD. DECLARATION OF RIGHTS, art. IV
 (1776); N.C. DECLARATION OF RIGHTS, art. I, § 3 (1776); and VT. DECLARATION OF
 RIGHTS, art. V (1777).

1 the people of this State have the sole, exclusive and inherent right of governing and
2 regulating the internal police of the same. Thus, if Justice Scalia’s rule applies to
3 the scope of the right to bear arms, it must also apply to the scope of the right of the
4 people to regulate their internal police. The history of gun regulation in the decades
5 after the right to bear arms was codified in both the first state constitutions and the
6 federal bill of rights underscores this important point.

7 11. In the years following the adoption of the Second Amendment and its
8 state analogues, firearm regulation increased. Indeed, the individual states
9 exercised their police powers to address longstanding issues and novel problems
10 created by firearms in American society. In particular, the states regulated and
11 when appropriate prohibited categories of weapons deemed to be dangerous *or*
12 unusual.

13 **I. THE HISTORICAL INQUIRY REQUIRED BY *BRUEN*, *MCDONALD*, AND**
14 ***HELLER***

15 12. The United States Supreme Court’s decisions in *Heller*, *McDonald*¹⁴,
16 and *Bruen* have directed courts to look to text and history for guideposts in
17 evaluating the scope of permissible firearms regulation under the Second
18 Amendment. In another case involving historical determinations, Justice Thomas,
19 the author of the majority opinion in *Bruen*, has noted that judges must avoid
20 approaching history, text, and tradition with an “ahistorical literalism.”¹⁵ Legal texts
21 must not be read in a decontextualized fashion detached from the web of historical
22 meaning that made them comprehensible to Americans living in the past. Instead,
23 understanding the public meaning of constitutional texts requires a solid grasp of
24 the relevant historical contexts.¹⁶

25 ¹⁴ *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

26 ¹⁵ *Franchise Tax Board of California v. Hyatt*, 139 S. Ct. 1485, 1498 (2019)
27 (Thomas, J.) (criticizing “ahistorical literalism”).

28 ¹⁶ See Jonathan Gienapp, *Historicism and Holism: Failures of Originalist*

13. Following the mandates set out in *Heller*, *McDonald* and more recently in *Bruen*, history provides essential guideposts in evaluating the scope of permissible regulation under the Second Amendment.¹⁷ Moreover, as *Bruen* makes clear, history neither imposes “a regulatory straightjacket nor a regulatory blank check.”¹⁸ The Court acknowledged that when novel problems created by firearms are issue the analysis must reflect this fact: “other cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Bruen* differentiates between cases in which contested regulations are responses to long standing problems and situations in which modern regulations address novel problems with no clear historical analogues from the Founding era or the era of the Fourteenth Amendment.

14. In the years between *Heller* and *Bruen*, historical scholarship has expanded our understanding of the history of arms regulation in the Anglo-American legal tradition, but much more work needs to be done to fill out this picture.¹⁹ Indeed, such research is still ongoing: new materials continue to emerge; and in the months since *Bruen* was decided, additional evidence about the history of regulation has surfaced and new scholarship interpreting it has appeared in leading law reviews and other scholarly venues.²⁰

Translation, 84 FORDHAM L. REV. 935 (2015).

¹⁷ *Bruen*, 142 S. Ct. 2111.

¹⁸ *Id.*

¹⁹ Eric M. Ruben & Darrell A. H. Miller, *Preface: The Second Generation of Second Amendment Law & Policy*, 80 L. & CONTEMP. PROBS. 1 (2017).

²⁰ Symposium — *The 2nd Amendment at the Supreme Court: "700 Years Of History" and the Modern Effects of Guns in Public*, 55 U.C. DAVIS L. REV. 2495 (2022); NEW HISTORIES OF GUN RIGHTS AND REGULATION: ESSAYS ON THE PLACE OF GUNS IN AMERICAN LAW AND SOCIETY (Joseph Blocher, Jacob D. Charles & Darrell A.H. Miller eds., forthcoming 2023).

1 15. Justice Kavanaugh underscored a key holding of *Heller* in his *Bruen*
2 concurrence: “Like most rights, the right secured by the Second Amendment is
3 not unlimited. From Blackstone through the 19th-century cases, commentators
4 and courts routinely explained that the right was not a right to keep and carry any
5 weapon whatsoever in any manner whatsoever and for whatever purpose.”
6 Crucially, the Court further noted that “we do think that *Heller* and *McDonald* point
7 toward at least two metrics: how and why the regulations burden a law-abiding
8 citizen’s right to armed self-defense.”²¹

9 16. One overarching principle regarding firearms regulation does
10 emerge from this period and it reflects not only the common law assumptions
11 familiar to the Founding generation, but it is hard-wired into the Second
12 Amendment itself. As Justice Scalia noted in *Heller*, and Justice Thomas reiterated
13 in *Bruen*, the original Second Amendment was a result of interest balancing
14 undertaken by the people themselves in framing the federal Constitution and the
15 Bill of Rights. Thus, from its outset the Second Amendment recognizes both the
16 right to keep and bear arms and the right of the people to regulate arms to promote
17 the goals of preserving a free state. An exclusive focus on rights and a
18 disparagement of regulation is thus antithetical to the plain meaning of the text of
19 the Second Amendment. Although rights and regulation are often cast as
20 antithetical in the modern gun debate, the Founding generation saw the two goals as
21 complimentary. Comparing the language of the Constitution’s first two
22 amendments and their different structures and word choice makes this point crystal
23 clear. The First Amendment prohibits “abridging” the rights it protects. In standard
24 American English in the Founding era, to “abridge” meant to “reduce.” Thus, the
25 First Amendment prohibits a diminishment of the rights it protects. The Second
26 Amendment’s language employs a very different term, requiring that the right to

27 ²¹ *Bruen*, 142 S. Ct. at 2132–33.
28

1 bear arms not be “infringed.”²² In Founding-era American English, the word
2 “infringement” meant to “violate” or “destroy.” In short, when read with the
3 Founding era’s interpretive assumptions and legal definitions in mind, the two
4 Amendments set up radically different frameworks for evaluating the rights they
5 enshrined in constitutional text. Members of the Founding generation would have
6 understood that the legislature could regulate the *conduct* protected by the Second
7 Amendment and comparable state arms bearing provisions as long such regulations
8 did not destroy the underlying *right*.

9 17. John Burn, author of an influential eighteenth-century legal dictionary,
10 illustrated the concept of infringement in the context of his discussion of violations
11 of rights protected by the common law. Liberty, according to Burns, was not
12 identical to that “wild and savage liberty” of the state of nature. True liberty, by
13 contrast, only existed when individuals created civil society and enacted laws and
14 regulations that promoted *ordered* liberty.²³

15 18. Similarly, Nathan Bailey’s *Dictionarium Britannicum* (1730) defined
16 “abridge” as to “shorten,” while “infringe” was defined as to “break a law.”²⁴ And
17 his 1763 *New Universal Dictionary* repeats the definition of “abridge” as “shorten”
18 and “infringe” as “to break a law, custom, or privilege.”²⁵ Samuel Johnson’s

19 ²² The distinction emerges clearly in a discussion of natural law and the law
20 of nations in an influential treatise on international law much esteemed by the
21 Founding generation: “Princes who infringe the law of nations, commit as great a
22 crime as private people, who violate the law of nature,” J.J. BURLAMAQUI, *THE*
23 *PRINCIPLES OF NATURAL LAW* (Thomas Nugent trans., 1753) at 201. This book was
24 among those included in the list of important texts Congress needed to procure, *see*
Report on Books for Congress, [23 January] 1783,” *Founders Online*, National
Archives, <https://founders.archives.gov/documents/Madison/01-06-02-0031>.

25 ²³ *Liberty, A NEW LAW DICTIONARY* (1792) *See also*, Jud Campbell, *Natural*
26 *Rights, Positive Rights, and the Right to Keep and Bear Arms*, 83 *LAW & CONTEMP.*
27 *PROBS.* 31, 32–33 (2020).

28 ²⁴ *Abridge*, *DICTIONARIUM BRITANNICUM* (1730).

²⁵ *Abridge*, *NEW UNIVERSAL DICTIONARY* (1763).

1 *Dictionary of the English Language* (1755) defines “infringe” as “to violate; to
2 break laws or contracts” or “to destroy; to hinder.”²⁶ Johnson’s definition of
3 “abridge” was “to shorten” and “to diminish” or “to deprive of.”²⁷ And Noah
4 Webster’s *An American Dictionary of the English Language* (1828) largely repeats
5 Johnson’s definitions of “infringe” and “abridge.”²⁸

6 19. Regulation, including robust laws, were not understood to be an
7 “infringement” of the right to bear arms, but rather the necessary foundation for the
8 proper exercise of that right as required by the concept of ordered liberty.²⁹ As one
9 patriotic revolutionary era orator observed, almost a decade after the adoption of the
10 Constitution: “True liberty consists, not in having *no government*, not in a
11 *destitution of all law*, but in our having an equal voice in the formation and
12 execution of the laws, according as they effect [*sic*] our persons and property.”³⁰
13 By allowing individuals to participate in politics and enact laws aimed at promoting
14 the health, safety, and well-being of the people, liberty flourished.³¹

15 ²⁶ *Infringe*, DICTIONARY OF THE ENGLISH LANGUAGE (1755).

16 ²⁷ *Abridge*, DICTIONARY OF THE ENGLISH LANGUAGE (1755).

17 ²⁸ *Abridge, Infringe*, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
18 (1828).

19 ²⁹ Dan Edelstein, *Early-Modern Rights Regimes: A Genealogy of*
20 *Revolutionary Rights*, 3 CRITICAL ANALYSIS L. 221, 233–34 (2016). *See generally*
21 GERALD LEONARD & SAUL CORNELL, THE PARTISAN REPUBLIC: DEMOCRACY,
22 EXCLUSION, AND THE FALL OF THE FOUNDERS’ CONSTITUTION, 1780s–1830s, at 2;
23 Victoria Kahn, *Early Modern Rights Talk*, 13 YALE J.L. & HUMAN. 391 (2001)
24 (discussing how the early modern language of rights incorporated aspects of natural
rights and other philosophical traditions); Joseph Postell, *Regulation During the*
25 *American Founding: Achieving Liberalism and Republicanism*, 5 AM. POL.
26 THOUGHT 80 (2016) (examining the importance of regulation to Founding political
and constitutional thought).

27 ³⁰ Joseph Russell, *An Oration; Pronounced in Princeton, Massachusetts, on*
28 *the Anniversary of American Independence, July 4, 1799*, at 7 (July 4, 1799), (text
available in the Evans Early American Imprint Collection) (emphasis in original).

³¹ *See generally* QUENTIN SKINNER, LIBERTY BEFORE LIBERALISM (1998)
(examining neo-Roman theories of free citizens and how it impacted the

20. The key insight derived from taking the Founding era conception of rights seriously and applying the original understanding of the Founding era's conception of liberty is the recognition that regulation and liberty were not antithetical to one another. The inclusion of rights guarantees in constitutional texts was not meant to place them beyond the scope of legislative control. "The point of retaining natural rights," originalist scholar Jud Campbell reminds us "was not to make certain aspects of natural liberty immune from governmental regulation. Rather, retained natural rights were aspects of natural liberty that could be restricted only with just cause and only with consent of the body politic."³² Rather than limit rights, regulation was the essential means of preserving rights, including self-defense.³³ In fact, without robust regulation of arms, it would have been impossible to implement the Second Amendment and its state analogues. Mustering the militia required keeping track of who had weapons and included the authority to inspect

development of political theory in England); THE NATURE OF RIGHTS AT THE AMERICAN FOUNDING AND BEYOND (Barry Alan Shain ed., 2007) (discussing how the Founding generation approached rights, including the republican model of protecting rights by representation).

³² Jud Campbell, *The Invention of First Amendment Federalism*, 97 TEX. L. REV. 517, 527 (2019) (emphasis in original). See generally Saul Cornell, *Half Cocked: The Persistence of Anachronism and Presentism in the Academic Debate Over the Second Amendment*, 106 J. OF CRIM. L. AND CRIMINOLOGY 203, 206 (2016) (noting that the Second Amendment was not understood in terms of the simple dichotomies that have shaped modern debate over the right to bear arms).

³³ See Jud Campbell, *Judicial Review and the Enumeration of Rights*, 15 GEO. J.L. & PUB. POL'Y 569, 576–77 (2017). Campbell's work is paradigm-shifting, and it renders Justice Scalia's unsubstantiated claim in *Heller* that the inclusion of the Second Amendment in the Bill of Rights placed certain forms of regulation out of bounds totally anachronistic. This claim has no foundation in Founding-era constitutional thought, but reflects the contentious modern debate between Justice Black and Justice Frankfurter over judicial balancing, on Scalia's debt to this modern debate, see generally SAUL CORNELL, THE POLICE POWER AND THE AUTHORITY TO REGULATE FIREARMS IN EARLY AMERICA 1–2 (2021), https://www.brennancenter.org/sites/default/files/2021-06/Cornell_final.pdf [https://perma.cc/J6QD-4YXG] and Joseph Blocher, *Response: Rights as Trumps of What?*, 132 HARV. L. REV. 120, 123 (2019).

