

No. 23-55276

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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LANCE BOLAND; MARIO SANTELLAN; RENO MAY; JEROME SCHAMMEL; AND  
CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED,  
*Plaintiffs-Appellees,*

v.

ROB BONTA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,  
*Defendant-Appellant.*

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**On Appeal from the United States District Court  
for the Central District of California**  
No. 22-cv-1421-CJC-ADS  
The Honorable Cormac J. Carney, Judge

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**EXCERPTS OF RECORD  
VOLUME 5 OF 7**

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April 28, 2023

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**ER-0756**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
RENO MAY, an individual; JEROME  
SCHAMMEL, an individual;  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
California corporation,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California; and DOES 1-10,

Defendants.

Case No. 8:22-cv-01421-CJC(ADSx)

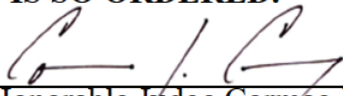
**ORDER RE PLAINTIFFS' AND  
DEFENDANT'S STIPULATION AS  
TO LIST OF WITNESSES AT  
EVIDENTIARY HEARING ON  
MOTION FOR PRELIMINARY  
INJUNCTION [47]**

GOOD CAUSE APPEARING THEREFORE and in accordance with the  
Stipulation of Parties, IT IS HEREBY ORDERED THAT:

1. Plaintiffs' and Defendants List of Witnesses for the January 23-24, 2023  
Evidentiary Hearing on Plaintiffs' Motion for Preliminary Injunction is accepted and  
entered into the record of the proceedings.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: January 30, 2023

  
Honorable Judge Cormac J. Carney  
United States District Court Judge

ORDER

8:22-cv-01421-CJC(ADSx)

ER-0757



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 10 Santellan, Reno May, Jerome Schammel, and  
 California Rifle & Pistol Association,  
 11 Incorporated

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 13 MARK R. BECKINGTON  
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 19 Attorneys for Rob Bonta, in his official capacity as  
 Attorney General of the State of California

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA**  
 22 **SOUTHERN DIVISION**

23 LANCE BOLAND, an individual;  
 24 MARIO SANTELLAN, an individual;  
 RENO MAY, an individual; JEROME  
 25 SCHAMMEL, an individual;  
 CALIFORNIA RIFLE & PISTOL  
 26 ASSOCIATION, INCORPORATED, a  
 California corporation,

27 Plaintiffs,  
 28

Case No. 8:22-cv-01421-CJC(ADSx)

**PLAINTIFFS' AND DEFENDANT'S  
 STIPULATION AS TO LIST OF  
 WITNESSES AT EVIDENTIARY  
 HEARING ON MOTION FOR  
 PRELIMINARY INJUNCTION**

PLA'S' AND DEF'S STIP AS TO LIST OF WITNESSES AT HEARING  
 ON MOTION FOR PRELIMINARY INJUNCTION

8:22-cv-01421-CJC(ADSx)

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California; and DOES 1-10,

Defendants.

### STIPULATION

WHEREAS an evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction was held on January 23-24, 2023 in this matter where witnesses were called and provided testimony, IT IS HEREBY STIPULATED by Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel, and California Rifle & Pistol Association, Incorporated, and Defendant Robert Bonta, that the following is a true and correct list of the witnesses called for the January 23-24, 2023 hearing:

Witness Name:	Party Calling:
1. Stephen Helsley	Plaintiffs
2. Lance Boland	Plaintiffs
3. Reno May	Plaintiffs
4. Salom Fatohi	Plaintiffs
5. Michael Beddow	Plaintiffs
6. Clayton E. Cramer	Plaintiffs
7. Special Agent Supervisor Salvador Gonzalez	Defendant
8. Dr. Saul Cornell	Defendant

1 Dated: January 27, 2023

MICHEL & ASSOCIATES, P.C.

2  
3 /s/Sean A. Brady

4 Sean A. Brady

*Counsel for Plaintiffs*

5 Dated: January 27, 2023

Respectfully submitted,

6 ROB BONTA

7 Attorney General of California

8 MARK R. BECKINGTON

Supervising Deputy Attorney General

9 /s/ Charles J. Sarosy

10 CHARLES J. SAROSY

11 Deputy Attorney General

12 Attorneys for Rob Bonta, in his official  
13 capacity as Attorney  
14  
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**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**PLAINTIFFS' AND DEFENDANT'S STIPULATION AS TO LIST OF  
WITNESSES AT EVIDENTIARY HEARING ON MOTION FOR PRELIMINARY  
INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General

[robert.meyerhoff@doj.ca.gov](mailto:robert.meyerhoff@doj.ca.gov)

Gabrielle D. Boutin

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S. Clinton Woods

[clint.woods@doj.ca.gov](mailto:clint.woods@doj.ca.gov)

300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230

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

Executed January 27, 2023.

  
Christina Castron

CERTIFICATE OF SERVICE

8:22-cv-01421-CJC(ADSx)

**ER-0761**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
RENO MAY, an individual; JEROME  
SCHAMMEL, an individual;  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
California corporation,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California; and DOES 1-10,

Defendants.

Case No. 8:22-cv-01421-CJC(ADSx)

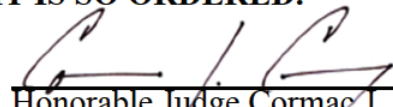
**ORDER RE PLAINTIFFS' AND  
DEFENDANT'S STIPULATION AS  
TO EXHIBITS ADMITTED AT  
EVIDENTIARY HEARING ON  
MOTION FOR PRELIMINARY  
INJUNCTION [48]**

GOOD CAUSE APPEARING THEREFORE and in accordance with the  
Stipulation of Parties, IT IS HEREBY ORDERED THAT:

1. Plaintiffs' and Defendants List of Exhibits for the January 23-24, 2023  
Evidentiary Hearing on Plaintiffs' Motion for Preliminary Injunction is accepted and  
entered into the record of the proceedings.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: January 30, 2023

  
Honorable Judge Cormac J. Carney  
United States District Court Judge

1  
ORDER

8:22-cv-01421-CJC(ADSx)

ER-0762

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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**  
11

12  
13 **LANCE BOLAND; MARIO**  
14 **SANTELLAN; RENO MAY; JEROME**  
15 **SCHAMMEL; and CALIFORNIA**  
16 **RIFLE & PISTOL ASSOCIATION,**  
17 **INCORPORATED,**

18 **Plaintiffs,**

19 **v.**

20 **ROBERT BONTA, in his official**  
21 **capacity as Attorney General of the**  
22 **State of California, and DOES 1–10,**

23 **Defendants.**  
24

**Case No.: SACV 22-01421-CJC (ADSx)**

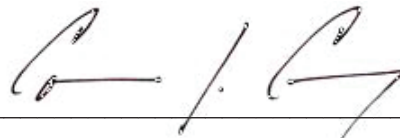
**ORDER REQUIRING EVIDENTIARY  
HEARING ON PLAINTIFFS'  
MOTION FOR A PRELIMINARY  
INJUNCTION**

25 Having read and considered the papers submitted by the parties regarding the  
26 motion for a preliminary injunction, (*see* Dkt. 23 [Plaintiffs' Notice of Motion and  
27 Motion for Preliminary Injunction]), the Court concludes that an evidentiary hearing is  
28 warranted, *see* Fed. R. Civ. P. 43(c); *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1326 (9th

1 Cir. 1994). Accordingly, it is hereby **ORDERED** that Plaintiffs Lance Boland, Mario  
2 Santellan, Reno May, Jerome Schammel, and the California Rifle & Pistol Association,  
3 Incorporated, and Defendant Robert Bonta, in his official capacity as the Attorney  
4 General for the State of California, present live percipient and expert testimony as well as  
5 documentary and other evidence at the hearing scheduled on **January 23, 2023, at 9:00**  
6 **a.m.** on the following topics:

- 7
- 8 - The nature and function of the statutorily required features for firearms at issue
- 9 in this action;
- 10
- 11 - How each statutory requirement at issue in this action implicates the plain text
- 12 of the Second Amendment, including but not limited to how each requirement
- 13 implicates an individual's ability to keep and bear arms;
- 14
- 15 - Analogues from the historical tradition of firearm regulation in the United
- 16 States that are relevantly similar to each requirement at issue in this action;
- 17
- 18 - The balance of equities, including but not limited to any public safety or other
- 19 public benefit or interest, for each statutory requirement at issue in this action;
- 20 and
- 21
- 22 - Any other topic that the parties deem relevant.
- 23

24  
25 DATED: December 14, 2022



CORMAC J. CARNEY

UNITED STATES DISTRICT JUDGE



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Attorneys for Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel, and California Rifle & Pistol Association, Incorporated

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
RENO MAY, an individual; JEROME  
SCHAMMEL, an individual;  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
California corporation,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California; and DOES 1-10,

Defendants.

Case No. 8:22-cv-01421-CJC(ADSx)

**DECLARATION OF MICHAEL  
HOLLEY, PRESIDENT AND  
MANAGING DIRECTOR OF  
HECKLER & KOCH USA, IN  
SUPPORT OF PLAINTIFFS'  
PRELIMINARY INJUNCTION  
REPLY**

1                                   **DECLARATION OF MICHAEL HOLLEY**

2           I, Michael Holley, declare as follows:

3           1.     I, Michael Holley, submit this declaration in support of Plaintiffs' reply in  
4 support of their motion to preliminarily enjoin aspects of California's Unsafe Handgun  
5 Act (the "UHA"), otherwise known as the "Roster" of handguns. I make this declaration  
6 of my own personal knowledge, and if call as a witness, I could and would testify  
7 competently to the truth of the matters set forth herein.

8           2.     I am a resident of the state of Georgia.

9           3.     I work for Heckler & Koch USA, which is a German firearms company that  
10 designs and produces firearms and accessories for militaries, law enforcement agencies,  
11 and civilians worldwide. HK USA's firearms are sold in California. My job title is  
12 President and Managing Director. My responsibilities include all aspects of HK firearms  
13 in the USA for Military, LE, and civilian markets.

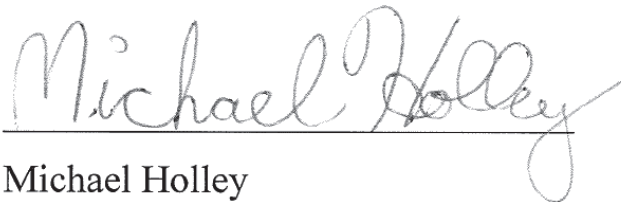
14          4.     Due to my role at HK USA, I am familiar with California's UHA, and the  
15 requirements and procedures for getting handguns admitted to the roster.

16          5.     The last time that HK USA submitted a semiautomatic handgun to a  
17 California certified laboratory for drop-safety testing was in 2006-2007. The model was  
18 the P2000 variant and the process at that time took roughly two weeks to be completed.

19          6.     HK USA's range of semiautomatic centerfire handguns includes many  
20 models that are not on the Roster as of December of 2022. One of these models is the  
21 VP9 series, which features the ability to configure the magazine release and slide release  
22 ambidextrously. I would personally oversee the immediate submission of those VP9  
23 variants, and many others, to the laboratories for drop-safety testing if this Court  
24 preliminarily enjoins enforcing the other requirements for admission to the Roster  
25 pending the ultimate resolution of this lawsuit on the merits.

26  
27  
28    ///

1 I declare under penalty of perjury of the laws of the State of California and the  
2 United States that the foregoing is true and correct. Executed within in the United States  
3 on December 12, 2022.

4  
5  
6   
7  
8 Michael Holley

**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:  
**DECLARATION OF MICHAEL HOLLEY, PRESIDENT AND MANAGING  
DIRECTOR OF HECKLER & KOCH USA, IN SUPPORT OF PLAINTIFFS'  
PRELIMINARY INJUNCTION REPLY**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General

[robert.meyerhoff@doj.ca.gov](mailto:robert.meyerhoff@doj.ca.gov)

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Los Angeles, CA 90013-1230

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

Executed December 12, 2022.

  
Christina Castron

CERTIFICATE OF SERVICE.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LANCE BOLAND, et al.

Plaintiff(s),

v.

ROBERT BONTA, et al.

Defendant(s).

Case No.:  
8:22-cv-01421-CJC-ADS

**SCHEDULING ORDER**

The Court, having reviewed the pleadings and the parties' submissions pursuant to Federal Rule of Civil Procedure 26(f), now ORDERS as follows:

[1] All discovery, including discovery motions, shall be completed by October 19, 2023. Discovery motions must be filed and heard prior to this date.

[2] The parties shall have until December 18, 2023 to file and have heard all other motions, including motions to join or amend the pleadings.

[3] A pretrial conference will be held on **Monday, February 12, 2024 at 03:00 PM.**

Full compliance with Local Rule 16 is required.

[4] The case is set for a **court trial, Tuesday, February 27, 2024 at 08:30 AM.**

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Case 8:22-cv-01421-CJC-ADS Document 32 Filed 12/08/22 Page 2 of 2 Page ID #:512

[5] The parties are referred to ADR Procedure No. 1 – Magistrate Judge.

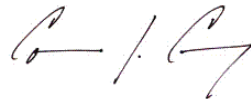
The parties shall have until November 2, 2023 to conduct settlement proceedings.

The parties shall file with the Court a Joint Status Report no later than five (5) days after the ADR proceeding is completed advising the Court of their settlement efforts and status.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve copies of this Order on counsel for the parties in this matter.

**IT IS SO ORDERED.**

DATED: December 8, 2022



---

Cormac J. Carney  
United States District Judge

cc: ADR OFFICE

1 ROB BONTA  
Attorney General of California  
2 MARK R. BECKINGTON  
Supervising Deputy Attorney General  
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7 *Attorneys for Rob Bonta, in his official capacity as*  
*Attorney General of the State of California*

8 IN THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
11  
12

13 **LANCE BOLAND, ET AL.,**

14 Plaintiffs,

15 v.

16 **ROB BONTA, IN HIS OFFICIAL**  
17 **CAPACITY AS ATTORNEY GENERAL OF**  
18 **THE STATE OF CALIFORNIA, ET AL.,**

19 Defendants.  
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Case No. 8:22-cv-01421-DFM

**DECLARATION OF SALVADOR  
GONZALEZ IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: January 23, 2023  
Time: 9:00 a.m.  
Courtroom: 6B  
Judge: Hon. Cormac J. Carney  
Trial Date: None set  
Action Filed: August 3, 2022



1 I, Salvador Gonzalez, declare under penalty of perjury that:

2 1. I am over the age of 18 years and competent to make this declaration,  
3 which is based on my personal knowledge.

4 2. I am a Special Agent Supervisor for the California Department of Justice  
5 (“CA DOJ”), Bureau of Firearms (“BOF”).

6 3. My curriculum vitae is attached hereto as **Exhibit A**. It contains a true  
7 and correct description of my educational background, professional achievements,  
8 and qualifications.

9 4. In May 2005, I received a Bachelor of Science degree in Criminal  
10 Justice, and a Bachelor of Arts degree in Ethnic Studies, from the California State  
11 University, Sacramento.

12 5. I have worked as a Special Agent Supervisor with CA DOJ for  
13 approximately three years. I started working at CA DOJ approximately eight years  
14 ago and approximately seven of my eight years have been at BOF. I am assigned to  
15 the Division of Law Enforcement, BOF. BOF serves the people of California  
16 through education, regulation, and enforcement actions regarding the manufacture,  
17 sale, ownership, safety training, and transfer of firearms.

18 6. My current job responsibilities at CA DOJ BOF involve the recovery,  
19 investigation, and identification of firearms. In addition, over the past eight years, I  
20 have handled semiautomatic handguns that are compliant with California law,  
21 including, specifically, handguns that contain a chamber load indicator and a  
22 magazine disconnect mechanism. Over the course of my career, I have become  
23 proficient in the use and disassembly of various firearms, including the various  
24 structural components of firearms, and how they work together.

25 7. For approximately the past two and a half years, I have overseen CA  
26 DOJ’s Roster of Certified Handguns (the “Roster”) approved for manufacture or  
27 sale in California, which involves determining whether handguns submitted by  
28 manufacturers contain the safety features required under California law. Through

1 this process, I have become familiar with the components of numerous handguns  
2 currently and previously on the Roster.

3 8. Based on my experience with firearms, education, formal trainings, and  
4 work at CA DOJ, I am knowledgeable about the requirements of California's  
5 Unsafe Handgun Act, Penal Code §§ 31900–32110 (“UHA”), among other laws. I  
6 am also able to inspect and determine whether a semiautomatic handgun complies  
7 with the UHA's requirements.

8 9. I am aware that, for a new semiautomatic pistol model to be approved to  
9 CA DOJ's Roster of UHA-compliant handguns that may be sold or made in  
10 California, it must undergo laboratory testing and, among other things, include a  
11 chamber load indicator, a magazine disconnect mechanism, and microstamping  
12 capability. Penal Code § 32010, subd. (d).

13 10. A chamber load indicator's intended function is to alert the handgun user  
14 as to whether the handgun is loaded with a cartridge in the firing chamber. A  
15 device qualifies as a chamber load indicator under the UHA if it is readily visible  
16 and contains explanatory text and/or graphics, and is designed and intended to  
17 indicate to a user from the pistol itself whether there is a cartridge in the firing  
18 chamber. See Penal Code § 16380.

19 11. Chamber load indicators are an important firearm feature that increases  
20 safety. By quickly and clearly informing a firearm user whether a handgun is  
21 loaded, chamber load indicators help prevent accidental discharges that can result in  
22 serious injury and death. Accidental discharges may occur in a variety of contexts,  
23 for example, when a user cleans their firearm or when an unfamiliar user handles a  
24 firearm.

25 12. A magazine disconnect mechanism prevents the handgun from  
26 discharging while a detachable magazine is removed from the handgun. A  
27 mechanism qualifies as a magazine disconnect under the UHA if it prevents a  
28 semiautomatic pistol that has a detachable magazine from operating to strike the

1 primer of ammunition in the firing chamber when a detachable magazine is not  
2 inserted. See Penal Code § 16900. Generally, a magazine disconnect mechanism is  
3 a component of the frame that looks like a small lever, which functions to impede  
4 the operation of the firearm.

5 13. The purpose of a magazine disconnect mechanism is to prevent  
6 accidental discharges, and the resulting risk of serious injury and death, that can  
7 occur when a handgun is still loaded despite the magazine having been removed by  
8 the user. Such accidental discharges can happen in a variety of contexts, such as  
9 when a user is cleaning their handgun or when a child accesses and handles a  
10 handgun. Magazine disconnect mechanisms are designed to increase the safety of  
11 both the firearm user and people in the user's vicinity.

12 14. The absence of a chamber load indicator or a magazine disconnect  
13 mechanism in a semiautomatic pistol increases the risk of accidental discharge and  
14 injury to Californians from use of these handguns.

15 15. I am also aware that for a new semiautomatic pistol model to be  
16 approved to CA DOJ's Roster of UHA-compliant handguns that may be sold or  
17 made in California, in addition to containing a chamber load indicator, a magazine  
18 disconnect mechanism and microstamping capability, the handgun must pass  
19 "firing" and "drop safety" tests. Penal Code § 31910, subd. (b)(2) & (3). This  
20 testing must take place at a DOJ-approved lab testing facility. The firing test  
21 ensures that handguns do not malfunction upon firing. The drop safety test ensures  
22 that safety features prevent the handgun from discharging when dropped.

23 I declare under penalty of perjury under the laws of the State of California that  
24 the foregoing is true and correct and that this declaration was executed on  
25 November 30<sup>th</sup>, 2022, in Sacramento, California.

26  
27   
28 SALVADOR GONZALEZ

# **EXHIBIT A**

**ER-0775**

### **Curriculum Vitae**

Special Agent Supervisor Salvador Gonzalez  
California Department of Justice  
Bureau of Firearms

#### **EDUCATION:**

05/2005, Bachelor of Science Degree, Criminal Justice, California State University Sacramento.  
05/2005, Bachelor of Arts Degree, Ethnic Studies, California State University Sacramento.

#### **EMPLOYMENT:**

08/2006 to 09/2014, Investigator, California (CA) Department of Motor Vehicles (DMV). I conducted criminal and administrative investigations including consumer, & licensee fraud. I provided expertise in auto theft, counterfeit documents, identity theft & performed undercover investigations. I provided technical expertise to allied agencies.

09/2014 to 07/2018, Special Agent, California Department of Justice (DOJ), Bureau of Firearms (BOF). I conducted investigations on Armed & Prohibited Persons that resulted in the seizure of weapons & the prevention of illegal firearms trafficking. I conducted firearms dealer investigations in regards to firearm law compliance or illegal firearm transactions. I provided firearm training & expertise to allied agencies. I enforced regulations regarding the manufacture, sale, ownership & transfer of firearms and various violations occurring at California gun shows.

07/2018 to 8/2019, Special Agent, California Department of Justice (DOJ), Bureau of Gambling Control (BGC). I conducted investigations regarding gambling crimes in the state of California. I conducted investigations in California cardrooms and casinos involving money laundering, drugs, illegal bookmaking, and other illegal gambling activities.

8/2019 to present, Special Agent Supervisor, California Department of Justice (DOJ), Bureau of Firearms (BOF). In my career I have attended at least 10 gun shows and have become familiar with current laws pertaining to the sales of firearms in the State of California. The California Department of Justice, Bureau of Firearms, maintains the State Assault Weapon Registry. If a person with registered assault weapons or other firearms becomes prohibited from possessing firearms I have been assigned to recover the firearms. Special Agents within the CA DOJ BOF are frequently assigned to give assault weapons training to other law enforcement agencies and to help assist in identifying such firearms.

#### **TRAINING:**

On 08/7/2006, I completed an excess of 640 hours of Peace Officer Standards and Training (POST) at a recognized Basic Specialized Investigator Academy at the Golden West College in Huntington Beach, CA.

On 09/25/2014, I attended an assault weapons familiarization training class for law enforcement and I received four (4) hours of formal training on firearms / assault weapons. I have also received formal and informal training from other experienced BOF agents regarding firearms violations.

On 02/25/2016, I attended a firearms investigation and identification training class for law enforcement and I received ten (10) hours of formal training on firearms / assault weapons.

On 08/31/2016, I attended the California Department of Justice Advanced Training Center Submachine Gun Operator Course and I received twenty-four (24) hours of formal training on the proper use and deployment of a submachine gun.

On 11/29/2018, I attended the Glock Armorer's Course and I received eight (8) hours of formal training on how to safely use and maintain your weapon.

On 09/20/2019, I completed a 40 hour California Peace Officer Standards and Training (POST) approved Firearms Instructor/Range Master School. This class was offered by the American River College/Los Rios Community College District.

On 10/22/2019, I attended the Alcohol Tobacco and Firearms Crime Gun Seminar and I received four (4) hours of training on the successful use of the National Integrated Ballistic Information Network (NIBN).

On 12/18/2019, I attended the National Center for Biomedical Research and Training Academy of Counter-terrorist Education Course for Law Enforcement Active Shooter Emergency Response Performance Level and I received twenty-four (24) hours of training on the successful use of active shooter emergency response.

On 12/19/2019, I attended the National Center for Biomedical Research and Training Academy of Counter-terrorist Education Course for Law Enforcement Active Shooter Emergency Response Performance Level Train-the-Trainer and I received eight (8) hours of training in order to train officers on active shooter emergency response.

On 08/19/2020, I attended the California Department of Justice Advanced Training Center Less Lethal Munitions User's Course and I received four (4) hours of formal training on the proper use and deployment of a less lethal munition.

On 08/19/2020, I attended the California Department of Justice Advanced Training Center Distraction Device User's Course and I received four (4) hours of formal training on the proper use and deployment of a distraction device.

On 6/16/2021, I attended the Alcohol Tobacco and Firearms Privately Made Firearms Training and I received eight (8) hours of training on the identification of a privately made firearm (PMF).

On 11/2/2021, I attended the Law Enforcement & Military Colt M16 / AR-15 Rifle Armorer's Course and I received twenty-four (24) hours of formal training on how to safely use and maintain your weapon. This class was offered by Colt.

During the course of my career I have become semi-proficient in the use and disassembly of various revolvers, semi-automatic pistols, submachine guns, shotguns, and various rifles. I have made or assisted in the arrest of at least 100 persons for violations involving illegal weapons possession. In the course of my employment I have participated in an excess of 30 search warrants which involved the illegal possession of firearms.



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 22-01421-CJC (ADSx)

Date: November 18, 2022

Title: LANCE BOLAND ET AL. V. ROBERT BONTA

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Elsa Vargas for Rolls Royce Paschal  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING IN PART  
STIPULATION TO EXTEND TIME RE: PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND CONTINUING HEARING DATE**

The Court, having considered the Stipulation to Extend Time Re: Plaintiffs' Motion for Preliminary Injunction, (Dkt. 27), hereby **GRANTS** the Parties' request to continue the deadline for Defendant to respond to the Motion to December 5, 2022, and to continue the deadline for Plaintiffs to file their reply in support of the Motion to December 12, 2022.

The Court further **ORDERS** that the hearing on the Motion be continued to January 23, 2023, at 9:00 a.m.

jso

MINUTES FORM 11  
CIVIL-GEN

Initials of Deputy Clerk EVA/RRP

**ER-0779**

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8 Attorneys for Plaintiffs Lance Boland, Mario  
Santellan, Reno May, Jerome Schammel, and  
9 California Rifle & Pistol Association,  
Incorporated

10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **SOUTHERN DIVISION**

14 LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
15 RENO MAY, an individual; JEROME  
SCHAMMEL, an individual; and  
16 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
17 California corporation,

18 Plaintiffs,

19 v.

20 ROBERT BONTA, in his official  
capacity as Attorney General of the State  
21 of California; and DOES 1-10,

22 Defendants.

**CASE NO.: 8:22-cv-01421-CJC(ADSx)**

**DECLARATION OF JEROME  
SCHAMMEL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**Hearing Date: December 19, 2022**

**Hearing Time: 1:30 p.m.**

**Courtroom: 6B**

**Judge: Honorable Cormac J. Carney**

23  
24 1. I, Jerome Schammel, am a plaintiff in the above-entitled action. I make this  
25 declaration of my own personal knowledge and, if called as a witness, I could and would  
26 testify competently to the truth of the matters set forth herein.

27 2. I am a current resident of Orange County, California.

28 3. I am a law-abiding adult who is not prohibited from owning firearms under

1 the laws of the United States of America or the State of California. I have never been  
2 found by any law enforcement agency, any court, or any other government agency to be  
3 irresponsible, unsafe, or negligent with firearms in any manner.

4 4. I would purchase Off-Roster firearms such as a fifth generation Glock 19  
5 and a Sig Sauer P320 X Compact at a firearms retailer if I were able to. I would attempt  
6 to purchase those firearms at a retailer, but I am aware that it would not be lawful for a  
7 dealer to sell an Off-Roster firearm to me. I would use these pistols for self-defense and  
8 for recreational target shooting.

9 5. I am aware that California law does not prohibit acquiring Off-Roster  
10 handguns in private party transactions. I do not want to purchase an Off-Roster handgun  
11 in a private party transaction because of the egregious price markups, the logistical  
12 difficulty of coordinating with sellers, the limited availability of the Off-Roster firearms I  
13 am interested in, and the fact that I would prefer to buy these handguns in new condition.

14 I declare under penalty of perjury of the laws of the State of California and the  
15 United States that the foregoing is true and correct. Executed within in the United States  
16 on November 15, 2022.

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Jerome Schammel  
Declarant

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8 Attorneys for Plaintiffs Lance Boland, Mario  
 Santellan, Reno May, Jerome Schammel, and  
 9 California Rifle & Pistol Association,  
 Incorporated

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**  
 13 **SOUTHERN DIVISION**

14 LANCE BOLAND, an individual;  
 MARIO SANTELLAN, an individual;  
 15 RENO MAY, an individual; JEROME  
 SCHAMMEL, an individual; and  
 16 CALIFORNIA RIFLE & PISTOL  
 ASSOCIATION, INCORPORATED, a  
 17 California corporation,

18 Plaintiffs,

19 v.

20 ROBERT BONTA, in his official  
 capacity as Attorney General of the State  
 21 of California; and DOES 1-10,

22 Defendants.

**CASE NO.: 8:22-cv-01421-CJC(ADSx)**

**DECLARATION OF LANCE  
 BOLAND IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION**

**Hearing Date: December 19, 2022**

**Hearing Time: 1:30 p.m.**

**Courtroom: 6B**

**Judge: Honorable Cormac J. Carney**

23 1. I, Lance Boland, am a plaintiff in the above-entitled action. I make this  
 24 declaration of my own personal knowledge and, if called as a witness, I could and would  
 25 testify competently to the truth of the matters set forth herein.

26 2. I am a current resident of Orange County, California.

27 3. I am a law-abiding adult who is not prohibited from owning firearms under  
 28 the laws of the United States of America or the State of California. I have never been

1 found by any law enforcement agency, any court, or any other government agency to be  
2 irresponsible, unsafe, or negligent with firearms in any manner.

3 4. I operate a firearms training business. Individuals of all experience levels,  
4 but very often people with no previous firearms experience, come to my training school  
5 to learn how to safely handle and shoot handguns. Most of these people do so because  
6 they want to imminently acquire a firearm for self-defense and want to familiarize  
7 themselves beforehand.

8 5. Because essentially all on-Roster semiautomatic firearms are designed to  
9 favor right-handed shooters, left-handed shooters are at a disadvantage when they come  
10 to my training school, and are further disadvantaged when they go to lawfully purchase a  
11 handgun at a dealer and learn that the options are limited. There are many handguns  
12 featuring critical firearm controls that can be ergonomically optimized for left-handed  
13 shooters that I would like to obtain for training purposes and that I would recommend to  
14 my students, but the Roster impedes that from happening because these handguns are  
15 Off-Roster.

16 6. In my experience as a shooter and a trainer, being able to quickly activate  
17 the safety on a semi-automatic pistol to make it able to fire is vital in a self-defense  
18 scenario. I train my students that when a perpetrator is within 21 feet of them, if they are  
19 not drawing and firing their firearm, the perpetrator can close that gap and disarm them  
20 very quickly. A left-handed shooter is highly disadvantaged in a situation where they are  
21 forced to use a handgun that has an external safety that is designed for and intended to be  
22 used by a right-handed shooter. A left-handed shooter in that situation would need to  
23 transfer the firearm to their right hand to be able to manipulate the safety in the way it  
24 was designed to be used. That slows down the shooter and wastes precious time in a  
25 defensive encounter. If that isn't possible, then the position of the safety switch requires a  
26 left-handed shooter to spend additional time reaching to the off-side of their pistol  
27 because the switch on a right-handed pistol is on the outside of the left-handed shooter's  
28 hand and not readily visible—or requires the left-handed shooter to twist the pistol to be

1 able to see where the safety switch is as they are attempting to activate it—this can also  
2 cost vital time that can result in a perpetrator closing the gap and disarming the shooter.  
3 In either scenario, the left-handed operator is disadvantaged because they can't operate  
4 the handgun as it was designed to be operated and that slows down the operator when  
5 time is of the essence in a potentially life or death scenario.

6       7. In my experience as a trainer, being able to quickly eject an empty magazine  
7 and reload a new magazine can also be vital in a self-defense scenario. Foremost, it is  
8 vital to enabling the shooter to take advantage of the benefit of a semi-automatic firearm:  
9 quick loading and reloading to be able to continue to fight off a perpetrator. Further,  
10 when semi-automatic pistols malfunction, the procedure for clearing them often includes  
11 ejecting and reinserting the magazine or inserting a new magazine. A left-handed shooter  
12 is highly disadvantaged in a situation where they must use a handgun that has a magazine  
13 release that is designed for and intended to be used by a right-handed shooter. A left-  
14 handed shooter in that situation would need to transfer the firearm to their right hand to  
15 be able to manipulate the magazine release in the way it was designed to be used. That  
16 slows down the shooter and wastes precious time in a defensive encounter. When the  
17 magazine release button is on the off-side of the shooter's strong hand, that makes it more  
18 difficult to ascertain where the release button is and press it if they can't switch their grip  
19 hand. Like with safety switches, if the magazine release is not in view of the shooter  
20 because it is on the outside of the pistol for a left-handed shooter, it may require the  
21 shooter to drop his or her aim and twist the pistol to be able to view the grip and ascertain  
22 where the button is. In a self-defense situation, this can cause the shooter to lose time to  
23 defend him or herself and cause the shooter to lose sight of the perpetrator. Both  
24 situations can make the shooter's ability to defend themselves much more difficult, and  
25 can turn a defensible situation into one that turns deadly for the victim.

26       8. In my experience as a shooter and trainer, the ability to quickly operate the  
27 slide-release mechanism on a semiautomatic pistol is also critical for quickly operating  
28 the gun and clearing malfunctions. Virtually all semiautomatic firearms lock back the

1 action of the firearm in the open position once the magazine has been fully depleted of  
2 ammo. The shooter will then eject the empty magazine, insert a fresh magazine, and then  
3 need to depress the slide release to load a round of ammunition into the chamber of the  
4 gun for firing. This can be done very quickly for a right-handed shooter because the  
5 ergonomics are such that the left hand is perfectly positioned to depress the slide release  
6 after completing insertion of the new magazine, or the shooter's right-hand thumb can  
7 activate it quite easily as well. But its much harder for a lefthanded shooter to execute  
8 this manipulation, which delays re-gripping and re-aiming the pistol, when using a  
9 handgun that has right-handed controls. Without a doubt, a left-handed shooter is highly  
10 disadvantaged in a situation where they must use a handgun that has a slide release that is  
11 designed for and intended to be used by a right-handed shooter. A left-handed shooter in  
12 that situation would need to transfer the firearm to their right hand to be able to  
13 manipulate the slide release in the way the gun is designed to be used, or use their support  
14 hand in an unusual way. Having to do either slows down the shooter and wastes precious  
15 time in defensive encounter.

16 9. There are models of Off-Roster firearms that I would like to obtain in the  
17 primary retail market for my own self-defense purposes and for training purposes at my  
18 school, without having to incur the exorbitant price markups that are normal in the  
19 secondary market – if those firearms are even available in the secondary market. Without  
20 question, my left-handed students are disadvantaged by the limited selection of options  
21 the Roster imposes.

22 I declare under penalty of perjury of the laws of the State of California and the  
23 United States that the foregoing is true and correct. Executed within in the United States  
24 on November 15, 2022.

25 

26 Lance Boland  
27 Declarant  
28



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8 Attorneys for Plaintiffs Lance Boland, Mario  
 Santellan, Reno May, Jerome Schammel, and  
 9 California Rifle & Pistol Association,  
 Incorporated

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**  
 13 **SOUTHERN DIVISION**

14 LANCE BOLAND, an individual;  
 MARIO SANTELLAN, an individual;  
 15 RENO MAY, an individual; JEROME  
 SCHAMMEL, an individual; and  
 16 CALIFORNIA RIFLE & PISTOL  
 ASSOCIATION, INCORPORATED, a  
 17 California corporation,

18 Plaintiffs,

19 v.

20 ROBERT BONTA, in his official capacity  
 as Attorney General of the State of  
 21 California; and DOES 1-10,

22 Defendants.

**CASE NO.: 8:22-cv-01421-CJC(ADSx)**

**DECLARATION OF MARIO  
 SANTELLAN IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION**

**Hearing Date: December 19, 2022**

**Hearing Time: 1:30 p.m.**

**Courtroom: 6B**

**Judge: Honorable Cormac J. Carney**

23  
 24 1. I, Mario Santellan, am a plaintiff in the above-entitled action. I make this  
 25 declaration of my own personal knowledge and, if called as a witness, I could and would  
 26 testify competently to the truth of the matters set forth herein.

27 2. I am a current resident of Orange County, California.

28 3. I am a law-abiding adult who is not prohibited from owning firearms under

1 the laws of the United States of America or the State of California. I have never been  
2 found by any law enforcement agency, any court, or any other government agency to be  
3 irresponsible, unsafe, or negligent with firearms in any manner.

4 4. I would purchase Off-Roster firearms such as a fifth generation Glock 19  
5 and a Sig Sauer P365 at a firearms retailer if I were able to. I would attempt to purchase  
6 those firearms at a retailer, but I am aware that it would not be lawful for a dealer to sell  
7 an Off-Roster firearm to me. I would use these pistols for recreational target shooting and  
8 lawful concealed carry.

9 5. I am aware that California law does not prohibit acquiring Off-Roster  
10 handguns in private party transactions. I do not want to purchase an Off-Roster handgun  
11 in a private party transaction because of the egregious price markups, the logistical  
12 difficulty of coordinating with sellers, the limited availability of the Off-Roster firearms I  
13 am interested in, and the fact that I would prefer to buy these handguns in new condition.

14 I declare under penalty of perjury of the laws of the State of California and the  
15 United States that the foregoing is true and correct. Executed within in the United States  
16 on November 15, 2022.

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Mario Santellan  
Declarant

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7 Facsimile: (562) 216-4445

8 Attorneys for Plaintiffs Lance Boland, Mario  
Santellan, Reno May, Jerome Schammel, and  
9 California Rifle & Pistol Association,  
Incorporated

10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **SOUTHERN DIVISION**

14 LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
15 RENO MAY, an individual; JEROME  
SCHAMMEL, an individual; and  
16 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
17 California corporation,  
Plaintiffs,

18 v.

19 ROBERT BONTA, in his official  
capacity as Attorney General of the  
20 State of California; and DOES 1-10,  
21 Defendants.

**CASE NO.: 8:22-cv-01421-CJC (ADSx)**  
**DECLARATION OF RENO MAY IN**  
**SUPPORT OF PLAINTIFFS' MOTION**  
**FOR PRELIMINARY INJUNCTION**

22  
23 1. I, Reno May, am a plaintiff in the above-entitled action. I make this  
24 declaration of my own personal knowledge and, if called as a witness, I could and would  
25 testify competently to the truth of the matters set forth herein.

26 2. I am a current resident of Sonoma County, California.

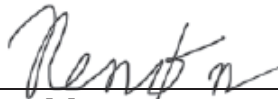
27 3. I am a law-abiding adult who is not prohibited from owning firearms under  
28 the laws of the United States of America or the State of California. I have never been

1 found by any law enforcement agency, any court, or any other government agency to be  
2 irresponsible, unsafe, or negligent with firearms in any manner.

3 4. I would purchase Off-Roster firearms such as a fifth generation Glock 19  
4 and a Sig Sauer P365, Ruger LCP Max, Smith & Wesson Shield Plus, and Staccato P, at  
5 a firearms retailer if I were able to. I would attempt to purchase those firearms at a  
6 retailer, but I am aware that it would not be lawful for a dealer to sell an Off-Roster  
7 firearm to me. I would use these pistols for self-defense and other activities such as  
8 recreational target shooting, competitive target shooting, and lawful concealed carry.

9 5. I am aware that California law does not prohibit acquiring Off-Roster  
10 handguns in private party transactions. I have acquired Off-Roster firearms in the past  
11 and paid significant price markups. I do not want to purchase any more Off-Roster  
12 handguns in private party transactions because of the egregious price markups, the  
13 logistical difficulty of coordinating with sellers, the limited availability of the Off-Roster  
14 firearms I am interested in, and the fact that I would prefer to buy these handguns in new  
15 condition.

16 I declare under penalty of perjury of the laws of the State of California and the  
17 United States that the foregoing is true and correct. Executed within in the United States  
18 on November 15, 2022.

19  
20   
21 Reno May

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 2 Joshua Robert Dale – SBN 209942  
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8 Attorneys for Plaintiffs Lance Boland, Mario  
 Santellan, Reno May, Jerome Schammel, and  
 9 California Rifle & Pistol Association,  
 Incorporated

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**  
 13 **SOUTHERN DIVISION**

14 LANCE BOLAND, an individual;  
 MARIO SANTELLAN, an individual;  
 15 RENO MAY, an individual; JEROME  
 SCHAMMEL, an individual; and  
 16 CALIFORNIA RIFLE & PISTOL  
 ASSOCIATION, INCORPORATED, a  
 17 California corporation,

18 Plaintiffs,

19 v.

20 ROBERT BONTA, in his official  
 capacity as Attorney General of the State  
 21 of California; and DOES 1-10,

22 Defendants.

**CASE NO.: 8:22-cv-01421-CJC(ADSx)**

**DECLARATION OF RICHARD  
 MINNICH OF CALIFORNIA RIFLE  
 & PISTOL ASSOCIATION,  
 INCORPORATED IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION**

**Hearing Date: December 19, 2022**

**Hearing Time: 1:30 p.m.**

**Courtroom: 6B**

**Judge: Honorable Cormac J. Carney**

23  
 24 1. I, Richard Minnich, am the Treasurer of the California Rifle & Pistol  
 25 Association, Incorporated ("CRPA"), a plaintiff in the above-entitled action. I make this  
 26 declaration of my own personal knowledge and, if called as a witness, I could and would  
 27 testify competently to the truth of the matters set forth herein.

28 2. CRPA is a non-profit membership organization classified under Section

1 501(c)(4) of the Internal Revenue Code and incorporated under the laws of California,  
2 with headquarters in Fullerton, California.

3 3. Founded in 1875, CRPA seeks to defend the Second Amendment and  
4 advance laws that protect the rights of individual citizens. CRPA works to preserve the  
5 constitutional and statutory rights of gun ownership, including the right to self-defense,  
6 the right to hunt, and the right to keep and bear arms. CRPA is also dedicated to  
7 promoting the shooting sports, providing education, training, and organized competition  
8 for adult and junior shooters. CRPA's members include law enforcement officers,  
9 prosecutors, professionals, firearm experts, and members of the public.

10 4. I have been a member of CRPA for 25 years. I have served as Treasurer for  
11 7 years. I have been a member of the Board of Directors of CRPA for 9 years. In my  
12 long and varied leadership role with CRPA, I have had the opportunity to speak with or  
13 correspond with hundreds of other CRPA Directors, officers, and members regarding  
14 what aspects of firearms they enjoy and how they utilize their firearms, including those  
15 who utilize or see their firearm as primarily a self-defense tool.

16 5. Based on these years of interactions, I am aware that CRPA's membership  
17 includes individuals who do not currently own an Off-Roster handgun and who want to  
18 purchase one or more models of off-roster firearms for the purpose of self-defense and  
19 other lawful purposes such as concealed carry, target practice, and competitive  
20 marksmanship.

21 6. CRPA's membership includes individuals who would seek to purchase Off-  
22 Roster firearms because they are left-handed, like myself, and want an off-roster pistol  
23 that can be configured for a left-handed operator. They would immediately purchase any  
24 one of many popular Off-Roster semiautomatic handguns, at regular market prices if  
25 given the opportunity, and use those pistols for self-defense and other lawful purposes.

26 7. I have personally spoken to several members of CRPA who are left-handed  
27 and face the same issues I do when operating a handgun. They have described to me how  
28 frustrating and difficult it can be to operate a semi-automatic pistol when the safety

1 switch, magazine release button, and slide-release are in standard right-hand optimized  
2 configuration. They have expressed to me that they would like to purchase newer models  
3 of pistols that have ambidextrous or left-handed safety switch, slide release, and  
4 magazine release features. They have also expressed to me that they would feel safer and  
5 more confident firing their firearm, particularly in a tense, self defense scenario, if their  
6 firearm had these features on the side of the pistol opposite their firing hand, where it is  
7 easier to see them and easier to access them.

8       8. I own pistols and have personally fired them many times. And as a left-  
9 handed shooter, I am acutely aware of the ergonomic challenges that left-handed shooters  
10 face when operating handguns designed and configured for right-handed shooters. When  
11 normally operating a safety switch on a pistol, my experience is that a right-handed  
12 shooter will use the thumb of their firing hand to toggle the safety switch which will  
13 naturally be placed just above their thumb when gripping a handgun. This allows the  
14 shooter to switch the firearm from the safe to fire position, overlay their support-hand on  
15 top of the firing hand that is controlling the trigger, and steady the firearm to ensure  
16 target accuracy and maintain control under fire when the slide of the pistol cycles and  
17 recoils backward toward the shooter. In my experience as a left-handed shooter, with the  
18 safety safety switch normally on the side of the handgun opposite my firing hand thumb,  
19 I need to loosen my firing hand from a position steadying the grip of the pistol, and move  
20 my thumb around the rear of the pistol to activate the safety switch. This scenario is  
21 awkward and uncomfortable to do one-handed. Alternatively, I can remove my support  
22 hand from the handgun, and then use my support hand thumb to activate the safety  
23 switch. Either of these scenarios require a left-handed shooter to lose target acquisition,  
24 may result in unintentionally pointing the firearm somewhere other than at the target, and  
25 cost additional time that should not have to be wasted in a self-defense scenario.