1 those weapons and fine individuals who failed to store them safely and keep them
2 in good working order.³⁴ The individual states also imposed loyalty oaths,
3 disarming those who refused to take such oaths. No state imposed a similar oath as
4 pre-requisite to the exercise of First Amendment-type liberties. Thus, some forms
5 of prior restraint, impermissible in the case of expressive freedoms protected by the
6 First Amendment or comparable state provisions, were understood by the Founding
7 generation to be perfectly consistent with the constitutional right to keep and bear
8 arms.³⁵

9 21. In keeping with the clear public meaning of the Second Amendment's
10 text and comparable state provisions, early American governments enacted laws to
11 preserve the rights of law-abiding citizens to keep and bear arms and promote the
12 equally vital goals of promoting public safety. As long as such laws did not destroy
13 the right of self-defense, the individual states enjoyed broad latitude to regulate
14 arms.³⁶

15 **II. FROM MUSKETS TO PISTOLS: CHANGE AND CONTINUITY IN EARLY** 16 **AMERICAN FIREARMS REGULATION**

17 22. Guns have been regulated from the dawn of American history.³⁷ At the
18 time *Heller* was decided, there was little scholarship on the history of gun
19 regulation and a paucity of quality scholarship on early American gun culture.³⁸

21 ³⁴ H. RICHARD UVILLER & WILLIAM G. MERKEL, *THE MILITIA AND THE*
22 *RIGHT TO ARMS, OR, HOW THE SECOND AMENDMENT FELL SILENT* 150 (2002).

23 ³⁵ Saul Cornell, *Commonplace or Anachronism: The Standard Model, the*
24 *Second Amendment, and the Problem of History in Contemporary Constitutional*
Theory 16 CONSTITUTIONAL COMMENTARY 988 (1999).

25 ³⁶ Saul Cornell and Nathan DeDino, *A Well Regulated Right: The Early*
American Origins of Gun Control, 73 FORDHAM L. REV. 487 (2004).

26 ³⁷ Robert J. Spitzer, *Gun Law History in the United States and Second*
27 *Amendment Rights*, 80 L. & CONTEMP. PROBS. 55 (2017).

28 ³⁸ *Id.*

1 Fortunately, a burgeoning body of scholarship has illuminated both topics,
2 deepening scholarly understanding of the relevant contexts needed to implement
3 *Bruen*'s framework.³⁹

4 23. The common law that Americans inherited from England always
5 acknowledged that the right of self-defense was not unlimited but existed within a
6 well-delineated jurisprudential framework. The entire body of the common law
7 was designed to preserve the peace.⁴⁰ Statutory law, both in England and America
8 functioned to further secure the peace and public safety. Given these indisputable
9 facts, the Supreme Court correctly noted, the right to keep and bear arms was never
10 understood to prevent government from enacting a broad range of regulations to
11 promote the peace and maintain public safety.⁴¹ To deny such an authority would
12 be to convert the Constitution into a suicide pact and not a charter of government.
13 In keeping with this principle, the Second Amendment and its state analogues were
14 understood to enhance the concept of ordered liberty, not undermine it.⁴²

15 24. *Bruen*'s methodology requires judges to distinguish between the
16 relevant history necessary to understand early American constitutional texts and a
17 series of myths about guns and regulation that were created by later generations to
18 sell novels, movies, and guns themselves.⁴³ Unfortunately, many of these myths
19
20

21 ³⁹ Ruben & Miller, *supra* note 19, at 1.

22 ⁴⁰ Saul Cornell, *The Right to Keep and Carry Arms in Anglo-American Law: Preserving Liberty and Keeping the Peace*, 80 L. & CONTEMP. PROBS. 11 (2017).

23 ⁴¹ *McDonald*, 561 U.S. at 785 (noting “[s]tate and local experimentation
24 with reasonable firearms regulations will continue under the Second
25 Amendment”).

26 ⁴² See generally Saul Cornell, *The Long Arc Of Arms Regulation In Public: From Surety To Permitting, 1328-1928*, 55 U.C. DAVIS L. REV. 2547 (2022).

27 ⁴³ PAMELA HAAG, *THE GUNNING OF AMERICA: BUSINESS AND THE MAKING OF*
28 *AMERICAN GUN CULTURE* (2016).

1 continue to cloud legal discussions of American gun policy and Second
2 Amendment jurisprudence.⁴⁴

3 25. Although it is hard for many modern Americans to grasp, there was no
4 comparable societal ill to the modern gun violence problem for Americans to solve
5 in the era of the Second Amendment. A combination of factors, including the
6 nature of firearms technology and the realities of living life in small, face-to-face,
7 and mostly homogenous rural communities that typified many parts of early
8 America, militated against the development of such a problem. In contrast to
9 modern America, homicide was not the problem that government firearm policy
10 needed to address at the time of the Second Amendment.⁴⁵

11 26. The surviving data from New England is particularly rich and has
12 allowed scholars to formulate a much better understanding of the dynamics of early
13 American gun policy and relate it to early American gun culture.⁴⁶ Levels of gun
14 violence among those of white European ancestry in the era of the Second
15 Amendment were relatively low compared to modern America. These low levels of
16 violence among persons of European ancestry contrasted with the high levels of
17 violence involving the tribal populations of the region. The data presented in
18 Figure 1 is based on the pioneering research of Ohio-State historian Randolph Roth.
19 It captures one of the essential facts necessary to understand what fears motivated
20

21 ⁴⁴ RICHARD SLOTKIN, GUNFIGHTER NATION: THE MYTH OF THE FRONTIER IN
22 TWENTIETH-CENTURY AMERICA (1993); JOAN BURBICK, GUN SHOW NATION: GUN
23 CULTURE AND AMERICAN DEMOCRACY (2006).

24 ⁴⁵ RANDOLPH ROTH, AMERICAN HOMICIDE 56, 315 (2009).

25 ⁴⁶ It is important to recognize that there were profound regional differences in
26 early America. See JACK P. GREENE, PURSUITS OF HAPPINESS: THE SOCIAL
27 DEVELOPMENT OF EARLY MODERN BRITISH COLONIES AND THE FORMATION OF
28 AMERICAN CULTURE (1988). These differences also had important consequences
for the evolution of American law. See generally David Thomas Konig,
Regionalism in Early American Law, in 1 THE CAMBRIDGE HISTORY OF LAW IN
AMERICA 144 (Michael Grossberg & Christopher Tomlins eds., 2008).

1 American gun policy in the era of the Second Amendment. The pressing problem
2 Americans faced at the time of the Second Amendment was that citizens were
3 reluctant to purchase military style weapons which were relatively expensive and
4 had little utility in a rural society. Americans were far better armed than their
5 British ancestors, but the guns most Americans owned and desired were those most
6 useful for life in an agrarian society: fowling pieces and light hunting muskets.⁴⁷
7 Killing pests and hunting birds were the main concern of farmers, and their choice
8 of firearm reflected these basic facts of life. Nobody bayoneted turkeys, and pistols
9 were of limited utility for anyone outside of a small elite group of wealthy,
10 powerful, and influential men who needed these weapons if they were forced to
11 face an opponent on the field of honor in a duel, as the tragic fate of Alexander
12 Hamilton so vividly illustrates.⁴⁸

13 27. Limits in Founding-era firearms technology also militated against the
14 use of guns as effective tools of interpersonal violence in this period. Eighteenth-
15 century muzzle-loading weapons, especially muskets, took too long to load and
16 were therefore seldom used to commit crimes. Nor was keeping guns loaded a
17 viable option because the black powder used in these weapons was not only
18 corrosive, but it attracted moisture like a sponge. Indeed, the iconic image of rifles
19 and muskets hung over the mantle place in early American homes was not primarily
20 a function of aesthetics or the potent symbolism of the hearth, as many today
21 assume. As historian Roth notes: “black powder’s hygroscopic, it absorbs water, it
22 corrodes your barrel, you can’t keep it loaded. Why do they always show the gun
23

24 ⁴⁷ Kevin M. Sweeney, *Firearms Ownership and Militias in Seventeenth and*
25 *Eighteenth Century England and America*, in *A RIGHT TO BEAR ARMS?: THE*
26 *CONTESTED ROLE OF HISTORY IN CONTEMPORARY DEBATES ON THE SECOND*
AMENDMENT (Jennifer Tucker et al. eds., 2019).

27 ⁴⁸ Joanne B. Freeman, *AFFAIRS OF HONOR: NATIONAL POLITICS IN THE NEW*
28 *REPUBLIC* (2001).

over the fireplace? Because that's the warmest, driest place in the house."⁴⁹

Similar problems also limited the utility of muzzle-loading pistols as practical tools for self-defense or criminal offenses. Indeed, at the time of the Second Amendment, over 90% of the weapons owned by Americans were long guns, not pistols.⁵⁰

Figure 1

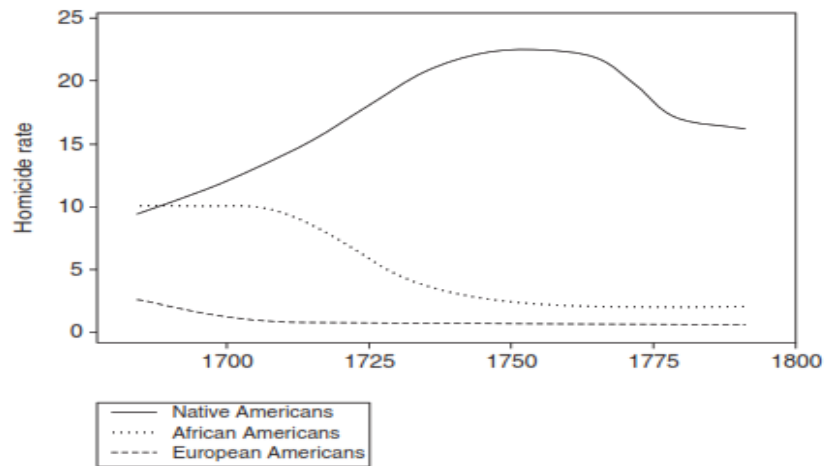


Figure 2.3 Unrelated-adult homicide rates in New England by race, 1677–1797 (per 100,000 persons per year).

28. As Roth's data makes clear, there was not a serious homicide problem looming over debates about the Second Amendment. Nor were guns the primary weapon of choice for those with evil intent during this period.⁵¹ The problem the Founding generation faced was that Americans were reluctant to purchase the type of weapons needed to effectively arm their militias. When the U.S. government surveyed the state of the militia's preparedness shortly after Jefferson took office in 1800, the problem had not been solved. Although Massachusetts boasted above

⁴⁹ Randolph Roth, Transcript: *Why is the United States the Most Homicidal in the Affluent World*, NATIONAL INSTITUTE OF JUSTICE (Dec. 1, 2013), <https://nij.ojp.gov/media/video/24061#transcript--0>.

⁵⁰ Sweeney, *supra* note 47.

⁵¹ HAAG, *supra* note 43.

1 80% of its militia armed with military quality weapons, many of the southern states
2 lagged far behind, with Virginia and North Carolina hovering at about less than half
3 the militia properly armed.⁵²

4 29. Government policy, both at the state and federal level, responded to
5 these realities by requiring a subset of white citizens, those capable of bearing arms,
6 to acquire at their own expense a military quality musket and participate in
7 mandatory training and other martial activities. Gun policy in the Founding era
8 reflected these realities, and accordingly, one must approach any analogies drawn
9 from this period's regulations with some caution when applying them to a modern
10 heterogeneous industrial society capable of producing a bewildering assortment of
11 firearms whose lethality would have been almost unimaginable to the Founding
12 generation.⁵³ Put another way, laws created for a society without much of a gun
13 violence problem enacted at a time of relative gun scarcity, at least in terms of
14 militia weapons, have limited value in illuminating the challenges Americans face
15 today.

16 30. The other aspect of gun policy that needs to be acknowledged is the
17 active role the federal government took in encouraging the manufacturing of
18 military arms. The American firearms industry in its infancy was largely dependent
19 on government contracts and subsidies. Thus, government had a vested interest in
20 determining what types of weapons would be produced.⁵⁴ Government regulation
21 of the firearms industry also included the authority to inspect the manufactures of
22

23 ⁵² Sweeney, *supra* note 47.

24 ⁵³ Darrell A. H. Miller & Jennifer Tucker, *Common Use, Lineage, and*
25 *Lethality*, 55 U.C. DAVIS L. REV. 2495 (2022).

26 ⁵⁴ Lindsay Schakenbach Regele, *A Different Constitutionality for Gun*
27 *Regulation*, 46 HASTINGS CONST. L.O. 523, 524 (2019); Andrew J. B. Fagal,
28 *American Arms Manufacturing and the Onset of the War of 1812*, 87 NEW ENG. Q.
526, 526 (2014).