26       9. As left-handed shooters do, I encounter a similar ergonomic problem when  
27 trying to activate the magazine release button on a handgun designed and configured for a  
28 right-handed shooter. Normally, a right-handed shooter will use their firing hand thumb



1 to depress the magazine release button (unless they have unusually small hands and can't  
2 reach it) while their support hand retrieves and inserts a new magazine. Alternatively, a  
3 right-handed shooter can break their support hand grip, use their support hand thumb to  
4 depress the magazine release button, and then retrieve a new magazine. When I shoot a  
5 pistol that has a magazine release setup for a right-handed shooter, I will remove my  
6 finger from the trigger guard, rotate my grip rearward, and try to actuate the magazine  
7 release button with my index finger. This allows me to keep the firearm pointed at the  
8 target with my left shooting hand, catch the ejecting magazine with my support hand,  
9 stow it, then retrieve a fresh magazine, insert the fresh magazine, and re-aim the pistol.  
10 But if the magazine release button is stiff and cannot be actuated with my firing hand  
11 index finger, then I will break both of my grips so I can transfer the firearm to my right  
12 support hand, use my right-hand thumb to acuate the magazine release as a right-handed  
13 shooter would, then transfer the pistol back to my left firing hand. This takes time, and  
14 under pressure, is a lot of fine motor movement to execute without error. It also enhances  
15 the risk of "flagging" someone, i.e., pointing the firearm in an unsafe direction.

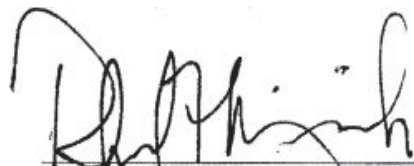
16 10. And, as left-handed shooters do, I also encounter a similar ergonomic  
17 problem when trying to activate the slide release on a handgun designed and configured  
18 for a right-handed shooter. When using a handgun with the slide release configured for a  
19 right-handed shooter, I have to remove my firing hand index finger from the trigger  
20 guard, and then awkwardly try to push down the slide release with enough force to  
21 release the slide. Alternatively, I can move my right support hand underneath the pistol  
22 and try to actuate the slide release with my support hand index finger, or I can move my  
23 right support hand over the top of the pistol and try to actuate it with my right thumb. I  
24 could also transfer the gun to my right hand and use my right thumb, which would then  
25 require transferring the loaded gun back to my right hand. These are all far more complex  
26 motor movements than a right-handed shooter needs to do to acuate the slide release. A  
27 right-handed shooter can simply activate the slide release with their right-hand thumb if  
28 they can reach it, or with their support hand thumb, which will be readily positioned to do



1 so upon insertion of a fresh magazine.

2 I declare under penalty of perjury of the laws of the State of California and the  
3 United States that the foregoing is true and correct. Executed within in the United States  
4 on November 15, 2022.

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Richard Minnich, declarant

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Attorney General of the State of California*

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
11  
12

13 **LANCE BOLAND, AN INDIVIDUAL;  
MARIO SANTELLAN, AN  
14 INDIVIDUAL; RENO MAY, AN  
INDIVIDUAL, JEROME SCHAMMEL,  
15 AN INDIVIDUAL; AND CALIFORNIA  
RIFLE & PISTOL ASSOCIATION,  
16 INCORPORATED, A CALIFORNIA  
CORPORATION;**

17 Plaintiffs,  
18

19 **v.**

20 **ROBERT BONTA, IN HIS OFFICIAL  
CAPACITY AS ATTORNEY GENERAL OF  
21 CALIFORNIA,**

22 Defendant.  
23  
24  
25  
26  
27  
28

Case No. 8:22-cv-01421-CJC-ADS

**DEFENDANT ROB BONTA IN HIS  
OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE  
STATE OF CALIFORNIA'S  
ANSWER TO AMENDED  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

Judge: Hon. Cormac J. Carney  
Courtroom: 9B  
Complaint served: August 4, 2022

1 Defendant Rob Bonta, in his official capacity as Attorney General of the State  
 2 of California (the Attorney General), submits his answer in response to Plaintiffs'  
 3 Amended Complaint for Damages, Declaratory and Injunctive Relief (the  
 4 Complaint) (Dkt. No. 17). The Attorney General hereby answers the Complaint, in  
 5 paragraphs that correspond to the Complaint's paragraphs, as follows:<sup>1</sup>

## 6 INTRODUCTION<sup>2</sup>

7 1. Paragraph No. 1. This paragraph consists of allegations that contain  
 8 argument and legal contentions and legal authorities that speak for themselves,  
 9 requiring no response by the Attorney General. To the extent that a response is  
 10 required, the Attorney General denies each and every allegation.

11 2. Paragraph No. 2. This paragraph contains allegations that cite statutory  
 12 provisions, which speak for themselves. The Attorney General denies any  
 13 allegations that misstate the law. To the extent that a further response is required,  
 14 the Attorney General denies each and every other allegation.

15 3. Paragraph No. 3. The Attorney General lacks sufficient information or  
 16 belief to respond to the allegations in this paragraph, and on that basis denies each  
 17 and every allegation.

18 4. Paragraph No. 4. The Attorney General lacks sufficient information or  
 19 belief to respond to the allegations in this paragraph, and on that basis denies each  
 20 and every allegation.

21 5. Paragraph No. 5. This paragraph consists of allegations that contain  
 22 argument and legal contentions and legal authorities that speak for themselves,  
 23 requiring no response by the Attorney General. To the extent that a response is  
 24 required, the Attorney General denies each and every allegation.

25 \_\_\_\_\_  
 26 <sup>1</sup> The following responses to each paragraph include responses to any  
 footnotes that may be contained in the relevant paragraph.

27 <sup>2</sup> For the convenience of the Court and the parties, the Attorney General  
 28 utilizes certain headings as set forth in the Complaint. In doing so, the Attorney  
 General neither admits nor denies any allegations that may be suggested by the  
 Complaint's headings.

1           6. Paragraph No. 6. This paragraph consists of allegations that contain  
2 argument and legal contentions and legal authorities that speak for themselves,  
3 requiring no response by the Attorney General. To the extent that a response is  
4 required, the Attorney General denies each and every allegation.

5           7. Paragraph No. 7. This paragraph consists of allegations that contain  
6 argument and legal contentions that speak for themselves, requiring no response by  
7 the Attorney General. To the extent that a response is required, the Attorney  
8 General denies each and every allegation.

9           8. Paragraph No. 8. The Attorney General admits that there are  
10 approximately 800 handguns listed on the Roster for Certified Handguns. The  
11 Attorney General lacks sufficient information or belief to respond to the remaining  
12 allegations in this paragraph, and on that basis denies each and every remaining  
13 allegation.

14           9. Paragraph No. 9. This paragraph consists of allegations that contain  
15 argument and legal contentions and legal authorities that speak for themselves,  
16 requiring no response by the Attorney General. To the extent that a response is  
17 required, the Attorney General denies each and every allegation.

18           10. Paragraph No. 10. This paragraph consists of allegations that contain  
19 argument and legal contentions that speak for themselves, requiring no response by  
20 the Attorney General. To the extent that a response is required, the Attorney  
21 General denies each and every allegation.

22           11. Paragraph No. 11. This paragraph consists of allegations that contain  
23 argument and legal contentions that speak for themselves, requiring no response by  
24 the Attorney General. To the extent that a response is required, the Attorney  
25 General denies each and every allegation.

26           12. Paragraph No. 12. This paragraph consists of allegations that contain  
27 argument and legal contentions and legal authorities that speak for themselves,  
28

1 requiring no response by the Attorney General. To the extent that a response is  
2 required, the Attorney General denies each and every allegation.

3 13. Paragraph No. 13. This paragraph consists of allegations that contain  
4 argument and legal contentions and legal authorities that speak for themselves,  
5 requiring no response by the Attorney General. To the extent that a response is  
6 required, the Attorney General denies each and every allegation.

7 14. Paragraph No. 14. This paragraph consists of allegations that contain  
8 argument and legal contentions and legal authorities that speak for themselves,  
9 requiring no response by the Attorney General. To the extent that a response is  
10 required, the Attorney General denies each and every allegation.

11 **CALIFORNIA’S “UNSAFE HANDGUN ACT” IN DETAIL**

12 15. Paragraph No. 15. The Attorney General lacks sufficient information or  
13 belief to respond to the allegations in this paragraph, and on that basis denies each  
14 and every allegation.

15 16. Paragraph No. 16. This paragraph consists of allegations that contain  
16 argument and legal contentions and legal authorities that speak for themselves,  
17 requiring no response by the Attorney General. To the extent that a response is  
18 required, the Attorney General denies each and every allegation.

19 17. Paragraph No. 17. The Attorney General admits that the UHA was  
20 enacted by the Legislature in 1999. The Attorney General lacks sufficient  
21 information or belief to respond to the remaining allegations in this paragraph, and  
22 on that basis denies each and every remaining allegation.

23 18. Paragraph No. 18. This paragraph contains allegations that cite statutory  
24 provisions, which speak for themselves. The Attorney General denies any  
25 allegations that misstate the law. To the extent that a further response is required,  
26 the Attorney General denies each and every other allegation.

27 19. Paragraph No. 21. This paragraph contains allegations that cite statutory  
28 provisions, which speak for themselves. The Attorney General denies any

1 allegations that misstate the law. To the extent that a further response is required,  
2 the Attorney General denies each and every other allegation.

3 20. Paragraph No. 20. This paragraph contains allegations that cite statutory  
4 provisions, which speak for themselves. The Attorney General denies any  
5 allegations that misstate the law. To the extent that a further response is required,  
6 the Attorney General denies each and every other allegation.

7 21. Paragraph No. 21. This paragraph contains allegations that cite statutory  
8 provisions, which speak for themselves. The Attorney General denies any  
9 allegations that misstate the law. To the extent that a further response is required,  
10 the Attorney General denies each and every other allegation.

11 22. Paragraph No. 22. The Attorney General admits that the UHA has been  
12 amended since its enactment in 1999. The remainder of this paragraph consists of  
13 allegations that contain argument and legal contentions that speak for themselves,  
14 requiring no response by the Attorney General. To the extent that a response is  
15 required, the Attorney General denies each and every such allegation.

16 23. Paragraph No. 23. This paragraph consists of allegations that contain  
17 argument and legal contentions and legal authorities that speak for themselves,  
18 requiring no response by the Attorney General. To the extent that a response is  
19 required, the Attorney General denies each and every allegation.

20 24. Paragraph No. 24. The Attorney General admits that California Penal  
21 Code sections 16380 and 16900 define a “chamber load indicator” as a device that  
22 plainly indicates that a cartridge is in the firing chamber and a “magazine  
23 disconnect mechanism” as a mechanism that prevents a semiautomatic pistol that  
24 has a detachable magazine from operating to strike the primer of ammunition in the  
25 firing chamber when a detachable magazine is not inserted in the semiautomatic  
26 pistol. The remainder of this paragraph consists of allegations which cite statutory  
27 provisions, which speak for themselves. The Attorney General denies any  
28

1 allegations that misstate the law. To the extent that a further response is required,  
2 the Attorney General denies each and every other allegation.

3 25. Paragraph No. 25. This paragraph contains allegations that cite statutory  
4 provisions, which speak for themselves. The Attorney General denies any  
5 allegations that misstate the law. To the extent that a further response is required,  
6 the Attorney General denies each and every other allegation.

7 26. Paragraph No. 26. This paragraph contains allegations that cite statutory  
8 provisions, which speak for themselves. The Attorney General denies any  
9 allegations that misstate the law. To the extent that a further response is required,  
10 the Attorney General denies each and every other allegation.

11 27. Paragraph No. 27. This paragraph consists of allegations that contain  
12 argument and legal contentions that speak for themselves, requiring no response by  
13 the Attorney General. To the extent that a response is required, the Attorney  
14 General denies each and every allegation.

15 28. Paragraph No. 28. This paragraph consists of allegations that contain  
16 argument and legal contentions and legal authorities that speak for themselves,  
17 requiring no response by the Attorney General. To the extent that a response is  
18 required, the Attorney General denies each and every allegation.

19 29. Paragraph No. 29. This paragraph consists of allegations that contain  
20 argument and legal contentions that speak for themselves, requiring no response by  
21 the Attorney General. To the extent that a response is required, the Attorney  
22 General denies each and every allegation.

23 30. Paragraph No. 30. The Attorney General admits that there are  
24 approximately 800 handguns listed on the Roster for Certified Handguns. The  
25 remainder of this paragraph consists of allegations that contain argument and legal  
26 contentions and legal authorities that speak for themselves, requiring no response  
27 by the Attorney General. To the extent that a response is required, the Attorney  
28 General denies each and every such allegation.

1           31. Paragraph No. 31. This paragraph consists of allegations that contain  
2 argument and legal contentions that speak for themselves, requiring no response by  
3 the Attorney General. To the extent that a response is required, the Attorney  
4 General denies each and every allegation.

5           32. Paragraph No. 32. This paragraph consists of allegations that contain  
6 argument and legal contentions that speak for themselves, requiring no response by  
7 the Attorney General. To the extent that a response is required, the Attorney  
8 General denies each and every allegation.

9           33. Paragraph No. 33. This paragraph consists of allegations that contain  
10 argument and legal contentions that speak for themselves, requiring no response by  
11 the Attorney General. To the extent that a response is required, the Attorney  
12 General denies each and every allegation.

13           34. Paragraph No. 34. This paragraph consists of allegations that contain  
14 argument and legal contentions that speak for themselves, requiring no response by  
15 the Attorney General. To the extent that a response is required, the Attorney  
16 General denies each and every allegation.

17           35. Paragraph No. 35. This paragraph consists of allegations that contain  
18 argument and legal contentions that speak for themselves, requiring no response by  
19 the Attorney General. To the extent that a response is required, the Attorney  
20 General denies each and every allegation.

21           36. Paragraph No. 36. The Attorney General admits that handguns that are  
22 not on the Roster are generally known as “Off-Roster” handguns. The remainder of  
23 this paragraph consists of allegations that contain argument and legal contentions  
24 and legal authorities that speak for themselves, requiring no response by the  
25 Attorney General. To the extent that a response is required, the Attorney General  
26 denies each and every such allegation.

27           **HISTORY OF MICROSTAMPING AND RECENT DEVELOPMENTS**  
28



1        37. Paragraph No. 37. The Attorney General admits that on May 17, 2013,  
2 the California Department of Justice, Division of Law Enforcement, issued a  
3 bulletin stating that the microstamping technology is available to more than one  
4 manufacturer unencumbered by any patent restrictions. The remainder of this  
5 paragraph consists of allegations that contain argument and legal contentions and  
6 legal authorities that speak for themselves, requiring no response by the Attorney  
7 General. To the extent that a response is required, the Attorney General denies  
8 each and every such allegation.

9        38. Paragraph No. 38. This paragraph consists of allegations that contain  
10 argument and legal contentions and legal authorities that speak for themselves,  
11 requiring no response by the Attorney General. To the extent that a response is  
12 required, the Attorney General denies each and every allegation.

13        39. Paragraph No. 39. The Attorney General admits that the Governor  
14 approved Assembly Bill 2847 on September 29, 2000. The remainder of this  
15 paragraph consists of allegations that contain argument and legal contentions and  
16 legal authorities that speak for themselves, requiring no response by the Attorney  
17 General. To the extent that a response is required, the Attorney General denies  
18 each and every such allegation.

19        40. Paragraph No. 40. The Attorney General lacks sufficient information or  
20 belief to respond to the allegation that no manufacturer offers microstamping of any  
21 type on any handgun. The remainder of this paragraph consists of allegations that  
22 contain argument and legal contentions that speak for themselves, requiring no  
23 response by the Attorney General. To the extent that a response is required, the  
24 Attorney General denies each and every allegation.

25        41. Paragraph No. 41. The Attorney General lacks sufficient information or  
26 belief to respond to the allegation that microstamping technology does not actually  
27 exist in any commercially available application on a handgun. The remainder of  
28 this paragraph consists of allegations that contain argument and legal contentions

1 that speak for themselves, requiring no response by the Attorney General. To the  
2 extent that a response is required, the Attorney General denies each and every  
3 allegation.

4 42. Paragraph No. 42. This paragraph consists of allegations that contain  
5 argument and legal contentions that speak for themselves, requiring no response by  
6 the Attorney General. To the extent that a response is required, the Attorney  
7 General denies each and every allegation.

8 43. Paragraph No. 43. The Attorney General admits that there is a surfeit of  
9 stolen weapons in the black market. The remainder of this paragraph consists of  
10 allegations that contain argument and legal contentions and legal authorities that  
11 speak for themselves, requiring no response by the Attorney General. To the extent  
12 that a response is required, the Attorney General denies each and every such  
13 allegation.

#### 14 JURISDICTION AND VENUE

15 44. Paragraph No. 44. This paragraph consists of allegations that contain  
16 argument and legal contentions and legal authorities that speak for themselves,  
17 requiring no response by the Attorney General. To the extent that a response is  
18 required, the Attorney General denies each and every allegation.

19 45. Paragraph No. 45. This paragraph consists of allegations that contain  
20 argument and legal contentions and legal authorities that speak for themselves,  
21 requiring no response by the Attorney General. To the extent that a response is  
22 required, the Attorney General denies each and every allegation.

23 46. Paragraph No. 46. The Attorney General lacks sufficient information or  
24 belief to respond to the allegation that all but one of the Plaintiffs reside in the  
25 Central District of California, Southern Division. The remainder of this paragraph  
26 consists of allegations that contain argument and legal contentions that speak for  
27 themselves, requiring no response by the Attorney General. To the extent that a  
28 response is required, the Attorney General denies each and every allegation.

**PARTIES**

**[Plaintiffs]**

47. Paragraph No. 47. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

48. Paragraph No. 48. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

49. Paragraph No. 49. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

50. Paragraph No. 50. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

51. Paragraph No. 51. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

52. Paragraph No. 52. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

53. Paragraph No. 53. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

54. Paragraph No. 54. The Attorney General lacks sufficient information or belief to respond to the allegations in this paragraph, and on that basis denies each and every allegation.

**[Defendants]**

1       55. Paragraph No. 55. The Attorney General admits that Rob Bonta is the  
2 Attorney General of the State of California, that he is the “chief law enforcement  
3 officer” of California and has various duties under California law, and that he is  
4 sued in his official capacity. The remainder of this paragraph consists of  
5 allegations that contain argument and legal contentions that speak for themselves,  
6 requiring no response by the Attorney General. To the extent that a response is  
7 required, the Attorney General denies each and every such allegation.

8       56. Paragraph No. 56. The Attorney General lacks sufficient information or  
9 belief to respond to the allegations in this paragraph, and on that basis denies each  
10 and every allegation.

11       57. Paragraph No. 57. This paragraph consists of allegations that contain  
12 argument and legal contentions that speak for themselves, requiring no response by  
13 the Attorney General. To the extent that a response is required, the Attorney  
14 General denies each and every allegation.

15       58. Paragraph No. 58. This paragraph consists of allegations that contain  
16 argument and legal contentions and legal authorities that speak for themselves,  
17 requiring no response by the Attorney General. To the extent that a response is  
18 required, the Attorney General denies each and every allegation.

19                               **GENERAL ALLEGATIONS**

20                               **[Right to Keep and Bear Arms]**

21       59. Paragraph No. 59. This paragraph consists of allegations that contain  
22 argument and legal contentions and legal authorities that speak for themselves,  
23 requiring no response by the Attorney General. To the extent that a response is  
24 required, the Attorney General denies each and every allegation.

25       60. Paragraph No. 60. This paragraph consists of allegations that contain  
26 argument and legal contentions and legal authorities that speak for themselves,  
27 requiring no response by the Attorney General. To the extent that a response is  
28 required, the Attorney General denies each and every allegation.

1       61. Paragraph No. 61. This paragraph consists of allegations that contain  
2 argument and legal contentions and legal authorities that speak for themselves,  
3 requiring no response by the Attorney General. To the extent that a response is  
4 required, the Attorney General denies each and every allegation.

5       62. Paragraph No. 62. This paragraph consists of allegations that contain  
6 argument and legal contentions and legal authorities that speak for themselves,  
7 requiring no response by the Attorney General. To the extent that a response is  
8 required, the Attorney General denies each and every allegation.

9       63. Paragraph No. 63. This paragraph consists of allegations that contain  
10 argument and legal contentions and legal authorities that speak for themselves,  
11 requiring no response by the Attorney General. To the extent that a response is  
12 required, the Attorney General denies each and every allegation.

13       64. Paragraph No. 64. This paragraph consists of allegations that contain  
14 argument and legal contentions and legal authorities that speak for themselves,  
15 requiring no response by the Attorney General. To the extent that a response is  
16 required, the Attorney General denies each and every allegation.

17       65. Paragraph No. 65. This paragraph consists of allegations that contain  
18 argument and legal contentions and legal authorities that speak for themselves,  
19 requiring no response by the Attorney General. To the extent that a response is  
20 required, the Attorney General denies each and every allegation.

21       66. Paragraph No. 66. This paragraph consists of allegations that contain  
22 argument and legal contentions and legal authorities that speak for themselves,  
23 requiring no response by the Attorney General. To the extent that a response is  
24 required, the Attorney General denies each and every allegation.

25       67. Paragraph No. 67. This paragraph consists of allegations that contain  
26 argument and legal contentions and legal authorities that speak for themselves,  
27 requiring no response by the Attorney General. To the extent that a response is  
28 required, the Attorney General denies each and every allegation.

1       68. Paragraph No. 68. This paragraph consists of allegations that contain  
2 argument and legal contentions and legal authorities that speak for themselves,  
3 requiring no response by the Attorney General. To the extent that a response is  
4 required, the Attorney General denies each and every allegation.

5       69. Paragraph No. 69. This paragraph consists of allegations that contain  
6 argument and legal contentions and legal authorities that speak for themselves,  
7 requiring no response by the Attorney General. To the extent that a response is  
8 required, the Attorney General denies each and every allegation.

9       70. Paragraph No. 70. This paragraph consists of allegations that contain  
10 argument and legal contentions and legal authorities that speak for themselves,  
11 requiring no response by the Attorney General. To the extent that a response is  
12 required, the Attorney General denies each and every allegation.

13       71. Paragraph No. 71. This paragraph consists of allegations that contain  
14 argument and legal contentions and legal authorities that speak for themselves,  
15 requiring no response by the Attorney General. To the extent that a response is  
16 required, the Attorney General denies each and every allegation.

17       72. Paragraph No. 72. This paragraph consists of allegations that contain  
18 argument and legal contentions that speak for themselves, requiring no response by  
19 the Attorney General. To the extent that a response is required, the Attorney  
20 General denies each and every allegation.

21       73. Paragraph No. 73. This paragraph consists of allegations that contain  
22 argument and legal contentions that speak for themselves, requiring no response by  
23 the Attorney General. To the extent that a response is required, the Attorney  
24 General denies each and every allegation.

25       74. Paragraph No. 74. The Attorney General lacks sufficient information or  
26 belief to respond to the allegation that there is not a single commercially available  
27 firearm that has microstamping technology as of the filing of the Complaint. The  
28 remainder of this paragraph consists of allegations that contain argument and legal

1 contentions that speak for themselves, requiring no response by the Attorney  
2 General. To the extent that a response is required, the Attorney General denies  
3 each and every allegation.

4 75. Paragraph No. 75. This paragraph consists of allegations that contain  
5 argument and legal contentions and legal authorities that speak for themselves,  
6 requiring no response by the Attorney General. To the extent that a response is  
7 required, the Attorney General denies each and every allegation.

#### 8 **DECLARATORY RELIEF ALLEGATIONS**

9 76. Paragraph No. 76. This paragraph consists of allegations that contain  
10 argument and legal contentions that speak for themselves, requiring no response by  
11 the Attorney General. To the extent that a response is required, the Attorney  
12 General denies each and every allegation.

#### 13 **INJUNCTIVE RELIEF ALLEGATIONS**

14 77. Paragraph No. 77. This paragraph consists of allegations that contain  
15 argument and legal contentions that speak for themselves, requiring no response by  
16 the Attorney General. To the extent that a response is required, the Attorney  
17 General denies each and every allegation.

18 78. Paragraph No. 78. This paragraph consists of allegations that contain  
19 argument and legal contentions that speak for themselves, requiring no response by  
20 the Attorney General. To the extent that a response is required, the Attorney  
21 General denies each and every allegation.

#### 22 **FIRST CLAIM FOR RELIEF**

##### 23 **Right to Keep and Bear Arms**

24 79. Paragraph No. 79. The Attorney General incorporates by reference the  
25 answers in Paragraphs 1 through 78 above.

26 80. Paragraph No. 80. This paragraph consists of allegations that contain  
27 argument and legal contentions that speak for themselves, requiring no response by  
28



1 the Attorney General. To the extent that a response is required, the Attorney  
2 General denies each and every allegation.

3 81. Paragraph No. 81. This paragraph consists of allegations that contain  
4 argument and legal contentions that speak for themselves, requiring no response by  
5 the Attorney General. To the extent that a response is required, the Attorney  
6 General denies each and every allegation.

7 82. Paragraph No. 82. This paragraph consists of allegations that contain  
8 argument and legal contentions that speak for themselves, requiring no response by  
9 the Attorney General. To the extent that a response is required, the Attorney  
10 General denies each and every allegation.

11 83. Paragraph No. 83. This paragraph consists of allegations that contain  
12 argument and legal contentions and legal authorities that speak for themselves,  
13 requiring no response by the Attorney General. To the extent that a response is  
14 required, the Attorney General denies each and every allegation.

15 84. Paragraph No. 84. This paragraph consists of allegations that contain  
16 argument and legal contentions that speak for themselves, requiring no response by  
17 the Attorney General. To the extent that a response is required, the Attorney  
18 General denies each and every allegation.

19 85. Paragraph No. 85. This paragraph consists of allegations that contain  
20 argument and legal contentions that speak for themselves, requiring no response by  
21 the Attorney General. To the extent that a response is required, the Attorney  
22 General denies each and every allegation.

23 86. Paragraph No. 86. This paragraph consists of allegations that contain  
24 argument and legal contentions that speak for themselves, requiring no response by  
25 the Attorney General. To the extent that a response is required, the Attorney  
26 General denies each and every allegation.

27 The Attorney General denies that Plaintiffs are entitled to the relief set forth in  
28 the Prayer for Relief immediately following paragraph 86, or to any relief



1 whatsoever. To the extent that the Prayer for Relief states any allegations, the  
2 Attorney General denies them.

3 In addition, without admitting any allegations contained in the complaint, the  
4 Attorney General asserts the following defenses based on information and belief:

5 **FIRST AFFIRMATIVE DEFENSE**

6 The Complaint, and the claims for relief alleged therein, fails to state facts  
7 sufficient to constitute a cause of action against the Attorney General.

8 **SECOND AFFIRMATIVE DEFENSE**

9 Plaintiffs' claims in this action are barred in that Plaintiffs do not have  
10 standing to bring them.

11 **THIRD AFFIRMATIVE DEFENSE**

12 The Complaint, and each cause of action therein, is improper as Plaintiffs have  
13 an adequate remedy at law.

14 **FOURTH AFFIRMATIVE DEFENSE**

15 The Complaint, and every cause of action therein, is barred by the equitable  
16 doctrines of estoppel, laches, unclean hands, and/or waiver.

17 **FIFTH AFFIRMATIVE DEFENSE**

18 To the extent that the Attorney General has undertaken any conduct with  
19 regard to the subjects and events underlying Plaintiffs' Complaint, such conduct  
20 was, at all times material thereto, undertaken in good faith and in reasonable  
21 reliance on existing law.

22 **SIXTH AFFIRMATIVE DEFENSE**

23 The Attorney General has not knowingly or intentionally waived any  
24 applicable affirmative defense. The Attorney General reserves the right to assert  
25 and rely upon other such defenses as may become available or apparent during  
26 discovery proceedings or as may be raised or asserted by others in this case, and to  
27 amend the Answer and/or affirmative defenses accordingly. The Attorney General  
28

1 further reserves the right to amend the Answer to delete affirmative defenses that he  
2 determines are not applicable after subsequent discovery.

3 WHEREFORE, the Attorney General prays that:

4 1. Plaintiffs take nothing by reason of the Complaint;

5 2. Judgment be entered in favor of the Attorney General;

6 3. The Attorney General be awarded costs incurred in defending this action;

7 and

8 4. The Attorney General be awarded such further relief that the Court may  
9 deem just and proper.

10 Dated: October 7, 2022

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 MARK BECKINGTON  
14 Supervising Deputy Attorney General

15  
16 /s/ Robert L. Meyerhoff  
17 ROBERT L. MEYERHOFF  
18 Deputy Attorney General

19 *Attorneys for Defendant Rob Bonta*  
20 *in his Official Capacity as Attorney*  
21 *General of the State of California*  
22  
23  
24  
25  
26  
27  
28

### CERTIFICATE OF SERVICE

Case Name: Boland, et al. v. Bonta No. 8:22-cv-01421-CJC-ADS

I hereby certify that on October 7, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANT ROB BONTA IN HIS OFFICIAL CAPACITY AS ATTORNEY  
GENERAL OF THE STATE OF CALIFIORNIA'S ANSWER TO AMENDED  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 7, 2022, at Los Angeles, California.

Robert Leslie Meyerhoff  
Declarant

  
Signature

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8 Attorneys for Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel,  
and California Rifle & Pistol Association, Incorporated

9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **SOUTHERN DIVISION**

13 LANCE BOLAND, an individual;  
14 MARIO SANTELLAN, an individual;  
15 RENO MAY, an individual; JEROME  
16 SCHAMMEL, an individual; and  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
California corporation;

17 Plaintiffs,

18 v.

19 ROBERT BONTA, in his official capacity  
20 as Attorney General of the State of  
California; and DOES 1-10,

21 Defendants.  
22

**CASE NO.: 8:22-cv-01421-CJC(ADSx)**

**AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

**42 U.S.C. §§ 1983 & 1988**

23 Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel, and  
24 California Rifle & Pistol Association, Incorporated, through their counsel, bring this  
25 action against Defendant Attorney General Robert Bonta, in his official capacity, and  
26 make the following allegations.  
27  
28

## INTRODUCTION

1  
2 1. Despite the plain text of the Second Amendment to the United States  
3 Constitution that prohibits infringement of the people’s right to keep and bear arms,  
4 California has the some of the most onerous firearms restrictions of any state in the  
5 union. One of these restrictions is the product of California’s Unsafe Handgun Act  
6 (“UHA”) statutes, California Penal Code sections 31900 through 32110.

7 2. The UHA requires that handguns be drop-tested to determine whether they are  
8 safe from accidental discharges and be equipped with certain “safety” features to be sold  
9 in California. Any handgun that does not undergo these tests and lacks these features is  
10 “unsafe,” and cannot be sold.

11 3. However, because there are no handguns available for sale in the entire nation  
12 that have the three core “safety” features that the UHA requires, the only handguns  
13 available for sale in California are those that were “grandfathered” in over time that lack  
14 the purportedly necessary safety features. And as manufacturers redesign handgun  
15 models to improve their safety and efficacy, every year the UHA list of approved  
16 handguns gets smaller as manufacturers refuse to continue to sell the older grandfathered  
17 models.

18 4. No handgun released to the broader US market since May of 2013 is available  
19 for retail sale to a California resident in the primary market for handguns. The UHA thus  
20 severely limits Californians’ access to America’s most popular category of  
21 constitutionally protected firearms: handguns.

22 5. But the UHA is also not truly about ensuring handguns are safe for all. It has  
23 exceptions for sworn members of several government agencies and law enforcement  
24 departments.<sup>1</sup> CAL. PENAL CODE § 32000 (Deering 2022). They can buy purportedly  
25

26  
27 <sup>1</sup> See “State Exemptions for Authorized Peace Officers,”  
28 <<https://oag.ca.gov/firearms/exemptpo>> (as of July 27, 2022).

1 “unsafe” handguns available to residents of all other states even though those handguns  
2 have not undergone any DOJ safety testing required under the UHA.

3 6. Plaintiffs challenge the UHA because the UHA prohibits Californians from  
4 acquiring the most popular and newest versions of handguns that are owned by  
5 Americans in every other state, by the millions, for self defense. This is a direct  
6 infringement of Californians’ right to keep and bear firearms because handguns,  
7 particularly semiautomatic handguns, are “the most popular weapon chosen by  
8 Americans for self-defense in the home.” *District of Columbia v. Heller*, 554 U.S. 570,  
9 629 (2008). Americans lawfully possess them by the millions, and the nation has recently  
10 experienced a breathtaking demand for them (due to the pandemic and social unrest) that  
11 lacks historical parallel.

12 7. Indeed, Americans today are exercising their Second Amendment right to keep  
13 and bear handguns in record numbers that demonstrate the immutability of the  
14 fundamental human right to self defense, the ubiquity of the handgun as the quintessential  
15 self defense weapon, and the unsettling and increasingly commonplace failure and even  
16 unwillingness of the authorities to suppress civil unrest, respond to active threats, and  
17 maintain order.

18 8. But while the general market for handguns throughout the Nation is quite large  
19 and has thousands of distinct offerings from hundreds of manufacturers, the opposite is  
20 true in California due to the UHA. Because of the UHA, California has essentially frozen  
21 the number of options for handguns that ordinary residents may purchase at roughly 800.<sup>2</sup>

22 9. And because the UHA recognizes different color finishes of otherwise identical  
23 models of firearms as distinct models, the true number of genuinely distinct models  
24 available for purchase in California is much lower. CAL. PENAL CODE § 32020 (Deering  
25 2022).

26  
27  
28 <sup>2</sup> As of July 19, 2022. This figure is subject to decrease and likely will decrease as it has  
over the past nine years.

1        10. California’s UHA also makes it very easy for approved models to lose their  
2 approved status, which happens frequently.

3        11. Effectively, not a single genuinely new-to-market firearm introduced to the  
4 broader national civilian market for semi-automatic handguns later than May 17, 2013, is  
5 available for sale to the general public, in new condition, in the retail market because of  
6 the UHA. Far from ensuring that handguns sold in California are “safe,” all the UHA  
7 accomplishes is ensuring that older and increasingly less desirable handgun models  
8 proliferate *ad infinitum*, while newer, more reliable, more ergonomic, more affordable,  
9 and more desirable choices remain out of reach.

10       12. California’s UHA thus denies Californians access to thousands of variants of  
11 handguns—the “quintessential” self defense weapon—in clear violation of the Second  
12 Amendment. Without a doubt, because the UHA arbitrarily prohibits thousands of  
13 variants of arms that are “in common use . . . for lawful purposes like self-defense,” the  
14 prohibition “cannot stand.” *Heller*, 554 U.S. at 624, 636.

15       13. Plainly and simply, California’s requirement that handguns, semiautomatics  
16 especially, be equipped with specific technological features that no manufacturer offers is  
17 an unconstitutional infringement of Plaintiffs’ Second Amendment rights.

18       14. Desiring to acquire, possess, use, and/or transfer these UHA banned, yet  
19 constitutionally protected, semiautomatic handguns for lawful purposes including self  
20 defense, Plaintiffs respectfully request that this Court: (1) declare that California Penal  
21 Code sections 31900 through 32110, and any of them, infringe upon Plaintiffs’  
22 constitutional rights; and (2) permanently enjoin Defendants from enforcing these statutes  
23 to the extent they prevent law-abiding Californians, like Plaintiffs, from acquiring,  
24 possessing, or using constitutionally protected arms for self defense.

**CALIFORNIA’S “UNSAFE HANDGUN ACT” IN DETAIL**

15. In some key respects, the market for handguns in the United States is no different than the market for any other type of durable consumer good. New and old manufacturers are constantly innovating, refining, receiving consumer feedback, and introducing new and updated products that feature new materials and manufacturing processes into a competitive marketplace for civilian, military, and law enforcement customers.

16. However, ordinary Californians essentially have no real ability to choose from any of the newer handgun models available in the California primary retail market. Indeed, no semiautomatic pistol brought to market since May 17, 2013, is available to the general public in California because of the UHA.

17. In 1999, the Legislature enacted the UHA to purportedly establish safety standards for all handguns manufactured, imported, or otherwise sold in the state.

18. Under the UHA, a handgun cannot lawfully be sold in the primary market to ordinary civilians if it meets the definition of an “unsafe” handgun. CAL. PENAL CODE §§ 32000 & 31910 (Deering 2022). A handgun is “unsafe” if it lacks certain features. This prohibition does not apply to law enforcement, nor to an ever-expanding list of other quasi-law enforcement type government agency personnel such as the Department of Motor Vehicles, harbor or port districts, and the investigation division of the Department of Consumer Affairs. *Id.* § 32000(b)(6).

19. All handguns that are eligible for sale under the UHA in California are added to an official list known as the roster of handguns certified for sale (the “Roster”).<sup>3</sup> *Id.* § 32015. But placement of a handgun on the Roster is a UHA safe-harbor and not an element used to determine whether a handgun is an “unsafe handgun” under the UHA. *Id.* § 31910.

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<sup>3</sup> See “Handguns Certified for Sale,” <<https://oag.ca.gov/firearms/certified-handguns/search>> (as of July 27, 2022).



1       20. The California Department of Justice maintains the Roster “listing all of the  
2 pistols, revolvers, and other firearms capable of being concealed upon the person that  
3 have been tested by a certified testing laboratory, have been determined not to be unsafe  
4 handguns, and may be sold in this state pursuant to this part.” *Id.* § 32015.

5       21. Admission to the Roster is not permanent. It is valid for only one year and must  
6 be renewed prior to expiration via notice and payment of a \$200 fee. *See* CAL. CODE  
7 REGS. tit. 11, §§ 4070(a)-(b) & 4072(b) (2022).

8       22. Over time, the legislature has amended the UHA statutes that mandate what  
9 features a handgun must have to be “safe” for different categories of handguns,  
10 (semiautomatic pistols, revolvers, and rimfire semiautomatics) and has typically  
11 “grandfathered” those handguns that are on the Roster but would otherwise meet the  
12 definition of an “unsafe” firearm under the new requirements. That is, as long as these  
13 older firearms were already on the Roster before the new Roster-eligibility rules take  
14 effect, they can stay on the Roster and be sold in unlimited quantity in California despite  
15 no longer satisfying the operative definition of “safe.”

16       23. The UHA imposes the most burdensome technological requirements on  
17 centerfire semiautomatic pistols, but also imposes requirements on rimfire semiautomatic  
18 pistols and revolvers that suppress the availability of newer, more popular models of  
19 those categories of handguns too.<sup>4</sup> The UHA thus imposes slightly different requirements  
20 on all three categories of handguns, but regardless, suppresses the primary market  
21 availability of modern handgun models popular throughout the nation.

22       24. As of 2007, for a new-to-market semiautomatic centerfire handgun to avoid the  
23 “unsafe” classification and therefore be eligible for primary market sale, the handgun  
24

---

25  
26 <sup>4</sup> “Centerfire” is an ammunition cartridge which features a centrally placed  
27 primer/ignition system, in contrast to a “rimfire” ignition system. Virtually all popular  
28 modern semiautomatic handguns are chambered in centerfire calibers such as 9mm, .45  
ACP, .380 ACP, and 40 S&W. The most popular and common rimfire cartridge is the .22  
LR.

1 needed to have both a chamber load indicator (“CLI”) and a magazine disconnect  
2 mechanism (“MDM”), in addition to passing a drop safety test and passing a firing  
3 reliability test. CAL. PENAL CODE §§ 31910(b)(5), 31900, & 31905 (Deering 2022). A  
4 CLI is visual/tactile indicator on the exterior of the handgun that will indicate that the  
5 firearm has a cartridge in the chamber (i.e., ready to be discharged upon pull of the  
6 trigger). An MDM prevents a semi-automatic handgun from firing the cartridge in the  
7 chamber unless the magazine is fully inserted into the firearm.

8 25. A revolver is considered “unsafe” if “it does not have a safety device that, either  
9 automatically in the case of a double-action firing mechanism, or by manual operation in  
10 the case of a single-action firing mechanism, causes the hammer to retract to a point  
11 where the firing pin does not rest upon the primer of the cartridge,” and it fails to meet  
12 firing and drop safety requirements. *Id.* § 31910.

13 26. As of 2006, a rimfire semiautomatic pistol is considered “unsafe” and therefore  
14 not eligible for admission to the Roster if it is equipped with a detachable magazine and  
15 lacks a magazine safety disconnect mechanism. *Id.*

16 27. Semiautomatic handguns that were on the Roster prior to 2007, despite not  
17 having a CLI or MDM, were allowed to remain on the Roster and continue to be sold to  
18 the general civilian public in the primary market, as long as they comply with the  
19 formalities of Roster admission.

20 28. As of May 17, 2013, semiautomatic handguns must be equipped with the  
21 technology to stamp a microscopic identification mark on the shell casing of an expended  
22 round of ammunition in two locations to be eligible for the Roster. But semiautomatic  
23 handguns that were on the Roster between January 1, 2007, and May 17, 2013<sup>5</sup>, that have  
24

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25 <sup>5</sup> California Penal Code section 31910(b)(7)(a) originally provided for Jan. 1, 2010 as the  
26 deadline for pistols to comply with this requirement. However, it did so contingent on the  
27 California Department of Justice certifying that the “technology used to create the imprint  
28 is available to more than one manufacturer unencumbered by any patent restrictions. *Id.*  
The DOJ did not make that certification (BOF No.:2013-BOF-03) until May 17, 2013.  
See “Information Bulletin: Certification of Microstamping pursuant to Penal Code section

1 CLI and MDM, but lack two-location microstamping capability are allowed to remain on  
2 the Roster (“grandfathered”) and may continue to be sold. As are semiautomatic  
3 handguns on the Roster prior to 2007, which lack either a CLI or MDM.

4 29. To summarize, from May 17, 2013, and until the present, in order to avoid the  
5 “unsafe” classification and therefore be eligible for the Roster, a semiautomatic handgun  
6 must have three features: CLI, a MDM, and two-location microstamping. Without those  
7 three features, the UHA would deem any firearm proposed for inclusion on the list  
8 “unsafe” and therefore ineligible for the Roster.

9 30. As such, as of July of 2022, the Roster has roughly 800 total listings. It has  
10 nearly 500 semiautomatic handguns, but the real number of distinct offerings is far fewer  
11 because cosmetic differences between otherwise identical handgun models are treated as  
12 distinct models. *Id.*, § 32020. Regardless, none of the currently rostered semiautomatic  
13 handguns would meet today’s operative definition of a safe handgun because not a single  
14 one of them has all three features: CLI, MDM, and microstamping.

15 31. To clarify: there is not a single handgun currently on the Roster available for  
16 sale to the general public in the primary market in California, that has all three features  
17 (CLI, MDM, and microstamping) the UHA requires; every single semiautomatic handgun  
18 on the Roster is a “grandfathered” handgun.

19 32. Some of the semiautomatic handguns on the Roster have a CLI and an MDM,  
20 but these models are rare. The reasons why are that these features are simply not  
21 desirable, they increase manufacturing costs, increase the mechanical complication and  
22 potential for failure to function, increase research and design costs, and are bizarre  
23 departures from the normal suite of features that comprise the modern semiautomatic  
24 handgun. These features are essentially adulterations that no one other than the California  
25

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26  
27 31910, subdivision (b)(7)(A),” (May 17, 2013)  
28 <<https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/infobuls/2013-BOF-03.pdf>> (as of  
July 20, 2022).

1 legislature deems necessary or desirable on a pistol.

2 33. Nor does a CLI make any firearm intrinsically safer. The responsibility of  
3 ensuring that a firearm is safe and is not discharged negligently cannot truly be enhanced  
4 mechanically; gun safety is the responsibility of the firearm handler.

5 34. Nor does an MDM enhance safety. Indeed, not only does an MDM not make a  
6 firearm safer, but it can directly compromise the usability of a firearm in a life-or-death  
7 situation. Firearm magazines are very often the weak link in the functionality chain; they  
8 are delicate and slight defects (such as dirt, grime, rust, bent feed lips or weakened  
9 springs) can and often do cause malfunctions. It is not desirable to possess a firearm that  
10 can only fire with the magazine inserted because that makes it impossible to use the  
11 firearm if the magazine is causing the firearm to malfunction and needs to be ejected to  
12 cycle the firearm's action, or is ejected from the firearm by accident is and not  
13 recoverable.