1 weapons and impose safety standards on the industry.⁵⁵ Some states opted to tax
2 some common weapons to discourage their proliferation.⁵⁶

3 31. The calculus of individual self-defense changed dramatically in the
4 decades following the adoption of the Second Amendment.⁵⁷ The early decades of
5 the nineteenth century witnessed a revolution in the production and marketing of
6 guns.⁵⁸ The same technological changes and economic forces that made wooden
7 clocks and other consumer goods such as Currier and Ives prints common items in
8 many homes also transformed American gun culture.⁵⁹ These same changes also
9 made handguns and a gruesome assortment of deadly knives, including the dreaded
10 Bowie knife, more common. The culmination of this gradual evolution in both
11 firearms and ammunition technology was the development of Samuel Colt's pistols
12

13
14 ⁵⁵ 1814 Mass. Acts 464, An Act In Addition To An Act, Entitled "An Act To
15 Provide For The Proof Of Fire Arms, Manufactured Within This Commonwealth,"
16 ch. 192, § 1 ("All musket barrels and pistol barrels, manufactured within this
17 Commonwealth, shall, before the same shall be sold, and before the same shall be
18 stocked, be proved by the person appointed according to the provisions of an act . .
19 . . ."); § 2 ("That if any person or persons, from and after the passing of this act,
20 shall manufacture, within this Commonwealth, any musket or pistol, or shall sell
21 and deliver, or shall knowingly purchase any musket or pistol, without having the
22 barrels first proved according to the provisions of the first section of this act,
23 marked and stamped according the provisions of the first section of the act.").

24 ⁵⁶ 1858-1859 N.C. Sess. Laws 34-36, Pub. Laws, An Act Entitled Revenue,
25 chap. 25, § 27, pt. 15. ("The following subjects shall be annually listed, and be
26 taxed the amounts specified: . . . Every dirk, bowie-knife, pistol, sword-cane, dirk-
27 cane and rifle cane, used or worn about the person of any one at any time during the
28 year, one dollar and twenty-five cents. Arms used for mustering shall be exempt
from taxation."). *See also* 1866 Ga. Law 27, An Act to authorize the Justices of the
Inferior Courts of Camden, Glynn and Effingham counties to levy a special tax for
county purposes, and to regulate the same.

⁵⁷ Cornell, *supra* note 3. at 745.

⁵⁸ Lindsay Schakenbach Regele, *Industrial Manifest Destiny: American
Firearms Manufacturing and Antebellum Expansion*, 93 BUS. HIST. REV. 57 (2018).

⁵⁹ Sean Wilentz, *Society, Politics, and the Market Revolution*, in THE NEW
AMERICAN HISTORY (Eric Foner ed., 1990).

1 around the time of the Mexican-American War.⁶⁰ Economic transformation was
2 accompanied by a host of profound social changes that gave rise to America's first
3 gun violence crisis. As cheaper, more dependable, and easily concealable handguns
4 proliferated in large numbers, Americans, particularly southerners, began sporting
5 them with alarming regularity. The change in behavior was most noticeable in the
6 case of handguns.⁶¹

7 32. The response of states to the emergence of new firearms that
8 threatened the peace was a plethora of new laws. In sort, when faced with changes
9 in technology, consumer behavior, and faced with novel threats to public safety, the
10 individual states enacted laws to address these problems. In every instance apart
11 from a few outlier cases in the Slave South, courts upheld such limits on the
12 unfettered exercise a right to keep and bear arms. The primary limit identified by
13 courts in evaluating such laws was the threshold question about abridgement: did
14 the law negate the ability to act in self-defense.⁶² In keeping with the clear
15 imperative hard-wired into the Second Amendment, states singled out weapons that
16 posed a particular danger for regulation or prohibition. Responding in this fashion
17 was entirely consistent with Founding-era conceptions of ordered liberty and the
18 Second Amendment.

19 33. Not all guns were treated equally by the law in early America. Some
20 guns were given heightened constitutional protection and others were treated as
21 ordinary property subject to the full force of state police power authority.⁶³ The

22 ⁶⁰ WILLIAM N. HOSLEY, COLT: THE MAKING OF AN AMERICAN LEGEND (1st
23 ed. 1996).

24 ⁶¹ Cornell, *supra* note 9, at 716.

25 ⁶² On southern gun rights exceptionalism, see Eric M. Ruben & Saul Cornell,
26 *Firearms Regionalism and Public Carry: Placing Southern Antebellum Case Law*
in Context, 125 YALE L.J. F. 121, 128 (2015).

27 ⁶³ Saul Cornell, *History and Tradition or Fantasy and Fiction: Which*
28 *Version of the Past Will the Supreme Court Choose in NYSRPA v. Bruen?*, 49
HASTINGS CONST. L.Q. 145 (2022).

1 people themselves acting through their legislatures retained the fundamental right to
2 determine which dangerous weapons were exempted from the full protection of the
3 constitutional right to keep and bear arms.

4 **III. THE POLICE POWER AND FIREARMS REGULATION**

5 34. The 1776 Pennsylvania Constitution, the first revolutionary
6 constitution to assert a right to bear arms, preceded the assertion of this right by
7 affirming a more basic rights claim: “That the people of this State have the sole,
8 exclusive and inherent right of governing and regulating the internal police of the
9 same.”⁶⁴ The phrase “internal police” had already become common, particularly in
10 laws establishing towns and defining the scope of their legislative authority.⁶⁵ By
11 the early nineteenth century, the term “police” was a fixture in American law.⁶⁶
12 Thus, an 1832 American encyclopedia confidently asserted that police, “in the
13 common acceptance of the word, in the U. States and England, is applied to the
14 municipal rules, institutions and officers provided for maintaining order, cleanliness
15 &c.”⁶⁷ The Founding era’s conception of a basic police right located in legislatures
16 was transmuted during the Marshall Court’s era into the judicial doctrine of the
17 police power and would become a fixture in American law.

18 ⁶⁴ PA. CONST. OF 1776, Ch. I, art iii.

19 ⁶⁵ For other examples of constitutional language similar to Pennsylvania’s
20 provision, N.C. CONST. OF 1776, DECLARATION OF RIGHTS, art. II; VT. CONST. OF
21 1777, DECLARATION OF RIGHTS, art. IV. For other examples of this usage, *see* An
22 Act Incorporating the residents residing within limits therein mentioned, *in* 2 NEW
23 YORK LAWS 158 (1785) (establishing the town of Hudson, NY); An Act to
24 incorporate the Town of Marietta, *in* LAWS PASSED IN THE TERRITORY NORTHWEST
25 OF THE RIVER OHIO 29 (1791). For later examples, *see* 1 STATUTES OF THE STATE OF
26 NEW JERSEY 561 (rev. ed. 1847); 1 SUPPLEMENTS TO THE REVISED STATUTES. LAWS
27 OF THE COMMONWEALTH OF MASSACHUSETTS, PASSED SUBSEQUENTLY TO THE
28 REVISED STATUTES: 1836 TO 1849, INCLUSIVE 413 (Theron Metcalf & Luther S.
Cushing, eds. 1849).

⁶⁶ ERNST FREUND, THE POLICE POWER: PUBLIC POLICY AND CONSTITUTIONAL
RIGHTS 2, n.2 (1904).

⁶⁷ 10 ENCYCLOPEDIA AMERICANA 214 new edition (Francis Lieber ed.).

1 35. The power to regulate firearms and gunpowder has always been
2 central to the police power and historically was shared among states, local
3 municipalities, and the federal government when it was legislating conduct on
4 federal land and in buildings.⁶⁸ The adoption of the Constitution and the Bill of
5 Rights did not deprive states of their police powers. Indeed, if it had, the
6 Constitution would not have been ratified and there would be no Second
7 Amendment today. Ratification was only possible because Federalists offered
8 Anti-Federalists strong assurances that nothing about the new government
9 threatened the traditional scope of the individual state's police power authority,
10 including the authority to regulate guns and gun powder.⁶⁹

11 36. Federalists and Anti-Federalists bitterly disagreed over many legal
12 issues, but this one point of accord was incontrovertible. Brutus, a leading Anti-
13 Federalist, emphatically declared that "[I]t ought to be left to the state governments
14 to provide for the protection and defence [sic] of the citizen against the hand of
15 private violence, and the wrongs done or attempted by individuals to each other
16"⁷⁰ Federalist Tench Coxe concurred, asserting that: "[t]he states will regulate
17 and administer the criminal law, exclusively of Congress." States, he assured the
18 American people during ratification, would continue to legislate on all matters
19 related to the police power "such as unlicensed public houses, nuisances, and many
20 other things of the like nature."⁷¹ State police power authority was at its pinnacle in
21

22 ⁶⁸ Harry N. Scheiber, *State Police Power*, in 4 ENCYCLOPEDIA OF THE
23 AMERICAN CONSTITUTION 1744 (Leonard W. Levy et al. eds., 1986).

24 ⁶⁹ Saul Cornell, *THE OTHER FOUNDERS: ANTIFEDERALISM AND THE*
25 *DISSENTING TRADITION IN AMERICA, 1788-1828* (1999).

26 ⁷⁰ Brutus, *Essays of Brutus VII*, reprinted in 2 THE COMPLETE
27 ANTIFEDERALIST 358, 400–05 (Herbert J. Storing ed., 1981).

28 ⁷¹ Tench Coxe, A Freeman, *Pa. Gazette*, Jan. 23, 1788, reprinted in *FRIENDS*
OF THE CONSTITUTION: WRITINGS OF THE "OTHER" FEDERALISTS 82 (Colleen A.
Sheehan & Gary L. McDowell eds., 1998).

1 matters relating to guns or gun powder.⁷² Thus, Massachusetts enacted a law that
2 prohibited storing a loaded weapon in a home, a firearms safety law that recognized
3 that the unintended discharge of firearms posed a serious threat to life and limb.⁷³
4 New York City even granted broad power to the government to search for gun
5 powder and transfer powder to the public magazine for safe storage:

6 [I]t shall and may be lawful for the mayor or recorder, or any two
7 Alderman of the said city, upon application made by any inhabitant or
8 inhabitants of the said city, and upon his or their making oath of
9 reasonable cause of suspicion (of the sufficiency of which the said mayor
10 or recorder, or Aldermen, is and are to be the judge or judges) to issue his
11 or their warrant or warrants, under his or their hand and seal, or hands
12 and seals for searching for such gun powder, in the day time, in any
13 building or place whatsoever.⁷⁴

14 37. The power to regulate firearms and gunpowder was therefore at the
15 very core of the police power and inheres in both states and local municipalities.
16 The application of the police power to firearms and ammunition was singled out as
17 the quintessential example of state police power by Chief Justice John Marshall in
18 his 1827 discussion of laws regulating gun powder in *Brown v. Maryland*.⁷⁵ This
19 was so even though gunpowder was essential to the operation of firearms at that
20 time and gun powder regulations necessarily affected the ability of gun owners to
21 use firearms for self-defense, even inside the home.

22 ⁷² CORNELL, *supra* note 33.

23 ⁷³ Act of Mar. 1, 1783, ch. XIII, 1783 Mass. Acts 37, An Act in Addition to
24 the Several Acts Already Made for the Prudent Storage of Gun Powder within the
25 Town of Boston, § 2.

26 ⁷⁴ An Act to Prevent the Storing of Gun Powder, within in Certain Parts of
27 New York City, LAWS OF THE STATE OF NEW-YORK, COMPRISING THE
28 CONSTITUTION, AND THE ACTS OF THE LEGISLATURE, SINCE THE REVOLUTION,
FROM THE FIRST TO THE FIFTEENTH SESSION, INCLUSIVE 191-2 (Thomas Greenleaf,
ed., 1792).

⁷⁵ 25 U.S. (12 Wheat.) 419, 442-43 (1827) (“The power to direct the removal
of gunpowder is a branch of the police power”).

1 38. A slow process of judicializing this concept of police, transforming the
2 Founding era’s idea of a “police right” into a judicially enforceable concept of the
3 “police power” occurred beginning with the Marshall Court and continuing with the
4 Taney Court.⁷⁶

5 39. Nor was Chief Justice John Marshall unique in highlighting the
6 centrality of this idea to American law.⁷⁷ The ubiquity of the police power
7 framework for evaluating the constitutionality of legislation regarding firearms
8 reflected the centrality of this approach to nearly every question of municipal
9 legislation touching health or public safety in early America.⁷⁸ Massachusetts
10 Judge Lemuel Shaw, one of the most celebrated state jurists of the pre-Civil War era
11 elaborated this point in his influential 1851 opinion in *Commonwealth v. Alger*, a
12 decision that became a foundational text for lawyers, judges, and legislators looking
13 for guidance on the meaning and scope of the police power. Shaw described the
14 police power in the following manner:

15 ⁷⁶ Eras of Supreme Court history are typically defined by the tenure of the
16 Chief Justice. The Marshall Court Period covered the years 1801-1835. For a brief
17 overview, see “The Marshall Court, 1801-1835”, SUPREME COURT HISTORICAL
18 SOCIETY (last visited Oct. 5, 2022), [https://supremecourthistory.org/history-of-the-](https://supremecourthistory.org/history-of-the-court-history-of-the-courts/history-of-the-court-history-of-the-courts-the-marshall-court-1801-1835/)
19 [court-history-of-the-courts/history-of-the-court-history-of-the-courts-the-marshall-](https://supremecourthistory.org/history-of-the-court-history-of-the-courts-the-marshall-court-1801-1835/)
20 [court-1801-1835/](https://supremecourthistory.org/history-of-the-court-history-of-the-courts-the-marshall-court-1801-1835/). The Taney Court period covered the years 1836-1864. See “The
21 Taney Court, 1836-1864”, SUPREME COURT HISTORICAL SOCIETY (last visited Oct.
22 5, 2022), [https://supremecourthistory.org/history-of-the-court-history-of-the-](https://supremecourthistory.org/history-of-the-court-history-of-the-courts/history-of-the-courts-history-of-the-courts-the-taney-court-1836-1864/)
23 [courts/history-of-the-courts-history-of-the-courts-the-taney-court-1836-1864/](https://supremecourthistory.org/history-of-the-court-history-of-the-courts-history-of-the-courts-the-taney-court-1836-1864/).