14 35. Thus, although microstamping is the most abjectly misguided of the three  
15 "safety" features, the CLI and the MDM are nearly as ill-conceived. That is why these  
16 features are absent on virtually all firearms in the broader national and global  
17 marketplace, but for those handful of semiautomatic firearms that a handful of  
18 manufacturers modified in order to comply with the UHA so they could sell to the  
19 California market.

20 36. Handguns that are not on the Roster are generally known as "Off-Roster"  
21 handguns. While Off-Roster handguns are not legal to sell and acquire in the retail  
22 market for nearly all Californians, anyone can lawfully purchase Off-Roster handguns in  
23 secondary market "private party" transfer transactions. This is possible because there are  
24 various avenues for exempt classes of persons—primarily law enforcement (CAL. PENAL  
25 CODE § 32000(b)(4)) or people moving into California (CAL. PENAL CODE § 27560)—to  
26 acquire or import an Off-Roster handgun into California, and then lawfully sell it via  
27 private party transaction at a licensed dealer. *Id.* §§ 28050 & 32110(a) (Deering 2022).

**HISTORY OF MICROSTAMPING AND RECENT DEVELOPMENTS**

37. The reason why California's microstamping requirement began on May 17, 2013, is because that is the day the DOJ issued the certification stating that the microstamping technology was available and not encumbered by patent restrictions, as required under the version of California Penal Code section 31910(b)(7)(a) then operative.

38. However, despite issuing that certification, the California Department of Justice later admitted in litigation that the certification is not a representation that the technology is truly available. *See, e.g., NSSF v. Nat'l Shooting Sports Found., Inc. v. State of Cal.*, 5 Cal. 5th 428, 432 (2018) (Section 31910(b)(7)(a) was not void under a statutorily imposed doctrine of impossibility notwithstanding plaintiffs presented evidence that no manufacturer could provide microstamping on their handguns). And indeed, it is not commercially available.

39. In September of 2020, Governor Newsom signed Assembly Bill 2847 into law, which changed the micro-stamping requirement effective July 1, 2022.

40. Assembly Bill 2847 amended the UHA's two-location microstamping requirement to require an imprint in only one location on the cartridge. As such, admission onto the Roster now requires, *inter alia*, the ability to imprint in one location rather than two locations. However, this makes no difference because microstamping of any kind—whether in two or one locations—is not commercially available. No manufacturer offers microstamping of any type on any handgun.

41. AB 2847 also imposes an additional amendment to the UHA: for every semiautomatic handgun that satisfies the new one location microstamping requirement (in addition to having CLI and MDM) and is therefore added to the Roster, the State must remove three (3) grandfathered semiautomatic handguns from the Roster, in reverse order of addition. However, this has not yet occurred because microstamping technology does not actually exist in any commercially available application on a handgun.

42. The UHA's microstamping requirement is the most problematic of the three

1 core requirements because microstamping is simply not commercially available or  
2 adaptable. But moreover, microstamping is pointless.

3 43. Microstamping is not actually a safety measure. The theoretical benefit it  
4 proposes is to aid law enforcement in investigating crime. The theoretical function of  
5 microstamping is to imprint the serial number of the firearm onto an expended cartridge  
6 casing, which would be recoverable at a crime scene, assuming the criminal did not  
7 attempt to retrieve the expended brass before fleeing. That information on the cartridge  
8 would then theoretically permit authorities to determine who the last registered transferee  
9 of the firearm is. However, this is only useful if one assumes that criminals discharging  
10 firearms at crime scenes are using firearms they have lawfully acquired and are thus  
11 traceable to them—which is obviously not the case. There is a surfeit of stolen firearms in  
12 the black market, and it is this surfeit of stolen firearms that are overwhelmingly used for  
13 criminal purposes.<sup>6</sup> Furthermore, any criminal using a theoretical firearm equipped with  
14 microstamping technology could file off, remove, or otherwise disable the stamping  
15 mechanism of the handgun's action.

#### 16 JURISDICTION AND VENUE

17 44. The Court has original jurisdiction of this civil action under 28 U.S.C. section  
18 1331, because the action arises under the Constitution and laws of the United States, thus  
19 raising federal questions. The Court also has jurisdiction under 28 U.S.C. section  
20 1343(a)(3) and 42 U.S.C. section 1983 since this action seeks to redress the deprivation,  
21 under color of the laws, statutes, ordinances, regulations, customs and usages of the State  
22 of California and political subdivisions thereof, of rights, privileges or immunities  
23 secured by the United States Constitution and by Acts of Congress.

24 45. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28  
25

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26  
27 <sup>6</sup> See Mariel Alper and Lauren Glaze, "U.S. DOJ Special Report, Source and Use of  
28 Firearms Involved in Crimes: Survey of Prison Inmates, 2016," (January 2019) at Table 5  
<<https://bjs.ojp.gov/content/pub/pdf/suficspil6.pdf>> (as of July 27, 2022).



1 U.S.C. sections 2201 and 2202, respectively, and their claim for attorneys' fees is  
2 authorized by 42 U.S.C. section 1988.

3 46. Venue in this judicial district is proper under 28 U.S.C. section 1391(b)(2),  
4 because a substantial part of the events or omissions giving rise to Plaintiffs' claims  
5 occurred in this district. Further, all but one of the Plaintiffs reside in the Central  
6 District's Southern Division.

7 **PARTIES**

8 **[Plaintiffs]**

9 47. Plaintiff Lance Boland is a resident of Orange County, California, and a law-  
10 abiding citizen of the United States. Plaintiff is a certified firearms trainer in Orange  
11 County and has as much if not more experience and training in the safe handling of  
12 handguns than various exempted persons identified in California Penal Code section  
13 32000(b)(6). Plaintiff Boland owns Off-Roster firearms that he lawfully acquired in the  
14 secondary market but seeks to purchase additional Off-Roster models. However, he has  
15 not been able to purchase those models because he has not been able to locate any for  
16 sale within reasonable geographic distance of his residence. Plaintiff Boland would  
17 attempt to buy one in the retail market but for the fact that the attempt to do so would be  
18 futile because it is unlawful for a dealer to sell an Off-Roster handgun to him because he  
19 is not eligible for any of the exemptions. If he could legally do so, he would attempt to  
20 purchase from a retail dealer Off-Roster semi-automatic firearms such as a Gen5 ("fifth  
21 generation") Glock 19 and to keep it in his home for self defense and use for other lawful  
22 purposes such as recreational target shooting and firearms training.

23 48. Plaintiff Mario Santellan is a resident of Orange County, California, and a law-  
24 abiding citizen of the United States. Plaintiff Santellan does not currently own a semi-  
25 automatic firearm that is unavailable for purchase in California due to the UHA. Plaintiff  
26 Santellan would attempt to buy one in the retail market but for the fact that the attempt to  
27 do so would be futile because it is unlawful for a dealer to sell an Off-Roster handgun to  
28 him because he is not eligible for any of the exemptions. If he could legally do so, he

1 would attempt to purchase at a retail dealer “Off-Roster” semi-automatic firearms such as  
2 a Gen5 Glock 17 and Sig Sauer P365 and to keep those firearms in his home for self  
3 defense and use for other lawful purposes such as recreational target shooting.

4 49. Plaintiff Reno May is a resident of Sonoma County, California, and a law-  
5 abiding citizen of the United States. Plaintiff May has purchased Off-Roster pistols in the  
6 secondary market at significant markups and wishes to purchase more Off-Roster models.  
7 Plaintiff May would attempt to buy one in the retail market but for the fact that the  
8 attempt to do so would be futile because it is unlawful for a dealer to sell an Off-Roster  
9 handgun to him because he is not eligible for any of the exemptions. If he could legally  
10 do so, he would attempt to purchase at a retail dealer “Off-Roster” semi-automatic  
11 firearms such as a Gen 5 Glock 19, Sig Sauer P365, Ruger LCP Max, Smith & Wesson  
12 Shield Plus, and Staccato P, and to keep those firearms in his home for self defense and  
13 use for other lawful purposes such as recreational target shooting.

14 50. Plaintiff Jerome Schammel is a resident of Orange County, California, and a  
15 law-abiding citizen of the United States. Plaintiff Schammel does not currently own a  
16 semi-automatic firearm that is unavailable for purchase in California due to the UHA.  
17 Plaintiff Schammel would attempt to buy one in the retail market but for the fact that the  
18 attempt to do so would be futile because it is unlawful for a dealer to sell an Off-Roster  
19 handgun to him because he is not eligible for any of the exemptions. If he could legally  
20 do so, he would attempt to purchase at a retail dealer “Off-Roster” semi-automatic  
21 firearms such as a Glock 17 Gen5 and Sig Sauer P320 XCompact and to keep those  
22 firearms in his home for self defense and use for other lawful purposes such as  
23 recreational target shooting.

24 51. Each of the individual Plaintiffs identified above seeks to keep, acquire, and/or  
25 possess semiautomatic handguns currently banned due to the UHA for lawful purposes,  
26 including in-home self defense, as is their right under the Second Amendment to the  
27 United States Constitution. Each of them is eligible under the laws of the United States  
28 and of the State of California to receive and possess firearms.



54. In this suit, CRPA represents the interests of the tens of thousands of its members who reside in the state of California, including in Orange County, and who are too numerous to conveniently bring this action individually. Specifically, CRPA represents the interests of those who are affected by California's UHA restrictions that prevent purchase of many popular semiautomatic handguns. But for California's UHA restrictions, CRPA members would seek to acquire, keep, possess and/or transfer such unavailable semiautomatic handguns for in-home self defense and other lawful purposes.

55. Defendant Robert Bonta is the Attorney General of California. He is the chief law enforcement officer of California. Defendant Bonta is charged by Article V, Section 13 of the California Constitution with the duty to see that the laws of California are uniformly and adequately enforced. Defendant Bonta also has direct supervision over every district attorney and sheriff in all matters pertaining to the duties of their respective officers. Defendant Bonta's duties also include informing the public, local prosecutors, and law enforcement regarding the meaning of the laws of California, including restrictions on firearms prohibited for sale under the UHA. He is sued in his official capacity.

1       56. The true names or capacities—whether individual, corporate, associate, or  
2 otherwise—of the Defendants named herein as Does 1 through 10, are presently  
3 unknown to Plaintiffs, and are therefore sued by these fictitious names. Plaintiffs pray for  
4 leave to amend this Complaint to show the true names or capacities of these Defendants  
5 if and when they have been determined.

6       57. Defendants Bonta and Does 1-10 are responsible for formulating, executing,  
7 and administering California’s restrictions on UHA-banned semi-automatic firearms, and  
8 they are in fact presently enforcing them.

9       58. Defendants enforce California restrictions on UHA banned semi-automatics  
10 against Plaintiffs and other California citizens under color of state law within the  
11 meaning of 42 U.S.C. section 1983.

## 12                                   GENERAL ALLEGATIONS

### 13                                   [Right to Keep and Bear Arms]

14       59. In 2008, the United States Supreme Court held that the Second Amendment  
15 protects an individual right, that is not dependent on service in a militia or other  
16 associative entity, to own an operable handgun in the home for self defense. *District of*  
17 *Columbia v. Heller*, 554 U.S. 570 (2008). The *Heller* court described the right to self  
18 defense as the “central component” of the Second Amendment right. *Id.* at 628.

19       60. Two years later, the Supreme Court deemed this right *fundamental*, and  
20 incorporated against the state governments under the Fourteenth Amendment. *McDonald*  
21 *v. City of Chicago*, 561 U.S. 742 (2010).

22       61. The *Heller* court also held that the Second Amendment protects the right to  
23 keep and bear arms “typically possessed by law-abiding citizens for lawful purposes,”  
24 and found that the handgun is the “quintessential self-defense” weapon. 554 U.S. at 624-  
25 25.

26       62. Most critically, the *Heller* court established a “text, history, and tradition”  
27 framework for analyzing scope of the Second Amendment questions. The court then  
28 assessed historical evidence to determine the prevailing understanding of the Second

1 Amendment at the time of its ratification in 1791, and thereafter. Based on that  
2 assessment, the Court concluded that the District of Columbia statute which prohibited  
3 possession of the most commonplace type of firearm in the nation (the handgun) lacked a  
4 revolutionary era analog, did not comport with the historical understanding of the scope  
5 of the right, and therefore violated the core Second Amendment right.

6 63. The *Heller* court also held that “a prohibition of an entire class of ‘arms’ that is  
7 overwhelmingly chosen by American society” is per se unconstitutional, especially when  
8 that prohibition extends “to the home, where the need for defense of self, family, and  
9 property is most acute.” 554 U.S. at 628.

10 64. In June of 2022, the Supreme Court reiterated the validity of the historical  
11 understanding approach for analyzing scope of the Second Amendment questions and  
12 recognized that the Second Amendment protects the right to armed self defense in public  
13 just as much as in the home. *N.Y. State Rifle & Pistol Association v. Bruen*, 597 U.S. at  
14 \_\_\_, 142 S. Ct. 2111 (2022) (“*Bruen*”).

15 65. The *Bruen* court reiterated that courts may not apply a “means-ends” “interest-  
16 balancing” test akin to “intermediate scrutiny” in scope of the Second Amendment cases.  
17 Instead, courts must inspect the historical records of the ratification era and then apply  
18 analogical analysis to determine whether the modern-day restriction infringes the Second  
19 Amendment right. *See id.* at 2129-30.

20 66. The *Bruen* court clarified in crystal-clear language how proper Second  
21 Amendment analysis shall be applied: “We reiterate that the standard for applying the  
22 Second Amendment is as follows: When the Second Amendment’s plain text covers an  
23 individual’s conduct, the Constitution presumptively protects that conduct. The  
24 government must then justify its regulation by demonstrating that it is consistent with the  
25 Nation’s historical tradition of firearm regulation. Only then may a court conclude that  
26 the individual’s conduct falls outside the Second Amendment’s ‘unqualified command’.”  
27 *See id.* at 2126.

28 67. The *Bruen* court further stated the “test that we set forth in *Heller* and apply

1 today requires courts to assess whether modern firearms regulations are consistent with  
2 the Second Amendment’s text and historical understanding.” *Id.* at 2131.

3 68. The *Bruen* court also acknowledged that “while the historical analogies here  
4 and in *Heller* are relatively simple to draw, other cases implicating unprecedented  
5 societal concerns or dramatic technological changes may require a more nuanced  
6 approach.” *Id.* at 2132.

7 69. The *Bruen* court declined to “provide an exhaustive survey of the features that  
8 render regulations relevantly similar under the Second Amendment,” but noted that  
9 *Heller* and *McDonald* “point toward at least two metrics: how and why the regulations  
10 burden a law-abiding citizen’s right to armed self defense.” *Id.* at 2132-33.

11 70. And critically, the “the government must affirmatively prove that its firearms  
12 regulation is part of the historical tradition that delimits outer bounds of the right to keep  
13 and bear arms.” *Id.* at 2127 (emphasis added).

14 71. Here, Plaintiffs present a question very close to the question posed to the  
15 Supreme Court in *Heller*: what is the scope of the government’s ability to regulate the  
16 possession of handguns—the “quintessential” choice—for self defense? More  
17 specifically, does the Second Amendment allow the state to significantly restrict the  
18 specific models of the “quintessential self-defense” weapon available to eligible citizens  
19 (i.e., the handgun)?

20 72. The short answer is “no.” The UHA prohibits California’s general public from  
21 acquiring a significant number of popular and common models of handguns that  
22 Americans own nationwide for the purpose of lawful self defense. There is no legitimate  
23 and genuine historical analogue for the UHA. The UHA therefore unconstitutionally  
24 infringes Plaintiffs’ Second Amendment right to keep and bear arms.

25 73. Moreover, because the handguns that have been allowed to remain on the  
26 Roster despite not having the full suite of features required to make them “safe” continue  
27 to be sold in unlimited numbers, and because a number of government employees who  
28 work for an ever-expanding list of government agencies may purchase so-called “unsafe”

1 handguns, the UHA fails to materially achieve any purported public safety objective.

2 74. Because there is not a single commercially available firearm in the United  
3 States, or even globally, that has microstamping technology as of the filing of this  
4 complaint, California's hypothesis that the UHA would foment a technological revolution  
5 in firearm microstamping technology and widespread adoption of the technology has  
6 proven incorrect.

7 75. The only measurable result of California's experiment is the artificial  
8 constriction of the marketplace for the quintessential Second Amendment protected  
9 firearm, which leaves California's handgun marketplace in a time warp that in some  
10 respects, already resembles Cuba's automobile market.

11 **DECLARATORY JUDGMENT ALLEGATIONS**

12 76. There is an actual and present controversy between the parties. Plaintiffs  
13 contend that California Penal Code sections 31910 through 32110, and each of them and  
14 their individual subsections, infringe on Plaintiffs' right to keep and bear arms under the  
15 Second and Fourteenth Amendments to the United States Constitution, by generally  
16 prohibiting commonly possessed models of handguns that it deems "unsafe." Plaintiffs  
17 desire a judicial declaration that the California Penal Code sections 31910 through 32110,  
18 or any of them, or any of their individual subsections, violates Plaintiffs' constitutional  
19 rights.

20 **INJUNCTIVE RELIEF ALLEGATIONS**

21 77. Plaintiffs are presently and continuously injured by Defendants' enforcement of  
22 California Penal Code sections 31910 through 32110, and each of them, insofar as those  
23 provisions violate Plaintiffs' rights under the Second Amendment without sufficient  
24 justification.

25 78. If not enjoined by this Court, Defendants will continue to enforce California  
26 Penal Code sections 31910 through 32110 in derogation of Plaintiffs' constitutional  
27 rights. Plaintiffs have no plain, speedy, and adequate remedy at law. Damages are  
28 indeterminate or unascertainable and, in any event, would not fully redress any harm

suffered by Plaintiffs because they are unable to engage in constitutionally protected activity due to California's ongoing enforcement of California Penal Code sections 31910 through 32110.

**FIRST CLAIM FOR RELIEF**  
**Right to Keep and Bear Arms**  
 (U.S. CONST., amends. II and XIV)  
 42 U.S.C. § 1983

79. Paragraphs 1 through 78 are realleged and incorporated by reference.

80. California's UHA generally prohibits Californians, including Plaintiffs, from acquiring handguns in the primary market that are "typically possessed by law-abiding citizens for lawful purposes" nationwide and thus protected under the Second Amendment. Specifically, there are a vast number of handguns offered for sale today on the broader national market that do not have an LCI, MDM, or any microstamping capability, that Plaintiffs would seek to acquire in the primary market if they could.

81. The UHA's restriction on the sale of handguns that are commonly possessed throughout the United States by law-abiding individuals, like Plaintiffs, for lawful purposes infringes on the right of the People of California, including Plaintiffs, to keep and bear protected arms as guaranteed by the Second Amendment of the United States Constitution, and as made applicable to California by the Fourteenth Amendment.

82. But for California's UHA, law-abiding, responsible adults, including Plaintiffs, would acquire, keep, and possess, for the purpose of self defense and all other lawful purposes, handguns that do not appear on the Roster because they do not meet the operative definition of "safe." Such handguns include, but are by no means limited to, the most current iterations of popular Glock models, such as the fifth generation Glock 17 and 19 pistols, Sig Sauer's P320 series, Heckler & Koch's VP9 series, FN's 509 series, and CZ's P10 series.

83. The UHA's prohibitions extend into Plaintiffs' homes, where Second Amendment protections are at their zenith, but also affects lawful and constitutionally protected conduct such as hunting, recreational shooting, and competitive marksmanship.



1 It also impacts Plaintiffs' right to carry a firearm in public where there is also a Second  
2 Amendment protected right to self defense. *Bruen* at 2122.

3 84. Because the UHA implicates the plain meaning of the Constitutional text  
4 establishing that there is a right to keep and bear arms, the UHA presumptively infringes  
5 the Second Amendment unless Defendants can show that there is a genuine ratification  
6 era analog to the UHA.

7 85. Defendants cannot do so, because there simply is no historically analogous  
8 regulation akin to the UHA that shows that such regulations are part of the historical  
9 understanding of the scope of the right to keep and bear arms. Defendants therefore  
10 cannot satisfy their burden of justifying the UHA's restrictions on the Second  
11 Amendment right of the People, including Plaintiffs, to acquire, possess, and use  
12 handguns that are in common use by law-abiding adults throughout the United States for  
13 the core right of defense of self, in the home and in public, and other lawful purposes.

14 86. The UHA therefore effects an unconstitutional infringement of Plaintiffs' right  
15 to keep and bear arms under the Second and Fourteenth Amendments.

16 **PRAYER FOR RELIEF**

17 Plaintiffs pray that the Court:

18 1. Enter a declaratory judgment under 28 U.S.C. sections 2201 that California  
19 Penal Code sections 31910 through 32110, or any of these sections or any of their  
20 subsections, are unconstitutional on their face or, alternatively, to the extent these  
21 prohibitions apply to law-abiding adults seeking to acquire, use, or possess Off-Roster  
22 handguns that are in common use by Plaintiffs and the American public for lawful  
23 purposes, because such unlawfully infringes on the right of the People to keep and bear  
24 arms in violation of the Second and Fourteenth Amendments to the United States  
25 Constitution.

26 2. Issue an injunction enjoining Defendants and their officers, agents, and  
27 employees from enforcing statutes that comprise the UHA, including California Penal  
28 Code sections 31910 through 32110 in their entirety, or, alternatively, to the extent such

1 can be segregated from the rest of the statute, any provision of section 31910 that  
2 prohibits the acquiring in the primary market, using, or possessing of Off-Roster  
3 semiautomatic firearms that are in common use by the American public for lawful  
4 purposes;

5 3. Award remedies available under 42 U.S.C. section 1983 and all reasonable  
6 attorneys' fees, costs, and expenses under 42 U.S.C. section 1988, or any other applicable  
7 law; and

8 4. Grant any such other and further relief as the Court may deem proper.

9 Respectfully Submitted,

10  
11 Dated: September 23, 2022

**MICHEL & ASSOCIATES, P.C.**

12 /s/ C.D. Michel  
13 C.D. Michel  
14 Counsel for Plaintiffs  
e-mail: [cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)



**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
42 U.S.C. §§ 1983 & 1988**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General  
[robert.meyerhoff@doj.ca.gov](mailto:robert.meyerhoff@doj.ca.gov)  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230

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

Executed September 23, 2022.

  
Christina Castron

CERTIFICATE OF SERVICE

8:22-cv-01421-CJC(ADSx)

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20

21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA**  
23 **SOUTHERN DIVISION**

24 LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
25 RENO MAY, an individual; JEROME  
SCHAMMEL, an individual;  
26 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
27 California corporation,

28 Plaintiffs,

Case No. 8:22-cv-01421-CJC(ADSx)

**PLAINTIFFS' AND DEFENDANT'S  
STIPULATION AS TO EXHIBITS  
ADMITTED AT EVIDENTIARY  
HEARING ON MOTION FOR  
PRELIMINARY INJUNCTION AND  
LODGING OF EXHIBITS**

1  
PLA'S' AND DEF'S STIPULATION AS TO EXHIBITS ADMITTED  
AT HEARING AND LODGING OF EXHIBITS

8:22-cv-01421-CJC(ADSx)

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California; and DOES 1-10,

Defendants.

WHEREAS an evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction was held on January 23-24, 2023 in this matter where exhibits were presented and moved into evidence, it is stipulated by Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel, and California Rifle & Pistol Association, Incorporated, and Defendant Robert Bonta, that the following is a true and correct list of the exhibits admitted at the January 23-24, 2023 hearing:

Exhibit Number:	Description:	No. of Pages
Plaintiffs' Exh. 1	Picture Depicting Loaded Chamber Indicator on Shotgun (red background)	1
Plaintiffs' Exh. 2	Picture Depicting Loaded Chamber Indicator on Shotgun (with action open)	1
Plaintiffs' Exh. 3	Webpage of <a href="http://fnamerica.com">fnamerica.com</a> Depicting FN High Power Pistol	11
Plaintiffs' Exh. 4	Webpage of <a href="http://doj.ca.gov">doj.ca.gov</a> : "De-Certified Handgun Models"	85
Plaintiffs' Exh. 5	Webpage of <a href="http://smith-wesson.com">smith-wesson.com</a> : "Shield Series" (California compliant model)	1
Plaintiffs' Exh. 6	Webpage of <a href="http://smith-wesson.com">smith-wesson.com</a> : "Shield M2.0 Series" (non-California compliant model)	1
Plaintiffs' Exh. 7	NSSF Report: "Firearm and Ammunition Industry Economic Impact Report   2022"	7
Plaintiffs' Exh. 8	c.v. of Clayton E. Cramer	6
Plaintiffs' Exh. 9	Saul Cornell: "'Don't Know Much About History' The Current Crisis in Second Amendment Scholarship," 29 N. Ky. L. Rev. 657 (2002)	26
Plaintiffs' Exh. 10	Webpage of <a href="http://scotusblog.com">scotusblog.com</a> : Saul Cornell, "Cherry-picked history and ideology-driven outcomes: Bruen's originalist distortions" (June 27, 2022)	5

2

PLA'S' AND DEF'S STIPULATION AS TO EXHIBITS ADMITTED  
AT HEARING AND LODGING OF EXHIBITS

8:22-cv-01421-CJC(ADSx)

3

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PLA’S’ AND DEF’S STIPULATION AS TO EXHIBITS ADMITTED  
AT HEARING AND LODGING OF EXHIBITS

8:22-cv-01421-CJC(ADSx)

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1	Defendant's Exh. 13	Richard B. Ismach, et al., <i>Unintended Shootings in a Large Metropolitan Area: An Incident-Based Analysis</i> , 41:1 Annals of Emergency Medicine, 10-17 (January 2003)	8
2	Defendant's Exh. 14	J. S. Vernick, et al., <i>Unintentional and undetermined firearm related deaths: a preventable death analysis for three safety devices</i> , 9 Injury Prevention, 307-311 (2003)	5
3	Defendant's Exh. 15	Photographs of Wilson Combat, Model Tactical Elite, Ambi (Black) (WTE-A-A-CA) (Pistol)	1
4	Defendant's Exh. 16	Photographs of Heckler & Koch, Model P2000 SK-V3 (Pistol)	1
5	Defendant's Exh. 17	Photographs of Springfield Armory, Model XD9162 (Pistol)	1
6	Defendant's Exh. 18	Photographs of Sig Sauer, Model P229 (Black) 229R-9-BSS-CA (Pistol)	1
7	Defendant's Exh. 19	Photographs of Fabrique Nationale, Model FN Five-seven (Black) (FNH USA Fredericksburg, VA) (Pistol)	1
8	Defendant's Exh. 20	Photographs of Glock, Model 19 (Pistol)	1
9	Defendant's Exh. 21	Photographs of Glock, Model 26 (Pistol)	1
10	Defendant's Exh. 22	Photographs of Sturm, Ruger, & Co., Model LC380CA (Pistol)	1
11	Defendant's Exh. 23	Curriculum Vitae of Dr. Saul Cornell	15
12	Defendant's Exh. 24	Partial Compendium of Historical Primary Sources	18
13	Defendant's Exh. 25	Appellants' Answer Brief on the Merits, <i>National Shooting Sports Foundation, Inc., et al. v. State of California</i> , 5 Cal.5th 428 (2018) (No. S239397)	25
14	Defendant's Exh. 26	Wendy Wang, <i>Firearms micro-stamping feasible but not ideal, experts say</i> , The California Aggie (May 23, 2008), <a href="https://theaggie.org/2008/05/23/firearms-microstamping-feasible-but-not-ideal-experts-say/">https://theaggie.org/2008/05/23/firearms-microstamping-feasible-but-not-ideal-experts-say/</a>	2
15	Defendant's Exh. 27	Davie Howitt, PhD, et al., <i>What Micro Serialized Firing Pins Can Add to Firearm Identification in Forensic Science: How Viable are Micro-Marked Firing Pin Impressions as Evidence?</i> (2008)	50

1	Defendant's Exh. 28	California Department of Justice Bureau of Firearms, <i>Invitation for Preliminary Comments on Proposed Rulemaking Regarding Firearm Microstamping</i> (Dec. 23, 2022)	3
2			
3			
4	Defendant's Demonstrative Exh. 1	Microstamping diagram (Source: Microstamping: A Tool to Identify Crime Guns, Solve Shootings, and Hold Gun Traffickers Accountable, Johns Hopkins Bloomberg School of Public Health, Center for Gun Violence Solutions, 2 (2022), <a href="https://publichealth.jhu.edu/sites/default/files/2022-11/johns-hopkins-center-for-gun-violence-solutions-microstamping-memo-11-2022.pdf">https://publichealth.jhu.edu/sites/default/files/2022-11/johns-hopkins-center-for-gun-violence-solutions-microstamping-memo-11-2022.pdf</a> )	1
5			
6			
7			
8			
9	Defendant's Demonstrative Exh. 2	Microstamping photos (Source: Microstamping: A Tool to Identify Crime Guns, Solve Shootings, and Hold Gun Traffickers Accountable, Johns Hopkins Bloomberg School of Public Health, Center for Gun Violence Solutions, 2 (2022), <a href="https://publichealth.jhu.edu/sites/default/files/2022-11/johns-hopkins-center-for-gun-violence-solutions-microstamping-memo-11-2022.pdf">https://publichealth.jhu.edu/sites/default/files/2022-11/johns-hopkins-center-for-gun-violence-solutions-microstamping-memo-11-2022.pdf</a> )	1
10			
11			
12			
13			
14			

A copy of the above-listed exhibits are electronically lodged herewith.

Dated: January 27, 2023

MICHEL & ASSOCIATES, P.C.

/s/Sean A. Brady

Sean A. Brady  
Counsel for Plaintiffs

Dated: January 27, 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MARK R. BECKINGTON  
Supervising Deputy Attorney General

/s/Charles J. Sarosy

CHARLES J. SAROSY  
Deputy Attorney General  
Attorneys for Rob Bonta, in his official capacity as Attorney



CERTIFICATE OF SERVICE

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**PLAINTIFFS' AND DEFENDANT'S STIPULATION AS TO EXHIBITS  
ADMITTED AT EVIDENTIARY HEARING ON MOTION FOR PRELIMINARY  
INJUNCTION AND LODGING OF EXHIBITS**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230

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

Executed January 27, 2023.

  
Christina Castron

CERTIFICATE OF SERVICE

8:22-cv-01421-CJC(ADSx)



Plaintiffs' Exhibit 1

ER-0841





Plaintiffs'  
Exhibit 2

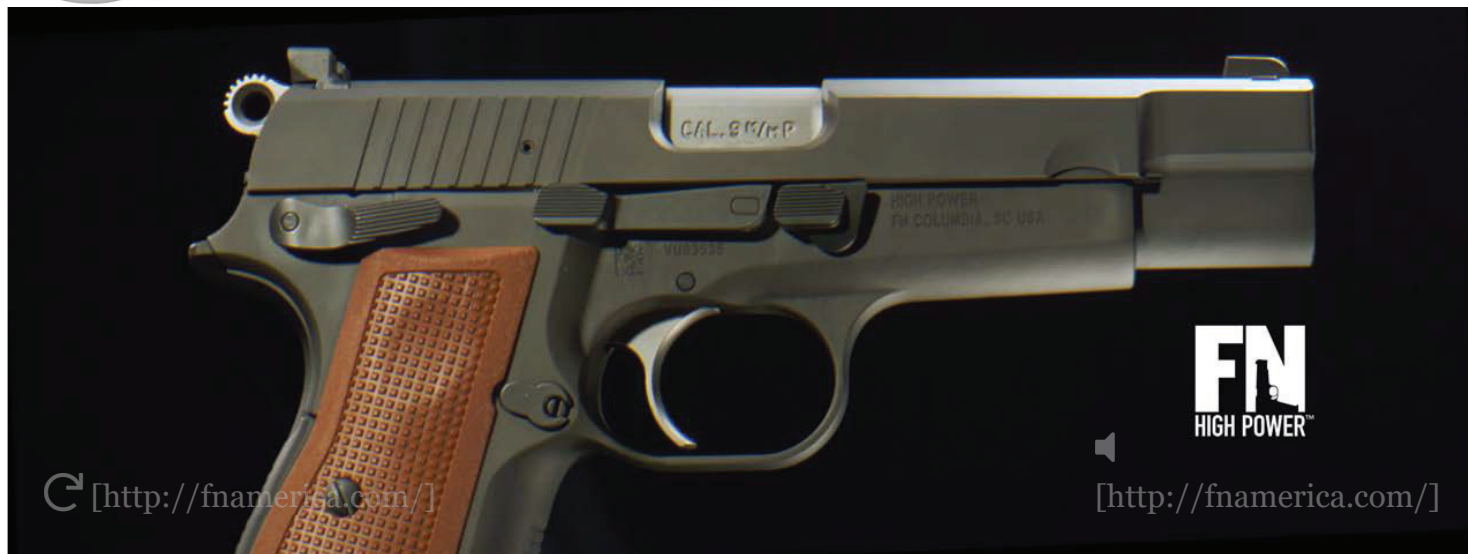
ER-0842

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Plaintiffs' Exhibit 3 3-002

**ER-0844**





### **DRESSED TO THE NINES**

FN stays true to JMB's final handgun design, including its namesake, the High Power double stack magazine. With 17+1 rounds at the ready the new pistol has 25% more capacity in 9mm, besting any clone of the original FN design. The all-new FN High Power is finished in black, stainless steel or the FN signature flat dark earth (FDE). Two pairs of grips come standard, with seven unique accessory grip pairs to personalize your FN High Power.

**Learn More** [<https://fnamerica.com/pistols/fn-high-power-series/>]



The revolutionary High Power takes everything you love about all-metal handguns to the next level with enhanced, modern features. Watch the video above to see the all-new High Power™.

**Explore Now** [<https://fnamerica.com/pistols/fn-high-power-series-2/>]



Plaintiffs' Exhibit 3 3-004

**ER-0846**



## **BUILT IN THE USA FOR TODAY'S HANDGUNNER**

The easy takedown for maintenance, distinctive rake of the dust cover and long arm slide release inspired the all-new FN High Power. With dramatic improvements to ergonomics and fire control design, shootability and accuracy of the new FN High Power bests even custom all-metal pistols. Built at the FN factory in Columbia, SC, state-of-the-art engineering, design and manufacturing refines the historic FN pistol into a modern arms masterpiece.



## **IT IS WHAT IT WAS. AND SO MUCH MORE.**

With its substantial all-metal frame and slide, the robust 40-oz. pistol holds a crisp, single action trigger, driftable steel dovetail sights make the FN High Power a flat-shooting wonder. Modern updates include full ambidextrous controls, an easy-cocking slide and redesigned ergonomics to cure hammer bite. A knurled ambi-safety provides instinctive control in any hand.



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## FRAME

- Industry first 17+1 capacity in a High Power, magazine disconnect deleted
- Rapid takedown for immediate field stripping, no traditional pins and bushings to speed maintenance
- Fully ambidextrous, knurled and textured thumb safety, slide release, reversible magazine release
- Customize with seven unique G10 or wood grip accessories, includes two polymer grip pairs
- Durable PVD finish, black, stainless steel or flat dark earth

Plaintiffs' Exhibit 3 3-006

**ER-0848**



## SLIDE

- Oversized ejection port cycles most factory loaded ammunition
- Driftable steel blackout sights
- Durable, corrosion-resistant PVD finish
- Distinctive keyhole muzzle profile





#### **BARREL**

- 4.7", target-crowned for pinpoint accuracy
  - Cold-hammer forging maximizes longevity
  - Polished chamber and ramp for reliable feeding
-



BE THE FIRST TO KNOW ABOUT NEW PRODUCTS, PROMOTIONS AND COMPANY NEWS.

First Name

Last Name

Email Address\*

ZIP / Postal Code

Do you own any FN Firearms?\*

☐ Yes

☐ No

Interested in

☐ New Products

☐ Promotions

Plaintiffs' Exhibit 3 3-009

ER-0851

☐ Company News

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I am 21+ years old\*

☐ Yes

SUBMIT

## IF YOU LIKE FN HIGH POWER™, YOU MAY ALSO LIKE THESE FN PRODUCTS



### THE FN 509® TACTICAL

The striker-fired FN 509 Tactical packs a full-sized punch in a condensed, optics-ready package. This versatile and reliable FN sidearm can be equipped with nearly all commercially available mini-red dot sights through our patented Low Profile Mounting System™.

**Learn More** [<https://fnamerica.com/products/pistols/fn-509-tactical/>]

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# 612



#### **THE FN 509® COMPACT MRD**

This striker-fired FN 509 Compact MRD shoots 9mm and features a 3.7-inch barrel. It also boasts our patented FN Low-Profile Optics Mounting System™, making it easy to equip all commercially available mini red-dot optics.

**Learn More** [<https://fnamerica.com/products/fn-509-series/fn-509-compact-mrd-fde/>]

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**ROB BONTA***Attorney General*

## De-Certified Handgun Models

The following handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Ed Brown Products	KC-SS-CAL2 (Gray)	.45 ACP	Pistol	4.25"	01/01/2023
Ed Brown Products	ET-BB-CAL2 (Black)	.45 ACP	Pistol	5"	01/01/2023
Ed Brown Products	SF3-BB-CAL2 (Black)	.45 ACP	Pistol	5"	01/01/2023
FMK Firearms	9C1 Gen II (Front Sight) (Black)	9mm	Pistol	3.87"	01/01/2023
Heckler & Koch	USP9, V1	9mm	Pistol	4.25"	05/06/2022
Heckler & Koch	USP Comp 45 Stnls V1	.45 ACP	Pistol	3.80"	05/06/2022
Heckler & Koch	USP40C-LEM	.40 S&W	Pistol	3.58"	05/06/2022
Heckler & Koch	USP Comp 40 Stnls V1	.40 S&W	Pistol	3.58"	05/06/2022
Heckler & Koch	Comp USP45 V1	.45 ACP	Pistol	3.8"	05/06/2022
Heckler & Koch	USP 40 Exp.V9	.40 S&W	Pistol	5.20"	05/06/2022
Heckler & Koch	Comp USP40 V1	.40 S&W	Pistol	3.58"	05/06/2022
Heckler & Koch	USP 45 Elite	.45 ACP	Pistol	6"	05/06/2022

Plaintiffs' Exhibit 4 4-001

**ER-0854**

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Heckler & Koch	USP 45 Exp.V1	.45 ACP	Pistol	5.20"	05/06/2022
Heckler & Koch	USP40, V1	.40 S&W	Pistol	4.25"	05/06/2022
Heckler & Koch	USP Comp 9 Stnls V1	9mm	Pistol	3.58"	05/06/2022
Heckler & Koch	Comp USP9 V1 (Black Frame)	9mm	Pistol	3.58"	03/17/2022
Heckler & Koch	Comp USP9 V1 Midnight Bronze Slide	9mm	Pistol	3.58"	03/17/2022
Heckler & Koch	USP9 V1 (FDE Frame)	9mm	Pistol	4.25"	03/17/2022
Heckler & Koch	Comp USP9 V1 (Grey Frame)	9mm	Pistol	3.58"	03/17/2022
Heckler & Koch	USP45, V1 (Grey Frame)	.45 ACP	Pistol	4.41"	03/17/2022
Heckler & Koch	USP45, V1 (Black Frame)	.45 ACP	Pistol	4.41"	03/17/2022
Smith & Wesson	SD9 VE (Two-Tone) SKU 13048	9mm	Pistol	4"	02/04/2022
Smith & Wesson	SD9 VE (TwoTone) Hi Viz SKU 11907	9mm	Pistol	4"	02/04/2022
Smith & Wesson	SD9 VE (Two-Tone) SKU 123903	9mm	Pistol	4"	02/04/2022
Bond Arms	Brown Bear CA	.45 Colt	Derringer	3"	01/01/2022
Bond Arms	California Defender	9mm	Derringer	2.5"	01/01/2022
Bond Arms	CA Mama Bear	9mm	Derringer	2.5"	01/01/2022
Bond Arms	CA Papa Bear	.45 Colt	Derringer	3"	01/01/2022
Bond Arms	Big Bear CA	.45 Colt	Derringer	3"	01/01/2022
Bond Arms	CA Backup	9mm	Derringer	2.5"	01/01/2022
Browning	Hi-Power Blue Adj Sights 051003493	9mm	Pistol	4.66"	01/01/2022

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Browning	Hi-Power MKIII Fixed Sights 051001393	9mm	Pistol	4.66"	01/01/2022
Browning	Hi-Power Blue Fixed Sights 051003393	9mm	Pistol	4.66"	01/01/2022
Charter 2000	53835 Pink Lady	.38 Spl	Revolver	2"	01/01/2022
Charter 2000	23520 Tiger	.357 Magnum	Revolver	2.2"	01/01/2022
Charter 2000	24420 Tiger (Black & Green Stripe)	.44 Spl	Revolver	2.5"	01/01/2022
Walther	P1 (P.W. Arms)	9mm	Pistol	4.94"	01/01/2022
Charter 2000	53823 Undercover Lite (Red/SS) Std	.38 Spl	Revolver	2"	01/01/2021
Charter 2000	53889 Leopard	.38 Spl	Revolver	2"	01/01/2021
Charter 2000	13825 Tiger	.38 Spl	Revolver	2"	01/01/2021
Charter 2000	53890 Goldfinger (Blk/Gold tone) Std	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Protector 2-850021PFS	.38 Spl	Revolver	2.5"	01/01/2021
Taurus	2-856029CHVL	.38 Special	Revolver	2"	01/01/2021
Taurus	2-856029ULCH13	.38 Special	Revolver	2"	01/01/2021
Taurus	2-856029ULCH12	.38 Special	Revolver	2"	01/01/2021
Taurus	2-856029ULCHVL	.38 Special	Revolver	2"	01/01/2021
Taurus	M85 SS 2-850029FS	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Blk 2-850021FS	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Ultralite Blk 2-850021ULFS	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Ultralite SS 2-850029ULFS	.38 Spl	Revolver	2"	01/01/2021

Plaintiffs' Exhibit 4 4-003

**ER-0856**



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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Magnum Research	DE44CA (Black) (Made in Israel)	.44 Magnum	Pistol	6"	01/01/2021
Cobra Enterprises	C22LR (Royal Blue)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22MRD (Ruby Red)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22TL (Teal)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22MPK (Majestic Pink)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22MS	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22GK (Olive Drab Green)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	CB38 (Satin)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	C22LR (Black)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22S	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22PR (Purple)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22M (Chrome)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	CB38TK (Tan)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	CB38 (Chrome)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	CB38GK (Olive Drab Green)	.38 Spl	Derringer	2.75"	01/01/2021

Plaintiffs' Exhibit 4 4-004

**ER-0857**

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Cobra Enterprises	C22M (Blue)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	S38BKB (Black)	.38 Special	Revolver	1.85"	01/01/2021
Cobra Enterprises	S38SKB (Satin)	.38 Special	Revolver	1.85"	01/01/2021
Cobra Enterprises	C22MRB (Royal Blue)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	CB38 (Majestic Pink)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	CB38 (Black)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	C22LR (Chrome)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22LR (Ruby Red)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	S38PB Shadow (Pink)	.38 Spl	Revolver	1.85"	01/01/2021
Cobra Enterprises	C22LR (Majestic Pink)	.22 LR	Derringer	2.4"	01/01/2021
Franklin Armory	Pistol SKU 3130-BLK	5.56 NATO (.223 Remington)	Pistol	7.5"	01/01/2020
Sturm, Ruger & Co.	GP100 (Wood Grip) 01771	.357 Magnum	Revolver	4.2"	01/01/2020
Cobra Enterprises	Patriot 45 (Black)	.45 ACP	Pistol	3"	01/01/2020
Cobra Enterprises	Patriot 45 (Stainless)	.45 ACP	Pistol	3"	01/01/2020

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Ed Brown Products	SF-BB-CAL2 (Black)	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9502	.40 S&W	Pistol	4.08"	01/01/2019
Springfield Armory	XD9624	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9810	9mm	Pistol	3"	01/01/2019
Springfield Armory	PX9628L	.45 ACP	Pistol	6"	01/01/2019
Springfield Armory	PI9134L	9mm	Pistol	5"	01/01/2019
Springfield Armory	PI9132L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9262	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PW9151L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9405	.40 S&W	Pistol	5"	01/01/2019
Springfield Armory	PW9108L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9161L	.45 ACP	Pistol	3.5"	01/01/2019
Springfield Armory	PX9152L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PC9106L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9130L	9mm	Pistol	5"	01/01/2019