24 ⁷⁷ In the extensive notes he added as editor of the 12th edition of James Kent’s
25 classic *Commentaries on American Law*, Oliver Wendell Holmes, Jr., wrote that
26 regulation of firearms was the *locus classicus* of the police power. See 2 JAMES
27 KENT COMMENTARIES ON AMERICAN LAW (340) 464 n.2 (Oliver Wendell Holmes,
28 Jr., ed. 12 ed. 1873).

29 ⁷⁸ FREUND, *supra* note 66, at 2, n.2 (1904). WILLIAM J. NOVAK, THE PEOPLE’S
30 WELFARE: LAW AND REGULATION IN NINETEENTH-CENTURY AMERICA (1996);
31 Christopher Tomlins, *To Improve the State and Condition of Man: The Power to*
32 *Police and the History of American Governance*, 53 BUFF. L. REV. 1215 (2005);
33 DUBBER, *supra* note 12; GARY GERSTLE, LIBERTY AND COERCION: THE PARADOX OF
34 AMERICAN GOVERNMENT, FROM THE FOUNDING TO THE PRESENT (Princeton Univ.
35 Press, 2015).

1 [T]he power vested in the legislature by the constitution, to make,
2 ordain and establish all manner of wholesome and reasonable laws,
3 statutes and ordinances, either with penalties or without, not
4 repugnant to the constitution, as they shall judge to be for the good
5 and welfare of the commonwealth, and of the subjects of the same.
6 It is much easier to perceive and realize the existence and sources
7 of this power, than to mark its boundaries, or prescribe limits to its
8 exercise. There are many cases in which such a power is exercised
9 by all well-ordered governments, and where its fitness is so
10 obvious, that all well regulated minds will regard it as reasonable.
11 Such are the laws to prohibit the use of warehouses for the storage
12 of gunpowder.⁷⁹

13 40. In short, there was unanimous agreement among leading antebellum
14 jurists, at both the federal and state level, that the regulation of arms and gun
15 powder was at the core of the police power enjoyed by legislatures. Indeed, the
16 scope of government power to regulate, prohibit, and inspect gunpowder has been
17 among the most far reaching of any exercise of the police power throughout
18 American history.⁸⁰ A Maine law enacted in 1821 authorized town officials to enter
19 any building in town to search for gun powder:

20 Be it further enacted, That it shall, and may be lawful for any one or more
21 of the selectmen of any town to enter any building, or other place, in such
22 town, to search for gun powder, which they may have reason to suppose
23 to be concealed or kept, contrary to the rules and regulations which shall
24 be established in such town, according to the provisions of this Act, first
25 having obtained a search warrant therefore according to law.⁸¹

26 41. No jurisdiction enumerated the full contours of the police power they
27 possessed in a single text or in a single statute or ordinance. Rather, it was well
28 understood that the exercise of this power would need to adapt to changing

24 ⁷⁹ *Commonwealth v. Alger*, 61 Mass. (7 Cush.) 53 (1851). For another good
25 discussion of how state jurisprudence treated the concept, see *Thorpe v. Rutland*, 27
26 Vt. 140, 149 (1855).

27 ⁸⁰ CORNELL, THE POLICE POWER, *supra* note 33.

28 ⁸¹ 1821 Me. Laws 98, An Act for the Prevention of Damage by Fire, and the
Safe Keeping of Gun Powder, chap. 25, § 5.

1 circumstances and new challenges as they emerged. This conception of law was
2 familiar to most early American lawyers and judges who had been schooled in
3 common law modes of thinking and analysis.⁸² Throughout the long sweep of
4 Anglo-American legal history, government applications of the police power were
5 marked by flexibility, allowing local communities to adapt to changing
6 circumstances and craft appropriate legislation to deal with the shifting challenges
7 they faced.⁸³ This vision of the police power was articulated forcefully by the
8 Supreme Court in the License Cases when Justice McClean wrote this about the
9 scope of state police power:

10 It is not susceptible of an exact limitation, but must be exercised under
11 the changing exigencies of society. In the progress of population, of
12 wealth, and of civilization, new and vicious indulgences spring up, which
13 require restraints that can only be imposed by new legislative power.
When this power shall be exerted, how far it shall be carried, and where it
shall cease, must mainly depend upon the evil to be remedied.⁸⁴

14 42. One of the most important early American gun-related cases discussed
15 in *Heller*, *State v. Reid*, offers an excellent illustration of the way police power
16 jurisprudence was used by antebellum judges to adjudicate claims about gun rights
17 and the right of the people to regulate.⁸⁵ The case is a classic example of
18 antebellum police power jurisprudence. The Supreme Court of Alabama evaluated
19 the statute by focusing on the scope of state police power authority over guns. “The
20 terms in which this provision is phrased,” the court noted, “leave with the
21 Legislature the authority to adopt such regulations of police, as may be dictated by
22

23
24 ⁸² KUNAL M. PARKER, COMMON LAW HISTORY, AND DEMOCRACY IN
AMERICA, 190-1900: LEGAL THOUGHT BEFORE MODERNISM (2013).

25 ⁸³ William J. Novak, *A State of Legislatures*, 40 POLITY 340 (2008).

26 ⁸⁴ *License Cases (Thurlow v. Massachusetts; Fletcher v. Rhode Island; Peirce*
27 *v. New Hampshire)*, 5 How. (46 U.S.) 504, 592 (1847).

28 ⁸⁵ See *State v. Reid*, 1 Ala. 612, 612 (1840).

1 the safety of the people and the advancement of public morals.”⁸⁶ In the court’s
2 view, the regulation of arms was at the very core of state police power.⁸⁷ The
3 judicial determination was straight forward: was the challenged law a legitimate
4 exercise of the police power or not?

5 **IV. RECONSTRUCTION AND THE EXPANSION OF STATE POLICE POWER TO**
6 **REGULATE FIREARMS (1863-1877)**

7 43. Founding-era constitutions treated the right of the people to regulate
8 their internal police separately from the equally important right of the people to
9 bear arms. These two rights were separate in the Founding era but were mutually
10 reinforcing: both rights were exercised in a manner that furthered the goal of
11 ordered liberty. Reconstruction-era constitutions adopted a new textual formulation
12 of the connection between these two formerly distinct rights, fusing the two
13 together as one single constitutional principle. This change reflected two profound
14 transformations in American politics and law between 1776 and 1868. First, the
15 judicial concept of police power gradually usurped the older notion of a police right
16 grounded in the idea of popular sovereignty. As a result, state constitutions no
17 longer included positive affirmations of a police right. Secondly, the constitutional
18 “mischief to be remedied” had changed as well.⁸⁸ Constitution writers in the era of
19

20 ⁸⁶ *Id.* at 616.

21 ⁸⁷ Apart from rare outlier decisions, such as *Bliss v. Commonwealth*, 12 Ky.
22 (2 Litt.) 90, 92 (1822) courts employed a police power framework to adjudicate
23 claims about the scope of state power to regulate arms. For a useful discussion of
24 *Bliss* in terms of the police power, see FREUND, *supra* note 66, at 91.

25 ⁸⁸ The mischief rule was first advanced in *Heydon’s Case*, (1584) 76 Eng.
26 Rep. 637 (KB) — the legal principle that the meaning of a legal text was shaped by
27 an understanding of the state of the common law prior to its enactment and the
28 mischief that the common law had failed to address and legislation had intended to
remedy — continued to shape Anglo-American views of statutory construction, and
legal interpretation more generally, well into the nineteenth century. For
Blackstone’s articulation of the rule, see 1 BLACKSTONE, *supra* note 8, at *61. The
relevance of common law modes of statutory construction to interpreting

1 the American Revolution feared powerful standing armies and sought to entrench
2 civilian control of the military. By contrast, constitution writers in the era of the
3 Fourteenth Amendment were no longer haunted by the specter of tyrannical Stuart
4 Kings using their standing army to oppress American colonists. In place of these
5 ancient fears, a new apprehension stalked Americans: the proliferation of
6 especially dangerous weapons and the societal harms they caused.⁸⁹

7 44. The new language state constitutions employed to describe the right to
8 bear arms enacted during Reconstruction responded to these changed circumstances
9 by adopting a new formulation of the venerable right codified in 1776, linking the
10 right to bear arms inextricably with the states broad police power to regulate
11 conduct to promote health and public safety.⁹⁰ For example, the 1868 Texas
12 Constitution included new language that underscored the indissoluble connection
13 that Anglo-American law had long recognized between the right to keep and bear
14 arms and regulation of guns. “Every person shall have the right to keep and bear
15 arms, in the lawful defence of himself or the government, under such regulations as
16 the Legislature may prescribe.”⁹¹ Nor was Texas an outlier in this regard. Sixteen
17 state constitutions adopted during this period employed similarly expansive

18
19 _____
20 antebellum law, including the mischief rule, is clearly articulated in 1 ZEPHANIAH
21 SWIFT, A DIGEST OF THE LAWS OF THE STATE OF CONNECTICUT 11 (New Haven, S.
22 Converse 1822). For a modern scholarly discussion of the rule, *see* Samuel L.
23 Bray, *The Mischief Rule*, 109 GEO. L.J. 967, 970 (2021).

24 ⁸⁹ *See McDonald*, 561 U.S. at 767–68

25 ⁹⁰ Saul Cornell, *The Right to Regulate Arms in the Era of the Fourteenth*
26 *Amendment: The Emergence of Good Cause Permit Schemes in Post-Civil War*
27 *America*, 55 U.C. DAVIS L. REV. 65 (2022).

28 ⁹¹ TEX. CONST. OF 1868, Art. I, § 13; for similarly expansive constitutional
provision enacted after the Civil War, *see* IDAHO CONST. OF 1889, art. I, § 11 (“The
people have the right to bear arms for their security and defense; but the legislature
shall regulate the exercise of this right by law.”); UTAH CONST OF 1896, art. I, § 6
 (“[T]he people have the right to bear arms for their security and defense, but the
legislature may regulate the exercise of this right by law.”).

1 language.⁹² Millions of Americans living in the newly organized western states and
2 newly reconstructed states of the former confederacy adopted constitutional
3 provisions that reflected this new formulation of the right to bear arms. Thus,
4 millions of Americans were living under constitutional regimes that acknowledged
5 that the individual states' police power authority over firearms was at its apogee
6 when regulating guns.⁹³

7 45. This expansion of regulation was entirely consistent with the
8 Fourteenth Amendment's emphasis on the protection of rights and the need to
9 regulate conduct that threatened the hard-won freedoms of recently free people of
10 the South and their Republican allies. The goals of Reconstruction were therefore
11 intimately tied to the passage and enforcement of racially neutral gun regulations.⁹⁴

12 46. Reconstruction ushered in profound changes in American law, but it
13 did not fundamentally alter the antebellum legal view that a states' police powers
14 were rooted in the people's right to make laws to protect the peace and promote
15 public safety. Nor did Reconstruction challenge the notion that these powers were
16 at their zenith when dealing with guns and gun powder. In fact, the Republicans
17 who wrote the Fourteenth Amendment were among the most ardent champions of
18 an expansive view of state police power. As heirs to the antebellum Whig vision of
19 a well-regulated society, Reconstruction-era Republicans used government power
20 aggressively to protect the rights of recently freed slaves and promote their vision
21 of ordered liberty.⁹⁵

22 ⁹² Cornell, *supra* note 90, at 75–76.

23 ⁹³ *Id.*

24 ⁹⁴ ERIC FONER, *THE SECOND FOUNDING: HOW THE CIVIL WAR AND*
25 *RECONSTRUCTION REMADE THE CONSTITUTION* (2019); Brennan Gardner Rivas,
26 *Enforcement of Public Carry Restrictions: Texas as a Case Study*, 55 U.C. DAVIS L.
27 *REV.* 2603 (2022).

28 ⁹⁵ Robert J. Kaczorowski, *Congress's Power to Enforce Fourteenth*
Amendment Rights: Lessons from Federal Remedies the Framers Enacted, 42
HARV. J. ON LEGIS. 187 (2005); Christopher Tomlins, *To Improve the State and*

1 47. Indeed, the passage of the Fourteenth Amendment was premised on the
2 notion that the individual states would not lose their police power authority to the
3 federal government. The author of Section One of the Fourteenth Amendment,
4 John Bingham, reassured voters that the states would continue to bear the primary
5 responsibility for “local administration and personal security.”⁹⁶ As long as state
6 and local laws were racially neutral and favored no person over any other, the
7 people themselves, acting through their representatives, were free to enact
8 reasonable measures necessary to promote public safety and further the common
9 good.⁹⁷

10 48. It would be difficult to understate the impact of this new paradigm for
11 gun regulation on post-Civil War legislation. Across the nation legislatures took
12 advantage of the new formulation of the right to bear arms included in state
13 constitutions and enacted a staggering range of new laws to regulate arms. Indeed,
14 the number of laws enacted skyrocketed, increasing by over four hundred percent
15 from antebellum levels.⁹⁸ Not only did the number of laws increase, but the
16 number of states and localities passing such laws also expanded.⁹⁹

17 49. Henry Campbell Black, the author of *Black’s Law Dictionary*,
18 described the police power as “inalienable” and echoed the view of a long line of
19 jurists who noted that the scope of the power was not easily defined and the

20
21 *Condition of Man: The Power to Police and the History of American Governance*
53 BUFFALO L. REV. 1215 (20052006).

22 ⁹⁶ John Bingham, *Speech*, CINCINNATI DAILY GAZETTE (Sept. 2, 1867), as
23 quoted in Saul Cornell and Justin Florence, *The Right to Bear Arms in the Era of*
24 *the Fourteenth Amendment: Gun Rights or Gun Regulation*, 50 SANTA CLARA L.
REV. 1043, 1058 (2010).

25 ⁹⁷ For a discussion of how the courts wrestled with the meaning of the
26 Amendment, see WILLIAM E. NELSON, *THE FOURTEENTH AMENDMENT: FROM*
27 *POLITICAL PRINCIPLE TO JUDICIAL DOCTRINE* (1998).

28 ⁹⁸ See Spitzer, *supra* note 37, at 59–61 tbl. 1.

⁹⁹ *Id.*

1 determination of its limits was best left to courts on a case-by-case basis.¹⁰⁰ Indeed,
2 even the most ardent critics of the police power, such as conservative legal scholar
3 Christopher G. Tiedeman, acknowledged that “police power of the State extends to
4 the protection of the lives, limbs, health, comfort and quiet of all persons, and the
5 protection of all property within the State.”¹⁰¹

6 50. In keeping with the larger goals of Reconstruction, Republicans sought
7 to protect the rights of African Americans to bear arms but were equally insistent on
8 enacting strong racially neutral regulations aimed at public safety. Violence
9 directed against African Americans, particularly the campaign of terror orchestrated
10 white supremacist para-military groups prompted Republican dominated
11 legislatures in the Reconstruction South to pass a range of racially neutral gun
12 regulations.¹⁰² The racially neutral gun laws enacted by Republicans were in part a
13 reaction to the discriminatory black codes passed by neo-confederate legislatures
14 earlier in Reconstruction. The Black Codes violated the Second Amendment, but
15 the wave of firearms legislation passed by Republican controlled state legislatures
16 in the South were consciously crafted to honor the Second Amendment and protect
17 individuals from gun violence.¹⁰³

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19 ¹⁰⁰ HENRY CAMPBELL BLACK, HANDBOOK OF CONSTITUTIONAL LAW, 334–344
20 (2d ed., 1897).f

21 ¹⁰¹ CHRISTOPHER G. TIEDEMAN, A TREATISE ON THE LIMITATIONS OF THE
22 POLICE POWER IN THE UNITED STATES 4–5 (1886) (citing *Thorpe v. Rutland R.R.*, 27
23 Vt. 140, 149-50 (1854)).

24 ¹⁰² Mark Anthony Frassetto, *The Law and Politics of Firearms Regulation in
25 Reconstruction Texas*, 4 TEX. A&M L. REV. 95, 113–17 (2016); Brennan G. Rivas,
26 *An Unequal Right to Bear Arms: State Weapons Laws and White Supremacy in
27 Texas, 1836-1900*, 121 SOUTHWESTERN QUARTERLY 284 (2020).

28 ¹⁰³ See Darrell A. H. Miller, *Peruta, The Home-Bound Second Amendment,
and Fractal Originalism*, 127 HARV. L. REV. 238, 241 (2014); see also Robert J.
Kaczorowski, *Congress’s Power to Enforce Fourteenth Amendment Rights:
Lessons from Federal Remedies the Framers Enacted*, 42 HARV. J. ON LEGIS. 187,
205 (2005) (discussing Republican use of federal power to further their aims,
including to enforce the Fourteenth Amendment).

1 51. The laws enacted during Reconstruction underscore the fact that robust
2 regulation of firearms during Reconstruction was not a novel application of the
3 police power, but an expansion and continuation of antebellum practices. Moreover,
4 these efforts illustrated a point beyond dispute: the flexibility inherent in police
5 power regulations of guns. American states had regulated arms since the dawn of
6 the republic and Reconstruction simply renewed America's commitment to the idea
7 of well-regulated liberty.

8 **V. ASSAULT WEAPONS BANS, THE POLICE POWER, AND THE LATEST FACE**
9 **OF TERROR**

10 52. Another major inflection point in the debate over firearms regulation
11 focused on assault weapons, and was closely connected to the rise of mass
12 shootings in the last decades of the twentieth century.¹⁰⁴ California led the way
13 with its ban on assault weapons enacted after the Stockton School Massacre in
14 1989.¹⁰⁵ Proposals to ban assault weapons are part of a larger national movement
15 to deal with the carnage caused by high capacity, high velocity weapons.¹⁰⁶ The
16 effort to ban such weapons parallels earlier efforts to deal with machine guns and
17 semi-automatic weapons during the 1920s.¹⁰⁷

18 53. Gun rights advocates have insisted that the term "assault weapon" is an
19 invention of gun control activists and that the term is essentially meaningless.¹⁰⁸

20 ¹⁰⁴ Allen Rostron, *Style, Substance, and the Right to Keep and Bear Assault*
21 *Weapons*, 40 CAMPBELL L. REV. 301 (2018); Jaclyn Schildkraut et.al., *Mass*
22 *Shootings, Legislative Responses, and Public Policy: An Endless Cycle of Inaction*,
68 EMORY L.J. 1043 (2020).

23 ¹⁰⁵ Cal. Penal Code §§ 16350, 16790, 16890, 30500-31115.

24 ¹⁰⁶ ROBERT SPITZER, *THE POLITICS OF GUN CONTROL* 14 (2012).

25 ¹⁰⁷ *Supra* note 37

26 ¹⁰⁸ For a good illustration of the gun rights point of view, Stephen P.
27 Halbrook, *New York's Not So "SAFE" Act: The Second Amendment in an Alice-In-*
28 *Wonderland World Where Words Have No Meaning*, 78 ALBANY L. REV. 789
(2015).

1 For those in the gun rights community, these “modern sporting rifles” share
2 functions and features with many other guns including some hunting rifles.¹⁰⁹
3 Much of the current controversy over bans or restrictions on dangerous or unusual
4 weapons revolves around the AR-15 and similar types of weapons and
5 accessories.¹¹⁰ The debate’s heavy focus on technological factors obscures the fact
6 that legislative efforts to ban these weapons fit squarely within the long Anglo-
7 American tradition of limiting public access to weapons capable of provoking
8 terror. During America’s first gun violence crisis in the Jacksonian era, states
9 targeted pistols that were easily concealed and in the New Deal era, states singled
10 out gangster weapons such as the notorious “Tommy Gun” [Thompson sub-
11 machine gun] as sufficiently dangerous or unusual to warrant extensive regulation,
12 or prohibition. The same imperatives and constitutional logic guided both
13 regulatory regimes.¹¹¹

14 54. The history of the AR- 15 illustrates that the earlier dynamic governing
15 firearms regulation established in the nineteenth-century continues to shape
16 American public policy and law. Regulation of firearms follows a well-worn path.
17 Technological innovation is only part of this equation. In addition, weapons must
18 also achieve sufficient market penetration to create a potential for criminal abuse.

21 _____
22 ¹⁰⁹ On modern marketing of firearms, *see* HAAG, *supra* note 43. Among the
23 most important insights of Haag’s work is that breech-loading rifles introduced
24 after the Civil War did not achieve sufficient market penetration a fact that partially
accounts for the absence of any movement to limit access to these weapons which
remained primarily of interest to sportsmen and the military.

25 ¹¹⁰ James Jacobs, *Why Ban ‘Assault Weapons’?*, 37 CARDOZO L. REV. 681,
26 687 (2015). For a useful overview of the legal issues in regulating this class of
27 weapons, *see* Vivian S. Chu, *Federal Assault Weapons Ban: Legal Issues*
28 *Congressional Research Service*, February 14, 2013.

¹¹¹ Spitzer, *supra* note 37.

1 At this point legislatures attempt to find a means to address the problem posed by
2 these weapons without trenching on constitutionally protected liberties.¹¹²

3 55. The development of the AR-15 was tied to the strategic requirements
4 of the American military to find a replacement for heavier World War II-era rifles.
5 The military M-16 and the civilian AR-15 are closely related. In contrast to
6 standard issue military weapons such as the M-16, the AR-15 and other similar
7 civilian weapons are all semi-automatic, rather than selective fire weapons capable
8 of firing in either fully automatic or semi-automatic modes.

9 56. When they were first introduced military-style AR-15 types of
10 weapons were not especially popular.¹¹³ Gun makers eventually developed a more
11 effective set of marketing strategies.¹¹⁴ When first marketed the AR-15's
12 connection to the military was a liability because lingering opposition to the
13 Vietnam War slowed down early civilian interest in a weapon that was closely
14 related to the M-16.¹¹⁵

15 57. There is no doubt that many of the pragmatic and cosmetic features of
16 AR-15 type weapons now account for their popularity among some segments of the
17 gun-owning public.¹¹⁶ The weapons are lighter, produce less recoil, and are easier
18 to fire than an older generation of hunting rifles. The fact that these weapons are

19 ¹¹² *Id.*

20 ¹¹³ David M. Studdert et al., *Testing the Immunity of the Firearm Industry to*
21 *Tort Litigation*, 177 JAMA INTERNAL MEDICINE 102, 102-05 (2017).

22 ¹¹⁴ Joseph Blocher, *Has the Constitution Fostered a Pathological Rights*
23 *Culture? The Right to Bear Arms: Gun Rights Talk*, 94 B.U. L. REV. 813 (2014) and
24 Joseph Blocher, *Hunting and the Second Amendment*, 91 NOTRE DAME L. REV. 133
(2015).

25 ¹¹⁵ On the insurrectionary tradition, see David C. Williams, *Constitutional*
26 *Tales of Violence: Populists, Outgroups, and the Multicultural Landscape of the*
27 *Second Amendment*, 74 TUL. L. REV. 387 (1999).

28 ¹¹⁶ Rachel A. Callcut et al., *Effect Of Mass Shootings on Gun Sales-A 20-*
Year Perspective, 87 J. TRAUMA ACUTE CARE SURGERY 531 (2019).

1 also highly customizable has increased their consumer appeal but has also rendered
2 them more lethal. Commentators have analogized them to other consumer
3 products, describing them as an adult and hyper-masculine version of a “Barbie
4 Doll.”¹¹⁷ Opponents of robust regulation of assault weapons insist that the targeted
5 weapons are neither especially dangerous nor unusual. Moreover, gun rights
6 advocates insist that the term “assault weapons” is an invention of gun control
7 advocates and the prohibition targets cosmetic features.¹¹⁸

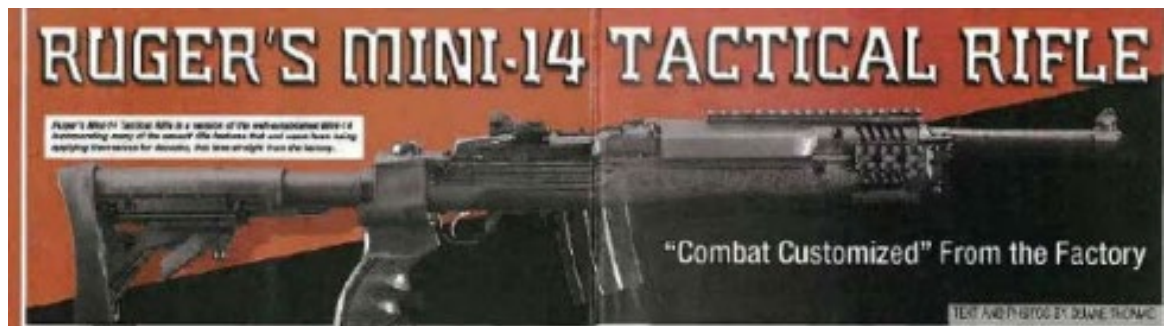
8 58. Understanding the marketing strategies tying these weapons to the
9 military makes clear that efforts to regulate these weapons by using these same
10 features is hardly cosmetic. Moreover, focusing exclusively on technology and
11 ignoring the social history of these weapons, their popularity and potential for
12 abuse, misses an important point about the history of firearms technology and
13 government regulation. The history and tradition of arms regulation has always
14 recognized that weapons that had the ability to inspire *terrorem populi* is a
15 legitimate justification for regulation. The perpetrator of the Sandy Hook
16 Elementary Mass Shooting used a Bushmaster AR-15-type weapon that was
17 marketed with a slogan that traded on hyper-aggressive forms of toxic masculinity:
18 “Consider Your Man Card Reissued.”¹¹⁹ There is little disputing the fact that

19 ¹¹⁷ Robert J. Spitzer, *Why Assault Rifles are Selling*, CHICAGO TRIBUNE, June
20 16, 2015.