Plaintiffs' Exhibit 4 4-006

**ER-0859**

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Springfield Armory	XD9612	.45 ACP	Pistol	4"	01/01/2019
Springfield Armory	PW9142L	.45	Pistol	4.0"	01/01/2019
Springfield Armory	PX9142L	.45 ACP	Pistol	4"	01/01/2019
Springfield Armory	XD9831	9mm	Pistol	3"	01/01/2019
Springfield Armory	PX9109L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9608L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9646	.45 ACP	Pistol	4"	01/01/2019
Springfield Armory	PX9511L	.45 ACP	Pistol	4"	01/01/2019
Springfield Armory	PW9609L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9701	9mm	Pistol	4"	01/01/2019
Springfield Armory	XD9648	.45 ACP	Pistol	4"	01/01/2019
Springfield Armory	PB9113L	.38 Super	Pistol	5"	01/01/2019
Springfield Armory	XD9614	.45 ACP	Pistol	4"	01/01/2019
Springfield Armory	PX9151L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9832	.40 S&W	Pistol	3.01"	01/01/2019

Plaintiffs' Exhibit 4 4-007

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Springfield Armory	XD9109	.40 S&W	Pistol	4.08"	01/01/2019
Springfield Armory	XD9411	9mm	Pistol	5.01"	01/01/2019
Springfield Armory	XD9704	9mm	Pistol	4"	01/01/2019
Springfield Armory	XD9202	.40 S&W	Pistol	4.08"	01/01/2019
Springfield Armory	XD9103	.357 SIG	Pistol	4.08"	01/01/2019
Springfield Armory	PX9301L	.45 ACP	Pistol	3.5"	01/01/2019
Springfield Armory	XD9104	9mm	Pistol	4.08"	01/01/2019
Springfield Armory	PX9154L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9113	.357 SIG	Pistol	4.08"	01/01/2019
Springfield Armory	XD9702	.40 S&W	Pistol	4"	01/01/2019
Springfield Armory	PC9107L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9801L	.45 ACP	Pistol	3"	01/01/2019
Springfield Armory	PX9104L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PI9140L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9622	.45 ACP	Pistol	5"	01/01/2019

Plaintiffs' Exhibit 4 4-008

**ER-0861**

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Springfield Armory	XD9501	9mm	Pistol	4.08"	01/01/2019
Springfield Armory	XD9647	.45 ACP	Pistol	4"	01/01/2019
Bond Arms	Brown Bear	.45 Colt	Derringer	3"	01/01/2019
Bond Arms	Big Bear	.45 Colt	Derringer	3"	01/01/2019
Franklin Armory	SE-SSP SKU 3125-PNK	5.56 NATO	Pistol	10.25" Bull Barrel	01/01/2019
Franklin Armory	SE-SSP SKU 3125-BLK	5.56 NATO	Pistol	10.25" Bull Barrel	01/01/2019
Charter 2000	53833 Cougar (Pink/SS) Std	.38 Spl	Revolver	2"	01/01/2019
Fabrique Nationale	FNP-40 Stainless	.40 S&W	Pistol	4"	01/01/2019
Fabrique Nationale	FNP-40	.40 S&W	Pistol	4"	01/01/2019
Fabrique Nationale	FN 5.7 I.O.M. (Matte Black)	5.7x28mm	Pistol	4.75"	01/01/2019
Fabrique Nationale	FN HP-SFS 40 (Polished Blue)	.40 S&W	Pistol	4.6"	01/01/2019
Fabrique Nationale	FN HP-SA 40 (Polished Blue)	.40 S&W	Pistol	4.5"	01/01/2019
Fabrique Nationale	HP-SFS 40 (Matte Black)	.40 S&W	Pistol	4.6"	01/01/2019
Fabrique Nationale	FNP-9 (Stnls. Matte Black)	9mm	Pistol	4"	01/01/2019
Fabrique Nationale	FN 5.7 U.S.G. (Matte Black)	5.7x28mm	Pistol	4.75"	01/01/2019

Plaintiffs' Exhibit 4 4-009

**ER-0862**

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Fabrique Nationale	FN P-9 (Stainless Slide/Black Frame)	9mm	Pistol	4"	01/01/2019
Fabrique Nationale	FN HP-SA	.40 S&W	Pistol	4.5"	01/01/2019
Fabrique Nationale	FN HP-SA	9mm	Pistol	4.66"	01/01/2019
Auto-Ordnance	Auto-Ordnance T1911 STD	.45 ACP	Pistol	5"	01/01/2019
Auto-Ordnance	AHF Commemorative Model	.45 ACP	Pistol	5"	01/01/2019
Auto-Ordnance	Auto-Ordnance 1911 WGS Deluxe	.45 ACP	Pistol	5"	01/01/2019
Armscor Precision	MAPP1 FS	9mm	Pistol	4.5"	08/17/2018
Taurus	"Raging Bull" M444 (Stainless)	.44 Magnum	Revolver	6.5"	01/01/2018
Sturm, Ruger & Co.	KNR-5-10 (Satin Stainless) 08100	.22 LR	Revolver	5.5"	01/01/2018
Sig Sauer	1911-22 (Blued) 1911-22-B-CA	.22 LR	Pistol	5"	01/01/2017
Sig Sauer	Mosquito (Two Tone) MOS-22-T-CA	.22 LR	Pistol	4"	01/01/2017
Sig Sauer	Mosquito (Reversed Two-Tone) MOS-22-RT-CA	.22 LR	Pistol	4"	01/01/2017
Sig Sauer	Mosquito (Blued) MOS-22-B-CA	.22 LR	Pistol	4"	01/01/2017
Armatix	iP1 Limited Edition	.22 LR	Pistol	3.58"	01/01/2017
Armatix	iP1	.22 LR	Pistol	3.58"	01/01/2017
Taurus	44 TKR NRA	.44 Magnum	Revolver	4"	01/01/2017

Plaintiffs' Exhibit 4 4-010

**ER-0863**



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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Taurus	2-850029 ULNRA	.38 Spl	Revolver	2"	01/01/2017
Taurus	605 (Stainless)	.357 Magnum	Revolver	2"	01/01/2017
Taurus	605 (Blue)	.357 Magnum	Revolver	2"	01/01/2017
Taurus	941 (Black) 2-941021	.22 Mag	Revolver	2.03"	01/01/2017
Taurus	2-850029ULFS	.38 Spl	Revolver	2"	01/01/2017
Taurus	85T Non-Ported	.38 Spl	Revolver	2"	01/01/2017
Taurus	941 (Stainless) 2-941029	.22 Mag	Revolver	2.09"	01/01/2017
Taurus	PT38S (Blue)	.38 Super	Pistol	4.25"	01/01/2017
Taurus	605NRA (Blue)	.357 Magnum	Revolver	2"	01/01/2017
Taurus	94 (Black) 2-940051	.22 LR	Revolver	5.09"	01/01/2017
Colt	O4691 Commander Ser 80	.45 ACP	Pistol	4.25"	01/01/2017
Colt	I3060CS Python (silver)	.357 Magnum	Revolver	6"	01/01/2017
Beretta	85 FS Cheetah Nickel	.380 ACP	Pistol	3.8"	01/01/2017
Beretta	8045 F	.45 ACP	Pistol	3.7"	01/01/2017
Beretta	9000S Type F 9mm	9mm	Pistol	3.375"	01/01/2017
Beretta	9000S Type F	.40 S&W	Pistol	3.4"	01/01/2017
Beretta	8357 Cougar F	.357 SIG	Pistol	3.6"	01/01/2017
Beretta	87 Cheetah	.22 LR	Pistol	3.8"	01/01/2017
Beretta	8000 Cougar F	9mm	Pistol	3.6"	01/01/2017
Beretta	8040 Cougar F	.40 S&W	Pistol	3.6"	01/01/2017
Beretta	85 FS Cheetah	.380 ACP	Pistol	3.8"	01/01/2017

Plaintiffs' Exhibit 4 4-011

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Beretta	84 FS Cheetah	.380 ACP	Pistol	3.8"	01/01/2017
Beretta	87 Target	.22 LR	Pistol	5.9"	01/01/2017
Beretta	84 FS Cheetah Nickel	.380 ACP	Pistol	3.8"	01/01/2017
Cobra Enterprises	S38BB Shadow (Black)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	S38RBB Shadow (Royal Blue)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	CB38 (Ruby Red)	.38 Spl	Derringer	2.75"	01/01/2017
Cobra Enterprises	S38RDB Shadow (Red)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	S38CGB Shadow (Gold)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	S38SB Shadow (Titanium Anodized)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	CB38 (Royal Blue)	.38 Spl	Derringer	2.75"	01/01/2017
Armscor Precision	M1911-A1 Tactical	.45 ACP	Pistol	5"	07/26/2016
Barsto Pistol Division	Bar Sto Precision	.40	Pistol	5"	01/01/2016
Sig Sauer	P220R Carry (Two-Tone)	.45 ACP	Pistol	3.9"	01/01/2016
Sig Sauer	P220R Carry SAO (Blued)	.45 ACP	Pistol	3.9"	01/01/2016
Sig Sauer	P239 DAK	.357 SIG	Pistol	3.6"	01/01/2016
Sig Sauer	P226 X5 Comp. (Stainless)	.40 S&W	Pistol	5"	01/01/2016
Sig Sauer	P250 Compact (Two-Tone)	9mm	Pistol	3.9"	01/01/2016

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sig Sauer	P220R (Blued)	.45 ACP	Pistol	4.4"	01/01/2016
Sig Sauer	P220R DAK (Blued)	.45 ACP	Pistol	4.4"	01/01/2016
Sig Sauer	P239 DAK	.40 S&W	Pistol	3.6"	01/01/2016
Sig Sauer	SP2022 (Blued)	.357 SIG	Pistol	3.8"	01/01/2016
Sig Sauer	P226 X5 Comp. (Stainless)	9mm	Pistol	5"	01/01/2016
Sig Sauer	P226 Dark Elite 226R-9-DSE-CA	9mm	Pistol	4.40"	01/01/2016
Springfield Armory	XD9311	9mm	Pistol	4.08"	01/01/2016
Springfield Armory	XD9122	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	XD9312	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	XD9782	.40 S&W	Pistol	4"	01/01/2016
Springfield Armory	XD9231	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	XD9121	9mm	Pistol	4.08"	01/01/2016
Springfield Armory	PX9106L	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	PX9171L	.45 ACP	Pistol	3.5"	01/01/2016
Springfield Armory	XD9132	.40 S&W	Pistol	5"	01/01/2016
Springfield Armory	PX9171L (ambi safety)	.45 ACP	Pistol	3.5"	01/01/2016

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Springfield Armory	XD9232	.40 S&W	Pistol	5"	01/01/2016
Springfield Armory	XD9412	.40 S&W	Pistol	5"	01/01/2016
Springfield Armory	XD9404	9mm	Pistol	5.01"	01/01/2016
Springfield Armory	XD9261	.45 ACP	Pistol	4"	01/01/2016
Springfield Armory	XD9781	9mm	Pistol	4"	01/01/2016
Springfield Armory	PX9103L	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	PX9804L	.45 ACP	Pistol	3"	01/01/2016
Springfield Armory	PB9609L	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	XD9842	.40 S&W	Pistol	3.01"	01/01/2016
Springfield Armory	PX9103L (ambi safety)	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	XD9131	9mm	Pistol	5.01"	01/01/2016
Springfield Armory	XD9221	9mm	Pistol	4.08	01/01/2016
Springfield Armory	XD9222	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	PB9114L	.38 Super	Pistol	5"	01/01/2016
Para USA	1911 Elite 96663	.45 ACP	Pistol	5"	01/01/2016

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	1911 Elite Commander 96667	.45 ACP	Pistol	4.25"	01/01/2016
Para USA	1911 Ducks Unlimited 96673	.45 ACP	Pistol	4.25"	01/01/2016
ISSC	M22 (Blk/OD Green) - LSI	.22 LR	Pistol	4"	01/01/2016
ISSC	M22 (Blk) - LSI	.22 LR	Pistol	4"	01/01/2016
ISSC	M22 (Blk/Desert Sand) - LSI	.22 LR	Pistol	4"	01/01/2016
ISSC	M22 (Blk/Pink) - LSI	.22 LR	Pistol	4"	01/01/2016
Firestorm	Firestorm 380	.380 ACP	Pistol	3.5"	01/01/2016
Colt	O1991Z Custom M1991 A1 (America Remembers)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Saluting America's Armed Forces)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (VFWDefenders of Freedom)America Remembers	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Vietnam War Commemorative Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1091 M1991A1 Ser 80	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (2nd Amend Founding Fathers)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR Custom M1991A1 (America Remembers)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991 M1991A1 Ser 80 (Matte Blue)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Chuck Norris Tribute)	.45 ACP	Pistol	5"	01/01/2016

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Colt	O7000D Defender Ltwtg Ser 90	.45 ACP	Pistol	3"	01/01/2016
Colt	O1980XSE Government Model	.45 ACP	Pistol	5"	01/01/2016
Colt	O4091U Commander Ser 80	.45 ACP	Pistol	4.25"	01/01/2016
Colt	O1070 NRA	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (We the People)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Brothers Forever Vietnam Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Fearless Defenders of Freedom)	.45 ACP	Pistol	5"	01/01/2016
Colt	O7000D NRA	.45 ACP	Pistol	3"	01/01/2016
Colt	O4012XSE Combat Commander	.45 ACP	Pistol	4.25"	01/01/2016
Colt	O1991AR (Audie Murphy Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (George S. Patton Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Sailor Tattoo)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (D Day Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Texas Rangers Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Proud to be a Texan Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Samuel Colt 200th Anniversary)	.45 ACP	Pistol	5"	01/01/2016

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Colt	O1991AR (John Wayne Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Vietnam Tribute to Valor)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1070XSE Government Model	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Elvis Presley) America Remembers	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Rampant Colt Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1091 M1991A1 Ser 80 (Ame Eagle Old Glory Tribute)	.45 ACP	Pistol	5"	01/01/2016
Sturm, Ruger & Co.	P95PR	9mm	Pistol	3.9"	01/01/2016
Sturm, Ruger & Co.	KP95PR	9mm	Pistol	3.9"	01/01/2016
Cobra Enterprises	C32 (Majestic Pink)	.32	Derringer	2.4"	01/01/2016
Cobra Enterprises	C32B	.32 ACP	Derringer	2.4"	01/01/2016
Cobra Enterprises	C32S	.32 ACP	Derringer	2.4"	01/01/2016
Sturm, Ruger & Co.	LC380 (Black) 03219	.380 Auto	Pistol	3.12"	04/17/2015
Entreprise Arms	Elite P500	.45 Auto	Pistol	5"	01/23/2015
Entreprise Arms	Medalist P500	.45 Auto	Pistol	5"	01/23/2015
Entreprise Arms	Tactical P500	.45 Auto	Pistol	5"	01/23/2015
Para USA	PCX745E	.45 ACP	Pistol	4.25"	01/01/2015

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	CTX1245NN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	RX1445ECBR	.45 ACP	Pistol	5"	01/01/2015
Para USA	CWX79RL	9mm	Pistol	3"	01/01/2015
Para USA	CWX745S	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCX745EL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	WHX1045R	.45 ACP	Pistol	3"	01/01/2015
Para USA	PCX745S	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	NHX1045N	.45 ACP	Pistol	3"	01/01/2015
Para USA	CX745S	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	CWX79RN	9mm	Pistol	3"	01/01/2015
Para USA	CWX745SL	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	WHX1045RL	.45 ACP	Pistol	3"	01/01/2015
Para USA	NHX1045NL	.45 ACP	Pistol	3"	01/01/2015
Para USA	CX745SL	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	CWX745SN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	WHX1045RN	.45 ACP	Pistol	3"	01/01/2015
Para USA	CX745SN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PX745E	.45 ACP	Pistol	5"	01/01/2015
Para USA	CCWX745S	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	RX1445ECBL	.45 ACP	Pistol	5"	01/01/2015
Para USA	CCWX745SL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	RX1445ECBN	.45 ACP	Pistol	5"	01/01/2015
Para USA	CWX79R	9mm	Pistol	3"	01/01/2015
Para USA	CCWX745SN	.45 ACP	Pistol	4.25"	01/01/2015

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	PX938P	.38 Super	Pistol	5"	01/01/2015
Para USA	PX938S	.38 Super	Pistol	5"	01/01/2015
Para USA	PCX745SL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PCWX745S	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PX938PL	.38 Super	Pistol	5"	01/01/2015
Para USA	PX938SL	.38 Super	Pistol	5"	01/01/2015
Para USA	PCX745SN	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PX938PN	.38 Super	Pistol	5"	01/01/2015
Para USA	PX938SN	.38 Super	Pistol	5"	01/01/2015
Para USA	PCX745EN	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PX745EL	.45 ACP	Pistol	5"	01/01/2015
Para USA	DX745S	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX1445SGRR	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX745EN	.45 ACP	Pistol	5"	01/01/2015
Para USA	DX745SL	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX1445SGRL	.45 ACP	Pistol	5"	01/01/2015
Para USA	DX745SN	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX1445SGRN	.45 ACP	Pistol	5"	01/01/2015
Para USA	PCX745R	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PCWX745SL	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCX745RL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	CTX1245NR	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCWX745SN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCX745RN	.45 ACP	Pistol	4.25"	01/01/2015

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	CTX1245NL	.45 ACP	Pistol	3.5"	01/01/2015
FMK Firearms	9C1 (Black)	9mm	Pistol	4"	01/01/2015
Charter 2000	53873 Panther (Blk/Bronze) Std	.38 Spl	Revolver	2"	01/01/2015
Charter 2000	74420 Bulldog Pug (Stnls Stl)	.44 Spl	Revolver	2.5"	01/01/2015
Charter 2000	53883 Undercover Lite (Bronze/Blk) Std	.38 Spl	Revolver	2"	01/01/2015
Charter 2000	53838 Undercover Lite (Blk/Silver) Std	.38 Spl	Revolver	2"	01/01/2015
Colt	O1991AR (2nd Amend Founding Fathers Museum)	.45 ACP	Pistol	5"	01/01/2015
Colt	O1991AR (Armed Forces Golden Tribute)	.45 ACP	Pistol	5"	01/01/2015
Colt	O1991AR (Centennial Anniversary) America Remembers	.45 ACP	Pistol	5"	01/01/2015
Heckler & Koch	USP V7	9mm	Pistol	4.25"	01/01/2015
Cobra Enterprises	C32 (Ruby Red)	.32	Derringer	2.4"	01/01/2015
Cobra Enterprises	C32 (Royal Blue)	.32	Derringer	2.4"	01/01/2015
Cobra Enterprises	C32 (Chrome)	.32	Derringer	2.4"	01/01/2015
Smith & Wesson	22A SKU 107410	.22 LR	Pistol	5.5"	12/31/2014
Smith & Wesson	22A SKU 107430	.22 LR	Pistol	7"	12/31/2014
Para USA	RX1445SL	.45 ACP	Pistol	5"	12/29/2014
Para USA	RX1445SN	.45 ACP	Pistol	5"	12/29/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	DX1445ER	.45 ACP	Pistol	5"	12/29/2014
Para USA	DX1445EL	.45 ACP	Pistol	5"	12/29/2014
Para USA	PSHX645SL	.45 ACP	Pistol	3"	12/29/2014
Para USA	PSHX645SN	.45 ACP	Pistol	3"	12/29/2014
Para USA	PX745EM	.45 ACP	Pistol	5"	12/29/2014
Para USA	DX1445EN	.45 ACP	Pistol	5"	12/29/2014
Para USA	PSHX645S	.45 ACP	Pistol	3"	12/29/2014
Para USA	PX745ELM	.45 ACP	Pistol	5"	12/29/2014
Para USA	RX1445SR	.45 ACP	Pistol	5"	12/29/2014
Para USA	PX745ENM	.45 ACP	Pistol	5"	12/23/2014
Para USA	CTX1345SL	.45 ACP	Pistol	4.25"	12/14/2014
Para USA	CTX1345SN	.45 ACP	Pistol	4.25"	12/14/2014
Para USA	CWX645B	.45 ACP	Pistol	3"	12/14/2014
Para USA	CWX645BL	.45 ACP	Pistol	3"	12/14/2014
Para USA	CWX645BN	.45 ACP	Pistol	3"	12/14/2014
Para USA	CTX1345SR	.45 ACP	Pistol	4.25"	12/14/2014
Para USA	WHX1045S	.45 ACP	Pistol	3"	11/30/2014
Para USA	WHX1045SL	.45 ACP	Pistol	3"	11/30/2014
Para USA	WHX1045SN	.45 ACP	Pistol	3"	11/30/2014
Para USA	CWX645S	.45 ACP	Pistol	3"	11/08/2014
Para USA	CWX645SL	.45 ACP	Pistol	3"	11/08/2014
Para USA	CWX645SN	.45 ACP	Pistol	3"	11/08/2014
Para USA	PX189SN	9mm	Pistol	5"	10/28/2014
Para USA	PX1445SR	.45 ACP	Pistol	5"	10/28/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	PX1445SL	.45 ACP	Pistol	5"	10/28/2014
Para USA	PX1445SN	.45 ACP	Pistol	5"	10/28/2014
Para USA	PX189SR	9mm	Pistol	5"	10/28/2014
Para USA	PX189SL	9mm	Pistol	5"	10/28/2014
Smith & Wesson	629-6 Stealth Hunter (Matte Black) SKU 170323	.44 Magnum	Revolver	7.5"	10/28/2014
Smith & Wesson	22A-1 Real Tree APG SKU 107442	.22 LR	Pistol	5.5"	10/28/2014
Smith & Wesson	386NG (Matte Black) SKU 163424	.357 Magnum	Revolver	2.5"	10/28/2014
Smith & Wesson	24-6 (Nickel) SKU 150259	.44 Spl	Revolver	6.5"	10/28/2014
Smith & Wesson	27-9 (Nickel) SKU 150340	.357 Magnum	Revolver	4"	10/28/2014
Smith & Wesson	27-9 (Nickel) SKU 150342	.357 Magnum	Revolver	6.5"	10/28/2014
Smith & Wesson	629-6 Birdsong Finish SKU 170230	.44 Magnum	Revolver	7.5"	10/24/2014
Smith & Wesson	67-5 F Comp (Matte Black) SKU 170324	.38 Spl	Revolver	3"	10/22/2014
Smith & Wesson	25-15 (Blue) SKU 150256	.45 Colt	Revolver	6.5"	10/22/2014
Smith & Wesson	637-2 Power Port (Matte Black) SKU 170327	.38 Spl	Revolver	2.125"	10/22/2014
Smith & Wesson	460 XVR SKU 163460	.460 S&W Magnum	Revolver	8.37"	10/21/2014
Browning	HP Standard Fixed Sights	.40 S&W	Pistol	4.66"	10/15/2014
Browning	HP Standard Adj. Sights	.40 S&W	Pistol	4.66"	10/15/2014