21 ¹¹⁸ Stephen P. Halbrook, *Reality Check: The Assault Weapon Fantasy and*
22 *Second Amendment Jurisprudence*, 14 GEORGETOWN J. OF L. & PUB. POL’Y. 47
23 (2016). For a good example of this type of flawed technological determinist
24 approach, see David B. Kopel, *Rational Basis Analysis of “Assault Weapon”*
25 *Prohibition*, 20 J. CONTEMP. L. 381 (1994). For a general discussion of the
26 problems with technological determinism, see Merritt R. Smith, and Leo Marx,
27 DOES TECHNOLOGY DRIVE HISTORY? THE DILEMMA OF TECHNOLOGICAL
28 DETERMINISM (Cambridge, MA: MIT, 1994); Allan Dafoe, *On Technological*
Determinism: A Typology, Scope Conditions, and a Mechanism Science, 40 TECH.
& HUM. VALUES 1047 (2015).

¹¹⁹ Alexander DeConde, GUN VIOLENCE IN AMERICA; Cornell and DeDino,
supra note 36.

1 despite protestations by gun rights advocates and industry executives that these
2 weapons are merely “sporting rifles” the marketing campaigns used to sell these
3 tells a different story. The success of these weapons commercially was inextricably
4 linked to marketing strategies that tied these weapons to their origins in the
5 military. These sales strategies deliberately evoked images of military assault
6 capabilities.¹²⁰ The advertisement from two popular arms manufacturers pictured
7 below are illustrative of these campaigns.¹²¹ Ruger explicitly employs the term
8 “Tactical Rifle” and Sig Sauer’s choice of imagery unambiguously links its
9 weapons to images of military close quarter combat.



16
17 (Intentionally left blank)

21
22 ¹²⁰ Mark Berman & Todd C. Frankel, *Companies made more than \$1B*
23 *selling powerful guns to civilians, report says House oversight committee accused*
24 *gun manufacturers of “manipulative marketing campaigns” and profiting off*
25 *violence*, WASHINGTON POST (July 27, 2022, 7:19 PM),
<https://www.washingtonpost.com/national-security/2022/07/27/companies-made-more-than-1b-selling-powerful-guns-civilians-report-says/>.

26 ¹²¹ CAROLYN MALONEY, SUPPLEMENTAL MEMORANDUM: THE COMMITTEE’S
27 INVESTIGATION INTO GUN INDUSTRY PRACTICES AND PROFITS (JUL. 27, 2022),
28 <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022.07.27%20Supplemental%20MEMO%20for%20the%207-27-2022%20FC%20Gun%20Manufacturer%20Hearing.pdf>.



59. *Bruen* did not address these technology-focused arguments. The New York law in question singled out handguns, not assault weapons. From the perspective of text, history, and tradition, the key legal fact is that that these weapons are perceived by important segments of the public to weapons capable of provoking a terror.¹²² Even if one accepted that some of the specified features on

¹²² Mass shootings have been rendered more deadly by the proliferation of assault weapons, see John Donahue III & Theodora Boulouta, *The Assault Weapon Ban Saved Lives*, STANFORD LAW SCHOOL BLOGS (Oct. 15, 2019), <https://law.stanford.edu/2019/10/15/the-assault-weapon-ban-saved-lives/>. For the most recent assessment of the impact of assault weapons on the American gun violence problem, see Christopher S. Koper et. al., *Criminal Use of Assault*

1 these weapons were simply cosmetic, a point hotly contested by proponents of
2 stronger regulation, this fact does not negate the undeniable fact that these weapons
3 produce the type of terror that Anglo-American law has always recognized as a
4 threat to the peace.¹²³ Firearms manufacturers created a type of weapon and
5 marketed it to distinct demographics, stressing characteristics and cultural
6 associations that tied them to war and then used these associations to effectively
7 market them. The fact that a successful marketing strategy earned gun companies
8 over a billion dollars is a fact that contradicts the claims of gun rights advocates
9 these weapons are no different than other guns available to consumers. If that were
10 true, then gun companies would have abandoned these marketing strategies long
11 ago and replaced them with something more effective. It would be illogical and run
12 counter to the most basic principles of Anglo-American law to argue that people
13 themselves are powerless to regulate these weapons to mitigate the threats they
14 pose to peace and public safety. The appeal of these weapons and their contribution
15 to gun violence are two sides of the same coin.¹²⁴ A government's ability to
16 address the negative effects of these weapons is well within the scope of its police
17 powers, as historically understood.

18
19 *Weapons and High-Capacity Semiautomatic Firearms: An Updated Examination of*
20 *Local and National Sources*, 95 J. URB. HEALTH 313 (2018).

21 ¹²³ Mark Anthony Frassetto, *To the Terror of the People: Public Disorder*
22 *Crimes and the Original Public Understanding of the Second Amendment*, 43
SOUTH. ILL. UNIV. L.J. 61 (2018).

23 ¹²⁴ Polly Mosendz, *Why Gunmakers Would Rather Sell AR-15s Than*
Handguns, BLOOMBERG (June 20, 2018, 3:00 AM),
24 [https://www.bloomberg.com/news/articles/2018-06-20/why-gunmakers-would-](https://www.bloomberg.com/news/articles/2018-06-20/why-gunmakers-would-rather-sell-ar-15s-than-handguns)
[rather-sell-ar-15s-than-handguns](https://www.bloomberg.com/news/articles/2018-06-20/why-gunmakers-would-rather-sell-ar-15s-than-handguns); John J. Donohue, *The Swerve to "Guns*
25 *Everywhere": A Legal and Empirical Evaluation*, 83 Law & Contemp. Problems
117 (2020); Christopher S. Koper, *Assessing The Potential to Reduce Deaths And*
26 *Injuries From Mass Shootings Through Restrictions on Assault Weapon and Other*
27 *High-Capacity Semiautomatic 19 Firearms*, CRIMINOLOGY & PUBLIC POLICY 147
(2020); Mark Gius, *The Impact of State and Federal Assault Weapons Bans on*
28 *Public Mass Shootings*, 22 APPLIED ECON. LETTERS 281 (2014).

1 **VI. *BRUEN*'S FRAMEWORK AND MODERN ASSAULT WEAPONS BANS**

2 60. The power to regulate and in some cases prohibit dangerous or unusual
3 weapons has always been central to the police power authority of states and
4 localities. At different moments in American history communities have deemed
5 categories of weapons to be especially dangerous and have regulated them, and
6 when it appeared necessary enacted bans on some types of weapons. Such
7 determinations were not made based on technological features in isolation but
8 reflected the ancient common law tradition of singling out weapons capable of
9 producing a terror. Such weapons undermined the peace and the constitutional
10 imperative embedded in the text of the Second Amendment to protect the security
11 of a free state. Defining exactly which category of weapons have fallen outside of
12 the scope of constitutional protection has shifted over time as society has addressed
13 new developments in firearms technology, evolving societal norms, and other
14 changes. In short, social, and economic transformation were always accompanied
15 by legal transformation. Put another way, as times change, the law changes with
16 them.¹²⁵

17 61. Political scientist Robert Spitzer's overview of the history of firearms
18 regulation underscores a basic point about American law: "The lesson of gun
19 regulation history here is that new technologies bred new laws when circumstances
20 warranted."¹²⁶ States and localities have regulated gunpowder and arms, since the
21 earliest days of the American Republic. The statutes at issue in this case are
22 analogous to a long-established tradition of firearms regulation in America,
23 beginning in the colonial period and stretching across time to the present. This
24 venerable tradition of using police power authority to craft specific laws to meet
25 shifting challenges has continued to the present day.¹²⁷ The adaptability of state

26 ¹²⁵ Spitzer, *supra* note 37.

27 ¹²⁶ *Id.*

28 ¹²⁷ GERSTLE, *supra* note 78.

1 and local police power provided the flexibility governments needed to deal with the
2 problems created by changes in firearms technology and gun culture.

3
4 Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the
5 laws of the United States of America that the foregoing is true and correct.

6 Executed on October 13, 2022, at Redding, Connecticut.

7
8 

9
10 _____
Saul Cornell

EXHIBIT 1

Saul Cornell

Paul and Diane Guenther Chair in American History

Department of History

Fordham University

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Education

1989	University of Pennsylvania	Ph.D.	Dissertation: "The Political Thought and Culture of the Anti-Federalists"
1985	University of Pennsylvania	MA	History
1982	Amherst College	BA	History - Magna Cum Laude
1980-81	University of Sussex, Brighton, England		

Teaching Experience

2009-2020	Guenther Chair in American History	Fordham University
2011-2022	Adjunct Professor of Law	Fordham Law School
2005-2008	Professor of History	The Ohio State University
1997-2005	Associate Professor, History	The Ohio State University
1995	Thomas Jefferson Chair	University of Leiden, The Netherlands
1991-1997	Assistant Professor, History	The Ohio State University
1989-1991	Assistant Professor, History	College of William and Mary

Fellowships and Grants

- 2019-2020 The Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition, Yale University
- 2018-2019 Senior Research Scholar in Residence, Floersheimer Center for Constitutional Democracy, Cardozo Law School
- 2014 Senior Research Scholar in Residence, University of Connecticut Law School
- 2011 Senior Research Scholar in Residence, Yale Law School
- 2003-2008 Joyce Foundation, Second Amendment Center Grant, \$575,000
- 2003-2004 NEH Fellowship
- 2002-2005 Department of Education, Teaching American History Grant, Historyworks, \$2,000,000
- 2002 Gilder-Lehrman Fellowship
- 2001-2002 Joyce Foundation Planning Grant, \$40,000
- 2001 American Council of Learned Societies (ACLS)
- 1999-2000 Betha Grant, Batelle Memorial Endowment, Ohio Teaching Institute, \$100,000
- 1998 Thomas Jefferson Memorial Foundation, Research Fellowship
- 1995 Thomas Jefferson Chair in American Studies, Fulbright Lecturing Award
- 1994 Ohio State University Seed Grant
- 1993 Ohio State University Special Research Assignment
- 1992 Ohio State University Grant-In-Aid
- 1989-1991 NEH Post-Doctoral Fellow, Institute of Early American History and Culture

Prizes and Awards

- 2006 Langum Prize in Legal History 2006
- 2006 History News Network, Book of the Month
- 2006 History News Network, Top Young Historian
- 2001 Society of the Cincinnati, History Book Prize, a Triennial Award for the Best Book on the American Revolutionary Era
- 2000 Choice Outstanding Academic Book

Book Publications

The Partisan Republic: Democracy, Exclusion, and the Fall of the Founders Constitution

New Histories of American Law, series eds., Michael Grossberg and Christopher Tomlins (Cambridge University Press, 2019) [With Gerald Leonard]

The Second Amendment On Trial: Critical Essays on District of Columbia v. Heller

(University of Massachusetts Press, 2013) [with Nathan Kozuskanich]

Visions of America: A History of the United States [co-authored with Jennifer Keene and Ed O'Donnell]

(First edition, 2009),(second edition 2013) (third edition, 2016)

“A Well Regulated Militia”: The Founding Fathers and the Origins of Gun Control (Oxford University

Press, 2006) (paperback edition 2008)

Whose Right to Bear Arms Did the Second Amendment Protect? (Bedford/St. Martins Press, 2000)

(Paperback 2000)

The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828 (Institute of

Early American History and Culture, University of North Carolina Press, 1999) (paperback edition 2001)

Editor, Retrieving the American Past: Documents and Essays on American History, (Pearson, 1994-2008)

Scholarly Articles, Book Chapters, and Essays:

“History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in *NYSRPA v. Bruen?*,” 49 *Hastings Constitutional Law Quarterly* (2022): 145-177.

“The Long Arc of Arms Regulation in Public: From Surety to Permitting, 1328–1928,” 55 University of California, Davis Law Review (2022): 2545-2602

“‘Infants’ and Arms Bearing in the Era of the Second Amendment: Making Sense of the Historical Record,” 40 Yale Law & Policy Review Inter Alia 1 (2021)

“The Right to Regulate Arms in the Era of the Fourteenth Amendment: The Emergence of Good Cause Permit Schemes in Post-Civil War America” 55 University of California, Davis Law Review Online (2021): 65-90.

- “President Madison's Living Constitution: Fixation, Liquidation, and Constitutional Politics in the Jeffersonian Era”, 89 Fordham Law Review (2021): 1761-1781.
- “History, Text, Tradition, and the Future of Second Amendment Jurisprudence: Limits on Armed Travel Under Anglo-American Law, 1688–1868,” 83 Law and Contemporary Problems (2020): 73-95
- “Reading the Constitution, 1787–91: History, Originalism, and Constitutional Meaning.” Law and History Review 37 (2019): 821–45
- “Constitutional Mythology and the Future of Second Amendment Jurisprudence after *Heller*,” in Firearms and Freedom: The Second Amendment in the Twenty-First Century Controversies in American Constitutional Law Series (Routledge, 2017): 8-24
- “The Right to Keep and Carry Arms in Anglo-American Law, Preserving Liberty and Keeping the Peace,” 80 Law and Contemporary Problems (2017): 11-54
- “Half Cocked’: The Persistence of Anachronism and Presentism in the Academic Debate over the Second Amendment,” 107 Northwestern Journal of Criminal Law 107 (2017): 203-218
- “The 1790 Naturalization Act and the Original Meaning of the Natural Born Citizen Clause: A Short Primer on Historical Method and the Limits of Originalism,” Wisconsin Law Review Forward 92 (2016)
- “Constitutional Meaning and Semantic Instability: Federalists and Anti-Federalists on the Nature of Constitutional Language,” in special issue on “The Future of Legal History,” American Journal of Legal History 56 (2016): 21-29
- “Firearm Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context,” Yale Law Journal Forum 125(2015-16):121-135 [with Eric Ruben]
- “Originalism As Thin Description: An Interdisciplinary Critique” Fordham Law Review Res Gestae 84 (2015): 1-10
- “The Right to Bear Arms,” The Oxford Handbook of the US Constitution, eds., Mark Tushnet, Sanford Levinson, and Mark Graber (2015): 739-759
- “Conflict, Consensus & Constitutional Meaning: The Enduring Legacy of Charles Beard” Constitutional Commentary 29(2014): 383-409
- “Meaning and Understanding in the History of Constitutional Ideas: the Intellectual History Alternative to Originalism” Fordham Law Review 82 (2013): 721-755
- “The Right to Carry Firearms Outside of the Home: Separating Historical Myths from Historical Realities” Fordham Urban Law Journal 39 (2012): 1695-1726
- “Evidence, Explanation, and the Ghost of Charles Beard” William & Mary Quarterly 69 (2012): 393-4
- “Idiocy, Illiteracy, and the Forgotten Voices of Popular Constitutionalism: Ratification and the Ideology of Originalism” William & Mary Quarterly 69 (2012): 365-368
- “The People’s Constitution v. The Lawyer’s Constitution: Popular Constitutionalism and the Original Debate Over Originalism,” Yale Journal of Law and the Humanities 23 (2011): 295-337
- “St. George Tucker's Lecture Notes, The Second Amendment, and Originalist Methodology: A Critical Comment,” Northwestern University Law Review 103 (2009): 406-416

- “Heller, New Originalism, and Law Office History: ‘Meet the New Boss, Same as the Old Boss’” UCLA Law Journal 56 (2009): 1095 -1125
- “Originalism on Trial: The Use and Abuse of History in *District of Columbia v. Heller*” Ohio-State Law Journal 69 (2008): 625-640
- “Consolidation of the Early Federal System,” Chapter 10 of the Cambridge History of American Law (Cambridge University Press, 2008) [With Gerry Leonard]
- “The Ironic Second Amendment” Albany Government Law Review 2 (2008): 292-311.
- “The Original Meaning of Original Understanding: A Neo-Blackstonian Critique,” Maryland Law Review (2008): 101-115
- “Mobs, Militias, and Magistrates: Popular Constitutionalism During the Whiskey Rebellion,” Chicago-Kent Law Review (2007): 883-903
- “The Second Amendment and Early American Gun Regulation: a Closer Look at the Evidence,” Law and History Review (2007): 197-204
- “St. George Tucker and the Second Amendment: Original Understandings and Modern Misunderstandings,” William and Mary Law Review 47 (2006): 1123-55
- “The Early American Origins of the Modern Gun Control Debate: The Right to Bear Arms, Firearms Regulation, the Lessons of History,” Stanford Law and Policy Review (2006): 571-596
- “Well Regulated: The Early American Origins of Gun Control,” Fordham Law Review 73 (2004): 487-528 [With Nathan DeDino]
- “Beyond the Myth of Consensus: The Struggle to Define the Right to Bear Arms in the Early Republic,” in Beyond the Founders: New Essays on the Political History of the Early Republic (UNC Press, 2005)
- “A New Paradigm for the Second Amendment,” Law and History Review 22 (2004): 161-7
- “Gun Laws and Policies: A Dialogue,” Focus on Law Studies: Teaching about Law in the Liberal Arts (American Bar Association, 2003)
- “The Militia Movement,” Oxford Companion to American Law (Oxford University Press, 2002)
- “Don’t Know Much About History: The Current Crisis in Second Amendment Scholarship,” Northern Kentucky Law Review (2003)
- “A Right to Bear Quills or Kill Bears? A Critical Commentary on the Linkage between the 1st and 2nd Amendment in Recent Constitutional Theory,” in The Limits of Freedom in A Democratic Society (Kent State University Press, 2001)
- “The Irony of Progressive Historiography: The Revival of Anti-Federalism in Contemporary Constitutional History,” in American Law Ways and Folkways (Odense University Press, Denmark 2001)
- “Commonplace or Anachronism: The Standard Model, The Second Amendment, and the Problem of History in Contemporary Constitutional Theory,” Constitutional Commentary (1999): 221-246
- “Mere Parchment Barriers? Anti-Federalists, the Bill of Rights, and the Question of Rights Consciousness,” in Government Proscribed: The Bill of Rights (University of Virginia Press, 1998): 175-208

- “Moving Beyond the Great Story: Post-Modern Prospects, Post-Modern Problems, A Forum on Robert Berkhofer, Jr. Beyond the Great Story” American Quarterly (1998): 349-357
- “The Anti-Federalists,” in The Blackwell Companion to American Thought, eds., James Kloppenberg (London, 1995)
- “The Bill of Rights,” in The Blackwell Companion to American Thought, eds., James Kloppenberg (London, 1995)
- “Splitting the Difference: Textualism, Contextualism, and Post-Modern History,” American Studies (1995): 57-80
- “Canon Wars II: The Return of the Founders,” Reviews in American History 22 (1994): 413-417
- “Moving Beyond the Canon of Traditional Constitutional History: Anti-Federalists, the Bill of Rights and the Promise of Post-Modern Historiography,” Law and History Review (1994): 1-28
- “Early American History in a Post-Modern Age,” William and Mary Quarterly 50 (1993): 329-341
- “Liberal Republicans, Republican Liberals?: The Political Thought of the Founders Reconsidered,” Reviews in American History 21 (1993): 26-30
- “Politics of the Middling Sort: The Bourgeois Radicalism of Abraham Yates, Melancton Smith, and the New York Anti-Federalists,” in New York in the Age of the Constitution (New York Historical Society, 1992): 151-175
- “Aristocracy Assailed: Back-Country Opposition to the Constitution and the Problem of Anti-Federalist Ideology,” Journal of American History (1990): 1148-1172
- “The Changing Historical Fortunes of the Anti-Federalists,” Northwestern University Law Review (1989): 39-73
- “Reflections on the ‘Late Remarkable Revolution in Government,’ Aedanus Burke and Samuel Bryan’s Unpublished History of the Ratification of the Federal Constitution,” The Pennsylvania Magazine of History and Biography (1988): 103-130

Book Reviews:

- Journal of American History
- William and Mary Quarterly
- American Studies Journal of the Early Republic
- Pennsylvania Magazine of History and Biography
- American Quarterly
- American Journal of Legal History
- Law and History Review

Journal Manuscript Referee:

- Journal of American History
- William and Mary Quarterly
- Diplomatic History
- Pennsylvania Magazine of History and Biography
- Law and History Review
- Harvard Law Review

- Stanford Law Review
- Yale Law Journal

Book Manuscript Reviewer:

- University Press of Virginia
- University of North Carolina Press
- Stanford University Press
- University of Massachusetts Press
- Oxford University Press
- Cambridge University Press
- University of Michigan Press
- Harvard University Press

Invited Lectures:

“Race, Regulation, and Guns: The Battleground in the Debate Over the Second Amendment,”
Haber/Edelman Lecture: University of Vermont, Fall 2021

“Second Amendment Myths and Realities,” University of Tampa, Honors College Symposium,
November 30, 2018.

“The Common Law and Gun Regulation: Neglected Aspects of the Second Amendment Debate,” Guns
in Law, Amherst College, Law Justice and Society (2016)

“The New Movement to End Gun Violence.” UCLA Hammer Museum (2016)

“No Person May Go Armed”: A Forgotten Chapter in the History of Gun Regulation” The Elizabeth
Battelle Clark Legal History Series, Boston University College of Law, 2016

Legacy Speaker Series: “Guns in the United States,” University of Connecticut (2016) “How does the
Second Amendment Apply to Today?”

American Constitution Society/ Federalist Society Debate, Tulane Law School, New Orleans (2016)

“The Second Amendment and The Future of Gun Regulation: Forgotten Lessons From U.S. History,”
Constitution Day Lecture, Goucher College, (2015)

Keynote Lecture: “The Second Amendment and American Cultural Anxieties: From Standing Armies to
the Zombie Apocalypse” Firearms and Freedom: The Relevance of the Second Amendment in the
Twenty First Century, Eccles Center, British Library (Spring 2015)

“Narratives of Fear and Narratives of Freedom: A Short Cultural History of the Second Amendment,”
Comparing Civil Gun Cultures: Do Emotions Make a Difference? Max Plank Institute, Berlin (2014)

“History and Mythology in the Second Amendment Debate,” Kollman Memorial Lecture, Cornell
College, Iowa (Spring, 2013)

“Will the Real Founding Fathers Please Stand Up or Why are so few Historians Originalists”
Constitution Day Lecture, Lehman College, Fall 2011

“Lawyers, Guns, and Historians: The Second Amendment Goes to Court,” SHEAR/HSP Public Lecture,
Philadelphia, July, 2008

- The Robert H. and Alma J. Wade Endowment Lecture, Kentucky Wesleyan University, “The Early American Origins of Gun Control” (2006)
- “Jefferson, Mason, and Beccaria: Three Visions of the Right to Bear Arms in the Founding Era,” Bill of Rights Lecture, Gunston Hall Plantation, Fairfax, VA (2003)
- “A New Paradigm for the Second Amendment,” Finlay Memorial Lecture, George Mason University, (2001)
- “Academic Gunsmoke: The Use and Abuse of History in the Second Amendment Debate,” Cadenhead Memorial Lecture, University of Tulsa, (2000)
- “Why the Losers Won: The Rediscovery of Anti-Federalism in the Reagan Years,” Thomas Jefferson Inaugural Lecture, University of Leiden, Netherlands, (1995)

Presentations:

- “From Ideology to Empiricism: Second Amendment Scholarship After Heller, “ Hastings Constitutional Law Quarterly Symposium, Heller at Ten, January 18, 2019
- “Firearms and the Common Law Tradition,” Aspen Institute, Washington, DC (2016)
- “The Original Debate over Original Meaning Revisited, ” British Group in Early American History, Annual Meeting, Cambridge, England (2016)
- “Second Amendment Historicism and Philosophy” The Second Generation of Second Amendment Scholarship” Brennan Center, NYU 2016
- “The Reception of the Statute of Northampton in Early America: Regionalism and the Evolution of Common Law Constitutionalism” OIEAHC and the USC/Huntington Library Early Modern Studies Institute May 29–30, 2015
- “The Right to Travel Armed in Early America: From English Restrictions to Southern Rights,” British Group in Early American History, Annual Conference Edinburgh, Scotland (2014)
- “Progressives, Originalists, and Pragmatists: The New Constitutional Historicism and the Enduring Legacy of Charles Beard,” Charles Beard, Economic Interpretation and History, Rothmere Center, Oxford University (2012)
- CUNY Early American Seminar, “The People’s Constitution v. the Lawyer’s Constitution,” 2011
- Roundtable : “The Work of J.R. Pole,” SHEAR , Philadelphia, Pennsylvania 2011)
- “The Right to Bear Arms in the Era of the Fourteenth Amendment: Gun Rights or Gun Regulation?” Bearing Arms, Policy, Policing, and Incorporation After Heller, Santa Clara Law School (2010)
- “Re-envisioning Early American History,” American Historical Association Annual Meeting, San Diego (2010)
- “The Ironic Second Amendment” Firearms, the Militia, and Safe Cities: Merging History, Constitutional Law and Public Policy, Albany Law School (2007)
- “*District of Columbia v. Heller* and the Problem of Originalism,” University of Pennsylvania Constitutional Law Workshop, Philadelphia (2007)

- “Progressives and the Gun Control Debate,” American Constitution Society, Harvard Law School, (2006)
- “The Problem of Popular Constitutionalism in Early American Constitutional Theory,” American Association of Law Schools, Annual Conference (2006)
- “Popular Constitutionalism and the Whiskey Rebellion,” Symposium on Larry Kramer’s The People Themselves, Chicago-Kent Law School (2005)
- Roundtable Discussion on the Second Amendment and Gun Regulation, NRA/ GMU Student’s For the Second Amendment Symposium (2005)
- “The Early American Origins of the Modern Gun Control Debate: The Right to Bear Arms, Firearms Regulation, and the Lessons of History,” Gun Control: Old Problems, New Problems, Joint Conference Sponsored by the John Glenn Institute and Stanford Law School (2005)
- “Original Rules for Originalists?” University of Minnesota Law School (2005)
- “The Fourteenth Amendment and the Origins of the Modern Gun Debate,” UCLA, Legal History Workshop (2004)
- “Beyond Consensus, Beyond Embarrassment: The Use and Abuse of History in the Second Amendment Debate,” American Society of Legal History, Austin, TX (2004)
- “Armed in the Holy Cause of Liberty: Guns and the American Constitution,” NYU Legal History Colloquium (2004)
- “Digital Searches and Early American History,” SHEAR Brown University (2004)
- “Well Regulated: The Early American Origins of Gun Control,” The Second Amendment and the Future of Gun Regulation,” Joint Conference Sponsored by the John Glenn Institute and Fordham Law School, New York (2004)
- “Minuteman, Mobs, and Murder: Forgotten Contexts of the Second Amendment,” Department of History, University of California Berkeley (2003)
- “History vs. Originalism in the Second Amendment Debate,” Federalist Society/ American Constitution Society, George Washington University Law School, Washington D.C. (2003)
- “Self-defense, Public Defense, and the Politics of Honor in the Early Republic,” Lake Champlain Early American Seminar, Montreal (2003)
- “The Ironic Second Amendment” “Gun Control: Controversy, Social Values, and Policy,” University of Delaware Legal Studies Conference, Newark, Delaware (2003)
- “Individuals, Militias, and the Right to Bear Arms: The Antebellum Debate Over Guns,” Institute for Legal Studies, University of Wisconsin School of Law (2004)
- “Guns in the British Atlantic World: New Research, New Directions” Society for the Historians of the Early American Republic, Ohio State University (2003)
- “Neither Individual nor Collective: A New Paradigm for the Second Amendment,” American Bar Foundation, Chicago (2003)
- “The Changing Meaning of the Armed Citizen in American History,” “Americanism Conference,” Georgetown University (2003)

- “A New Paradigm for the Second Amendment?” Supreme Court Historical Society, Washington, D.C. (2002)
- “Constitutional History as Cultural History: The Case of the Second Amendment” European American Studies Association, Bordeaux, France (2002)
- “Don’t Know Much About History: The Current Crises in Second Amendment Scholarship,” Salmon P. Chase College of Law, Symposium, “The Second Amendment Today,” (2002)
- “History, Public Policy, and the Cyber-Age: Gun Control Policy after the Emerson Decision,” Sanford Institute of Public Policy, Duke University (2002)
- “Constitutional History After the New Cultural History: The Curious Case of the Second Amendment,” Society of the Historians of the Early American Republic, Baltimore (2001)
- Roundtable Discussion, “The State of Second Amendment Scholarship,” American Historical Association (2001)
- “Armed in the Holy Cause of Liberty: Critical Reflections on the Second Amendment Debate,” Vanderbilt University Law School (2001)
- “Neither Individual nor Collective: A New Paradigm for the Second Amendment,” Boston University Law School, (2000)
- “The Current State of Second Amendment Scholarship,” National Press Club Washington, D.C. American Bar Association, (2000)
- “Taking the Hype out of Hyper-Text, Or What Should Textbook Companies Be Doing for us on the Web,” OAH St. Louis, Missouri (1999)
- “The Ironies of Progressive Historiography: The Revival of Anti-Federalism in Contemporary Constitutional Theory,” European American Studies Association, Lisbon, Portugal (1998)
- “Deconstructing the Canon of American Constitutional History” American Society of Legal History, Seattle, Washington (1998)
- “Beyond Meta-narrative: The Promise of Hypertext,” American Studies Association, Seattle, Washington (1998)
- “Text, Context, Hypertext,” American Historical Association, Washington D.C. (1998)
- “Jefferson and Enlightenment,” International Center for Jefferson Studies, Charlottesville, VA, (1998)
- “Copley’s Watson and the Shark: Interpreting Visual Texts with Multi-media Technology,” American Studies Association, Washington, D.C. (1997)
- “Multi-Media and Post-Modernism,” H-Net Conference, Technology and the Future of History, East Lansing, Michigan (1997)
- Comment on Jack Rakove’s Original Meanings, Society of the Historians of the Early Republic, State College, PA (1997)
- “Teaching with Multi-Media Technology,” Indiana University, spring 1997 “Constitutional History from the Bottom Up: The Second Amendment as a Test Case,” McGill University, Montreal, Canada (1996)

- “Just Because You Are Paranoid, Does Not Mean the Federalists Are Not Out to Get You: Freedom of the Press in Pennsylvania,” University of Pennsylvania (1995)
- “Multi-Media and Post-Modernism: The Future of American Studies?” Lecture, Erasmus University, Rotterdam, Netherlands (1995)
- “Post-Modern American History? Ratification as a Test Case,” St. Cross College, Oxford University, Oxford, England (1994)
- “The Other Founders,” NYU Legal History Seminar,” NYU Law School (1994)
- “Reading the Rhetoric of Ratification,” paper presented at “Possible Pasts: Critical Encounters in Early America,” Philadelphia Center for Early American Studies, Philadelphia, PA (1994)
- “American Historiography and Post-Modernism,” Organization of American Historians, Atlanta, GA (1994)
- “The Anti-Federalist Origins of Jeffersonianism,” Columbia Seminar on Early American History (1994)
- “American History in a Post-Modern Age?” American Historical Association, San Francisco, CA (1994)
- “Post-Modern Constitutional History?” Indiana University School of Law, Bloomington, IN (1993)
- Participant, Institute of Early American History and Culture, planning conference, "New Approaches to Early American History," Williamsburg, VA (1992)
- “Mere Parchment Barriers? Federalists, Anti-Federalists and the Problem of Rights Consciousness,” American Studies Association, Baltimore, MD (1991)
- “James Madison and the Bill of Rights: a comment on papers by Jack Rakove, Ralph Ketcham and Max Mintz,” Organization of American Historians and Center for the Study of the Presidency Conference, "America's Bill of Rights at 200 Years," Richmond, VA, (1991)
- Symposium participant, “Algernon Sidney and John Locke: Brothers in Liberty?” Liberty Fund Conference, Houston, TX (1991)
- “Mere Parchment Barriers? Antifederalists, the Bill of Rights and the Question of Rights Consciousness,” Capitol Historical Society, Washington, D.C. (1991)
- “Anti-Federalism and the American Political Tradition,” Institute of Early American History and Culture Symposium, Williamsburg, VA (1989)

Interviews, Editorials, Essays, Podcasts:

- “Clarence Thomas’ Latest Guns Decision Is Ahistorical and Anti-Originalist”
SLATE June 24, 2022

- Cherry-picked history and ideology-driven outcomes: Bruen’s originalist distortions,” SCOTUSblog (Jun. 27, 2022, 5:05 PM),
- “The Right Found a New Way to Not Talk About a School Shooting,” SLATE May 25, 2022
- “The Horror in New York Shows the Madness of the Supreme Court’s Looming Gun Decision,” *Slate* May 19, 2022
- “Guns, Guns Everywhere: Last week’s subway Shooting was Horrifying. If the Supreme Court Creates a National Right to Carry, the Future will be Worse,” *New York Daily News* Apr 17, 2022
- “The Supreme Court’s Latest Gun Case Made a Mockery of Originalism” *Slate* November 10, 2021
- “‘Originalism’ Only Gives the Conservative Justices One Option On a Key Gun Case,” *Washington Post*, November 3, 2021
- “Neither British Nor Early American History Support the Nearly Unfettered Right to Carry Arms,” *Slate* November 02, 2021
- “Will the Supreme Court Create Universal Concealed Carry Based on Fantasy Originalism?” *Slate* November 1, 2021
- “Biden was Wrong About Cannons, but Right About the Second Amendment,” *Slate* June 29, 2021
- “Barrett and Gorsuch Have to Choose Between Originalism and Expanding Gun Rights,” *Slate* April 29, 2021 *Slate*
- “What Today’s Second Amendment Gun Activists Forget: The Right Not to Bear Arms,” *Washington Post*, January 18, 2021
- “Could America’s Founders Have Imagined This?” *The New Republic*, December 20, 2019
- “Don’t Embrace Originalism to Defend Trump’s Impeachment” *The New Republic*, December 5, 2019
- “The Second-Amendment Case for Gun Control” *The New Republic*, August 4, 2019
- “The Lessons of a School Shooting—in 1853” *Politico*, March 24, 2018.
- “Originalism and the Second Amendment in *District of Columbia v. Heller*,” *University of Chicago Law Review*, Podcast, Briefly 1.9, Wed, 04/11/2018
- “Sandy Hook and the Original Meaning of the Second Amendment,” *Time* December, 2017
- “The State of the Second Amendment,” National Constitution Center, Podcast October, 2017
- “Gun Anarchy and the Unfree State: The Real History of the Second Amendment,” *The Baffler On-line* October 2017
- “Five Types of Gun Laws the Founding Fathers Loved” *Salon* October 22, 2017
- “Half Cocked,” *Book Forum* April 2016
- “Let’s Make an Honest Man of Ted Cruz. Here’s how we Resolve his “Birther” Dilemma with Integrity” *Salon* January 23, 2016
- “Guns Have Always Been Regulated,” *The Atlantic Online* December 17, 2015
- “The Slave-State Origins of Modern Gun Rights” *The Atlantic Online* 30, 2015 [with Eric Ruben]
- PBS, “Need to Know: ‘Debating the Second Amendment: Roundtable’” April 26, 2013
- “All Guns are not Created Equal” Jan 28, 2013 *Chronicle of Higher Education* [with Kevin Sweeney]

- “What the ‘Right to Bear Arms’ Really Means” *Salon* January 15, 2011 “Elena Kagan and the Case for an Elitist Supreme Court,” *Christian Science Monitor* May 20, 2010
- “Gun Points,” *Slate*, March 8, 2010 (With Justin Florence, and Matt Shors)
- “What’s Happening to Gun Control,” *To the Point*, NPR. March 11, 2010
- “Getting History Right,” *National Law Journal*, March 1, 2010
- “History and the Second Amendment,” *The Kojo Nnamdi Show* , WAMU (NPR) March 17, 2008
- “The Court and the Second Amendment,” *On Point* with Tom Ashbrook, WBUR (NPR) March 17, 2008
- “Aim for Sensible Improvements to Gun Regulations,” *Detroit Free Press*, April 29, 2007
- “A Well Regulated Militia,” *The Diane Rehm Show*, WAMU (NPR) Broadcast on Book TV (2006)
- “Taking a Bite out of the Second Amendment,” *History News Network*, January 30, 2005
- “Gun Control,” *Odyssey*, Chicago NPR September 8, 2004
- “Loaded Questions,” *Washington Post Book World* February 2, 2003
- “The Right to Bear Arms,” Interview *The Newshour*, PBS May 8, 2002
- “Real and Imagined,” *New York Times*, June 24, 1999

Other Professional Activities

- Editorial Board, Constitutional Study, University of Wisconsin Press (2014-present)
- Advisory Council, Society of Historians of the Early American Republic (SHEAR) (2007-2009)
- Program Committee, Annual Conference, Society of the Historians of the Early American Republic, Philadelphia, PA 2008
- Editorial Board, American Quarterly (2004-2007)
- Director, Second Amendment Research Center, John Glenn Institute for Public Service and Public Policy, 2002- 2007
- Fellow, Center for Law, Policy, and Social Science, Moritz College of Law, Ohio State University 2001- 2004
- Local Arrangements Committee, Annual Conference, Society of the Historians of the Early American Republic, Columbus, OH 2003
- Project Gutenberg Prize Committee, American Historical Association, 2004, 2002
- Program Committee, Annual Conference, Society of the Historians of the Early Republic, 2001
- Co-Founder Ohio Early American Studies Seminar
- NEH Fellowship Evaluator, New Media Projects, Television Projects
- Multi-media Consultant and Evaluator, National Endowment for the Humanities, Special, Projects, Division of Public Programs, Grants Review Committee (1999)

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Exhibit L

Date	Mass Shooting	Deaths	Injured	Weapon(s) Used
July 4, 2022	Highland Park Parade Shooting	7	48	AR-15
May 24, 2022	Uvalde, Texas Elementary School Shooting	21	17	AR-15
May 14, 2022	Buffalo, New York Supermarket Shooting	10	3	AR-15
August 3, 2019	El Paso Wal-Mart Shooting	23	23	AK-47
October 27, 2018	Pittsburgh Synagogue Shooting	11	6	AR-15; Glocks
February 14, 2018	Stoneman Douglas High School Shooting	17	17	AR-15
November 5, 2017	Sutherland Springs Church Shooting	26	22	AR-15; semi-automatic pistols
October 1, 2017	Las Vegas Strip Shooting	60	867	AR-15; AR-10; bolt-action rifle; revolver
June 12, 2016	Orlando Pulse Nightclub Shooting	49	58	Sig Sauer MCX; Glock
December 2, 2015	San Bernardino Shooting	14	24	AR-15; semi-automatic pistols
December 14, 2012	Sandy Hook Elementary School Shooting	26	2	AR-15; Glock; bolt-action rifle
July 20, 2012	Aurora, Colorado Movie-Plex Shooting	12	70	AR-15; shotgun; Glock
March 10, 2009	Geneva County Shootings	10	6	AR-15; SKS semiautomatic rifle; handgun