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Manufacturer	Model				
Smith & Wesson	22-4 Classic (Nickel) SKU 150189	.45 ACP	Revolver	5.5"	10/15/2014
Smith & Wesson	22-4 Classic (Color Case) SKU 150188	.45 ACP	Revolver	5.5"	10/15/2014
Smith & Wesson	36-10 Classic (Nickel) SKU 150198	.38 Spl	Revolver	3"	10/15/2014
Smith & Wesson	36-10 Classic (Color Case) SKU 150193	.38 Spl	Revolver	3"	10/15/2014
Smith & Wesson	629-6 Magna Port SKU 163641	.44 Magnum	Revolver	6.5"	10/13/2014
Smith & Wesson	460 ES SKU 163463	.460 S&W Magnum	Revolver	2.75"	10/13/2014
Smith & Wesson	460 Whitetails Unlimited SKU 150053	.460 S&W Magnum	Revolver	8.37"	10/13/2014
Smith & Wesson	460 Hunter SKU 170280	.460 S&W Magnum	Revolver	12"	10/13/2014
Smith & Wesson	327-1 TRR8 SKU 170269	.357 Magnum	Revolver	5"	10/13/2014
Smith & Wesson	327 MPR8 SKU 170292	.357 Magnum	Revolver	5"	10/13/2014
Smith & Wesson	500 ES SKU 163503	.500 S&W Magnum	Revolver	2.75"	10/13/2014
Smith & Wesson	27-9 (75th Anniversary) SKU 150974	.357 Magnum	Revolver	6.5"	10/12/2014
Colt	O4012NRA	.45 ACP	Pistol	4.25"	10/05/2014
Smith & Wesson	15-10 (Blued) SKU 150716	.38 Spl	Revolver	4"	10/03/2014
Kimber	Team Match II	.45 ACP	Pistol	5"	10/03/2014
Kimber	Royal II	.45 ACP	Pistol	5"	10/03/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	17-9 Masterpiece SKU 150477	.22 LR	Revolver	6"	10/01/2014
Smith & Wesson	629-6 Trail Boss Unfluted Cyl SKU 163409	.44 Magnum	Revolver	3"	10/01/2014
Smith & Wesson	629-6 Mountain Gun SKU 163653	.44 Magnum	Revolver	4"	10/01/2014
Smith & Wesson	327 SKU 170245	.357 Magnum	Revolver	2"	09/30/2014
Smith & Wesson	686-6 Engraved (RMEF) SKU 150871	.357 Magnum	Revolver	6"	09/26/2014
Kimber	Gold Combat II	.45 ACP	Pistol	5"	09/24/2014
Smith & Wesson	29-10 (Blue) SKU 150254	.44 Magnum	Revolver	4"	09/23/2014
Smith & Wesson	327NG SKU 163422	.357 Magnum	Revolver	2.5"	09/23/2014
Smith & Wesson	29-10 (Nickel) SKU 150255	.44 Magnum	Revolver	4"	09/23/2014
Smith & Wesson	629-6 V Comp SKU 170137	.44 Magnum	Revolver	4"	09/23/2014
Para USA	TX1445SR	.45 ACP	Pistol	5"	09/20/2014
Para USA	TX1445SL	.45 ACP	Pistol	5"	09/20/2014
Para USA	TX1445SN	.45 ACP	Pistol	5"	09/20/2014
Para USA	WHX129RR	9mm	Pistol	3"	09/20/2014
Para USA	WHX129RL	9mm	Pistol	3"	09/20/2014
Para USA	WHX129RN	9mm	Pistol	3"	09/20/2014
Smith & Wesson	SW1911 Adj. Sights (Blue/Blk) SKU 108299	.45 ACP	Pistol	5"	09/20/2014
Smith & Wesson	357 PD SKU 160230	.41 Magnum	Revolver	4"	09/20/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sturm, Ruger & Co.	KP345	.45 Auto	Pistol	4.2"	09/15/2014
Smith & Wesson	PC1911 (Blued) SKU 170243	.45 ACP	Pistol	5"	09/15/2014
Smith & Wesson	67-6 SKU 162802	.38 Spl	Revolver	4"	09/15/2014
Smith & Wesson	586-7 SKU 163567	.357 Magnum	Revolver	6"	09/15/2014
Smith & Wesson	500 SKU 163504	.500 S&W Magnum	Revolver	4"	09/15/2014
Para USA	PX745EB (Black)	.45 ACP	Pistol	5"	09/12/2014
Smith & Wesson	SW99QA	.40 S&W	Pistol	4"	09/11/2014
Smith & Wesson	SW990 SKU 120213	.40 S&W	Pistol	4"	09/11/2014
Smith & Wesson	22A-1 Bull Barrel Hi-Viz (2-Tone) SKU 149643	.22 LR	Pistol	5.5"	09/08/2014
Smith & Wesson	629-6 Trail Boss Fluted Cyl. Mag-na-port SKU163411	.44 Magnum	Revolver	3"	09/04/2014
Smith & Wesson	60-15 Pro Series SKU 178013	.357 Magnum	Revolver	3"	09/03/2014
Smith & Wesson	24-6 SKU 150258	.44 Spl	Revolver	6.5"	09/03/2014
Smith & Wesson	627-5 Pro Series SKU 178014	.357 Magnum	Revolver	4 1/8"	09/03/2014
Smith & Wesson	327PD SKU 163419	.357 Magnum	Revolver	4"	09/03/2014
Smith & Wesson	27-9 (Blue) SKU 150339	.357 Magnum	Revolver	4"	09/03/2014
Smith & Wesson	27-9 (Blue) SKU 150341	.357 Magnum	Revolver	6.5"	09/03/2014
Smith & Wesson	396NG SKU 163423	.44 Spl	Revolver	2.5"	09/03/2014

Plaintiffs' Exhibit 4

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	610-3 SKU 150277	10mm	Revolver	3.87"	09/03/2014
Smith & Wesson	627-5 SKU 163357	.357 Magnum	Revolver	4 1/8"	09/03/2014
Smith & Wesson	29-10 Classic (Nickel, Engraved) SKU 150202	.44 Mag	Revolver	6.5"	08/29/2014
Smith & Wesson	29-10 Classic (Blue, Engraved) SKU 150201	.44 Mag	Revolver	6.5"	08/29/2014
Smith & Wesson	22-4 Classic (Color Case) SKU 150187	.45 ACP	Revolver	4"	08/29/2014
Smith & Wesson	22-4 Classic (Nickel) SKU 150186	.45 ACP	Revolver	4"	08/29/2014
Smith & Wesson	22-4 Classic (Blue) SKU 150195	.45 ACP	Revolver	4"	08/29/2014
Smith & Wesson	36-10 Classic (Color Case) SKU 150185	.38 Spl	Revolver	1.87"	08/29/2014
Smith & Wesson	36-10 Classic (Nickel) SKU 150197	.38 Spl	Revolver	1.87"	08/29/2014
Smith & Wesson	36-10 Classic (Blue) SKU 150194	.38 Spl	Revolver	3"	08/29/2014
Smith & Wesson	22-4 Classic (Blue) SKU 150199	.45 ACP	Revolver	5.5"	08/29/2014
Smith & Wesson	21-4 Classic (Color Case) SKU 150182	.44 Spl	Revolver	4"	08/29/2014
Smith & Wesson	21-4 Classic (Nickel) SKU 150183	.44 Spl	Revolver	4"	08/29/2014
Smith & Wesson	22A-1 (Std Barrel) SKU 107430	.22 LR	Pistol	7"	08/28/2014
Smith & Wesson	22S-1 (Std Barrel) SKU 107300	.22 LR	Pistol	5.5"	08/28/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	22A-1 (Bull Barrel, Hi-Viz, Black) SKU 107426	.22 LR	Pistol	5.5"	08/27/2014
Smith & Wesson	22A-1 (Std Barrel Wood Grip) SKU 107432	.22 LR	Pistol	5.5"	08/27/2014
Colt	O1991AR (Devil Dog) America Remembers	.45 ACP	Pistol	5"	08/20/2014
Colt	O1991AR (American Eagle) America Remembers	.45 ACP	Pistol	5"	08/20/2014
Sturm, Ruger & Co.	KMKIII512	.22 LR	Pistol	5.5"	08/20/2014
Para USA	TX745S	.45 ACP	Pistol	5"	08/17/2014
Para USA	TX745SL	.45 ACP	Pistol	5"	08/17/2014
Para USA	TX745SN	.45 ACP	Pistol	5"	08/17/2014
Smith & Wesson	586-7 SKU 163568	.357 Magnum	Revolver	4"	08/17/2014
Smith & Wesson	351 PD SKU 160228	.22 Magnum	Revolver	1.87"	08/17/2014
Smith & Wesson	Bodyguard 38 (Matte Black) SKU103038	.38 Spl	Revolver	1.9"	08/17/2014
Smith & Wesson	64-8 SKU 162506	.38 Spl	Revolver	4"	08/17/2014
Smith & Wesson	627-5 (Matte Silver) SKU 170133	.357 Magnum	Revolver	2.625"	08/17/2014
Smith & Wesson	625-8 (Satin Stnls) SKU 170161	.45 ACP	Revolver	4"	08/17/2014
Smith & Wesson	PC1911 Stainless (Matte/Polished Stnls) SKU170261	.45 ACP	Pistol	5"	08/17/2014
Smith & Wesson	58-1 (Nickel) SKU 150501	.41 Magnum	Revolver	4"	08/17/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	36-10 (Nickel) SKU 150012	.38 Spl	Revolver	1.87"	08/17/2014
Smith & Wesson	65-8 SKU 162604	.357 Magnum	Revolver	4"	08/17/2014
Smith & Wesson	M&P 9 (Mag Safety) SKU 109201	9mm	Pistol	4.25"	08/16/2014
Taurus	PT92 (w/Rubber Grips & Rail)	9mm	Pistol	5"	08/15/2014
Smith & Wesson	360SC SKU 163067	.357 Magnum	Revolver	3.12"	08/14/2014
Smith & Wesson	340PD SKU 163061	.357 Magnum	Revolver	1.87"	08/14/2014
Smith & Wesson	360SC SKU 163065	.357 Magnum	Revolver	1.87"	08/14/2014
Smith & Wesson	22A-1 SKU 107410	.22 LR	Pistol	5.5"	08/14/2014
Smith & Wesson	22S-1 SKU 107320	.22 LR	Pistol	7"	08/14/2014
Para USA	SX1445SR	.45 ACP	Pistol	5"	08/12/2014
Para USA	SX1445SL	.45 ACP	Pistol	5"	08/12/2014
Para USA	SX1445SN	.45 ACP	Pistol	5"	08/12/2014
Para USA	SX1640SL	.40 S&W	Pistol	5"	08/11/2014
Para USA	SX1640SN	.40 S&W	Pistol	5"	08/11/2014
Para USA	SX1640SR	.40 S&W	Pistol	5"	08/11/2014
Smith & Wesson	36-10 Texas Hold'em SKU 161492	.38 Spl	Revolver	1.87"	08/11/2014
Sturm, Ruger & Co.	KP345PR	.45 Auto	Pistol	4.2"	08/10/2014
Sturm, Ruger & Co.	MKIII512	.22 LR	Pistol	5.5"	08/10/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	325PD SKU 163415	.45 ACP	Revolver	2.75"	08/10/2014
Smith & Wesson	SW1911 SC SKU 108283	.45 ACP	Pistol	4.25"	08/10/2014
Smith & Wesson	625-8 SKU 160935	.45 ACP	Revolver	4"	08/08/2014
Smith & Wesson	357NG (Matte Black) SKU 163428	.41 Mag	Revolver	2.5"	08/05/2014
Smith & Wesson	SW40GVE (2-Tone/Olive Frame) SKU 120037	.40 S&W	Pistol	4"	08/03/2014
Smith & Wesson	SW9GVE SKU 120038	9mm	Pistol	4"	08/03/2014
Smith & Wesson	340SC SKU 163060	.357 Magnum	Revolver	1.87"	08/02/2014
Para USA	RX1445ER	.45 ACP	Pistol	5"	07/27/2014
Para USA	RX1445EL	.45 ACP	Pistol	5"	07/27/2014
Para USA	RX1445EN	.45 ACP	Pistol	5"	07/27/2014
Para USA	DX1445SR	.45 ACP	Pistol	5"	07/27/2014
Para USA	DX1445SL	.45 ACP	Pistol	5"	07/27/2014
Para USA	DCX745E	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DX1445SN	.45 ACP	Pistol	5"	07/27/2014
Para USA	DCX745EL	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX745EN	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX1445ER	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX1445EL	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX1445EN	.45 ACP	Pistol	4.25"	07/27/2014
Smith & Wesson	629-6 Classic DX SKU 163646	.44 Magnum	Revolver	8.37"	07/26/2014
Smith & Wesson	629-6 Classic DX SKU 163644	.44 Magnum	Revolver	6.5"	07/26/2014

Plaintiffs' Exhibit 4 4-029

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	637-2 SKU 163050	.38 Spl	Revolver	1.87"	07/23/2014
Taurus	PT92 Special	9mm	Pistol	5"	07/22/2014
Taurus	PT940 (Stainless)	.40 S&W	Pistol	3.625"	07/18/2014
Taurus	PT 940 (Blue)	.40 S&W	Pistol	3.625"	07/18/2014
Taurus	PT745 (Stainless)	.45 ACP	Pistol	3.25"	07/18/2014
Taurus	PT745 (Blue)	.45 ACP	Pistol	3.25"	07/18/2014
Smith & Wesson	60-15 SKU 162430	.357 Magnum	Revolver	3"	07/17/2014
Smith & Wesson	438 (Matte Black) SKU 163438	.38 Spl	Revolver	1.87"	07/17/2014
Taurus	PT92 (Blue)	9mm	Pistol	5"	07/11/2014
Smith & Wesson	57-5 SKU 161300	.41 Magnum	Revolver	4"	07/11/2014
Smith & Wesson	22A-1 Fluted Polished Barrel SKU 107438	.22 LR	Pistol	7"	07/11/2014
Smith & Wesson	SW1911 SC SKU 108288	.45 ACP	Pistol	4.25"	07/11/2014
Smith & Wesson	SW1911 SC SKU 108289	.45 ACP	Pistol	5"	07/11/2014
Smith & Wesson	686-7, 6 Shot SKU 170225	.38 Super	Revolver	4"	07/09/2014
Smith & Wesson	647 SKU 160585	.17 HMR	Revolver	8.37"	07/08/2014
Smith & Wesson	329PD SKU 163414	.44 Magnum	Revolver	4"	07/08/2014
Colt	O1091Z (West Point 2013)	.45 ACP	Pistol	5"	07/04/2014
Colt	O1991Z (West Point 2013)	.45 ACP	Pistol	5"	07/04/2014
Smith & Wesson	64-7 SKU 162506	.38 Spl	Revolver	4"	07/02/2014
Smith & Wesson	65-7 SKU 162604	.357 Magnum	Revolver	4"	07/02/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	4513TSW SKU 104551	.45 ACP	Pistol	3.75"	07/02/2014
Smith & Wesson	500 SKU 163500	.500 S&W Magnum	Revolver	8.37"	06/30/2014
Smith & Wesson	637-2 (Matte Silver) SKU 162522	.38 Spl	Revolver	2.5"	06/28/2014
Smith & Wesson	M&P 360 (Matte Black) SKU 163077	.357 Magnum	Revolver	3"	06/28/2014
Sturm, Ruger & Co.	Target MRKIII P512MKIIIRPBLK 10158	.22 LR	Pistol	5.5"	06/26/2014
Sturm, Ruger & Co.	KMKIII45H (Stainless)	.22 LR	Pistol	4.5"	06/25/2014
Smith & Wesson	386 Sc/S SKU 163169	.357 Magnum	Revolver	2.5"	06/21/2014
Smith & Wesson	629-6 ES SKU 163417	.44 Magnum	Revolver	3"	06/21/2014
Smith & Wesson	M&P 360 SKU 163074	.357 Magnum	Revolver	1.87"	06/21/2014
Smith & Wesson	629-6 SKU 150165	.44 Magnum	Revolver	2.5"	06/21/2014
Smith & Wesson	460V SKU 163465	.460 S&W Magnum	Revolver	5"	06/21/2014
Walther	P22CA (Nickel)	.22 LR	Pistol	3.42"	06/21/2014
Taurus	PT92 (Stainless w/Rail)	9mm	Pistol	5"	06/20/2014
Smith & Wesson	952-2 SKU 170244	9mm	Pistol	5"	06/18/2014
Smith & Wesson	431 PD SKU 163664	.32 H&R Magnum	Revolver	1.87"	06/18/2014
Smith & Wesson	22A-1 (Camo) SKU 107435	.22 LR	Pistol	5.5"	06/18/2014
Smith & Wesson	396-1 SKU 163688	.44 Spl	Revolver	3.2"	06/18/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	432 PD SKU 163666	.32 H&R Magnum	Revolver	1.87"	06/18/2014
Smith & Wesson	629-6 SKU 170219	.44 Magnum	Revolver	7.5"	06/18/2014
Walther	P99 QA (Desert Sand)	.40 S&W	Pistol	4"	06/17/2014
Walther	P99 Military (Green)	.40 S&W	Pistol	4.12"	06/14/2014
Walther	P99 Military (Green)	9mm	Pistol	4"	06/14/2014
Smith & Wesson	686-6 SKU 164231	.357 Magnum	Revolver	2.5"	06/13/2014
Smith & Wesson	686-6 SKU 164222	.357 Magnum	Revolver	4"	06/13/2014
Smith & Wesson	22S-1 (Bull Barrel) SKU 107311	.22 LR	Pistol	5.5"	06/13/2014
Smith & Wesson	22A-1 SKU 107400	.22 LR	Pistol	4"	06/13/2014
Smith & Wesson	629-6 SKU 163603	.44 Magnum	Revolver	4"	06/13/2014
Smith & Wesson	629-6 SKU 163609	.44 Magnum	Revolver	8.37"	06/13/2014
Smith & Wesson	629-6 Classic PowerPort SKU 163624	.44 Magnum	Revolver	6.5"	06/13/2014
Smith & Wesson	686-6 Plus, 7 Shot SKU 164192	.357 Magnum	Revolver	2.5"	06/13/2014
Smith & Wesson	686-6 Power Port SKU 164272	.357 Magnum	Revolver	6"	06/13/2014
Smith & Wesson	629-6 SKU 163606	.44 Magnum	Revolver	6"	06/13/2014
Smith & Wesson	686-6 SKU 164224	.357 Magnum	Revolver	6"	06/13/2014
Smith & Wesson	629-6 Classic SKU 163640	.44 Magnum	Revolver	8.37"	06/13/2014
Smith & Wesson	686-6 SKU 164226	.357 Magnum	Revolver	8.37"	06/13/2014

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Manufacturer	Model				
Smith & Wesson	632-1 (Matte Black) SKU 170329	.327 Magnum	Revolver	3"	06/06/2014
Smith & Wesson	60-14 SKU 162420	.357 Magnum	Revolver	2.12"	06/04/2014
Smith & Wesson	649-5 SKU 163210	.357 Magnum	Revolver	2.12"	06/04/2014
Smith & Wesson	310NG (Matte Black) SKU 163426	10mm	Revolver	2.75"	06/02/2014
Smith & Wesson	638-3 (Matte Silver) SKU 162523	.38 Spl	Revolver	2.5"	06/02/2014
Smith & Wesson	642-2 (Matte Silver) SKU 162521	.38 Spl	Revolver	2.5"	06/02/2014
Smith & Wesson	58-1 (Blue) SKU 150500	.41 Magnum	Revolver	4"	05/31/2014
Smith & Wesson	442-2 (Two Tone) SKU 150666	.38 Spl	Revolver	1.87"	05/31/2014
Sturm, Ruger & Co.	KMKIII45HCL (Stainless)	.22 LR	Pistol	4.5"	05/29/2014
Smith & Wesson	337-3 SKU 163054	.38 Spl	Revolver	3.2"	05/28/2014
Sturm, Ruger & Co.	P345PR	.45 Auto	Pistol	4.2"	05/27/2014
Smith & Wesson	500 Interchangeable Compensator SKU 163501	.500 S&W Magnum	Revolver	8.37"	05/27/2014
Smith & Wesson	29-8 SKU 170253	.44 Magnum	Revolver	6.5"	05/27/2014
Smith & Wesson	442-2 Women of NRA SKU 150164	.38 Spl	Revolver	1.87"	05/23/2014
Smith & Wesson	60-15 Hi-Viz SKU 162434	.357 Magnum	Revolver	3"	05/23/2014
Smith & Wesson	686-6-Plus SKU 164300	.357 Magnum	Revolver	3"	05/23/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	22A-1 Bull (2-Tone)	.22 LR	Pistol	4"	05/21/2014
Smith & Wesson	629-6 Hunter SKU 170234	.44 Magnum	Revolver	8.37"	05/20/2014
Smith & Wesson	25-13 SKU 160929	.45 Colt	Revolver	4"	05/20/2014
Smith & Wesson	952-1 SKU 170220	9mm	Pistol	5"	05/20/2014
Smith & Wesson	M&P 40 (Mag Safety) SKU 109200	.40 S&W	Pistol	4.25"	05/18/2014
Smith & Wesson	29-10 SKU 161240	.44 Magnum	Revolver	6.5"	05/18/2014
Smith & Wesson	386 XL Hunter (Matte Black) SKU 164298	.357 Magnum	Revolver	6"	05/18/2014
Smith & Wesson	945-40 SKU 170180	.40 S&W	Pistol	3.75"	05/17/2014
Smith & Wesson	629-6 Classic SKU 163636	.44 Magnum	Revolver	5"	05/17/2014
Smith & Wesson	629-6 Classic SKU 163638	.44 Magnum	Revolver	6.5"	05/17/2014
Smith & Wesson	686-6 Plus, 7 Shot SKU 164198	.357 Magnum	Revolver	6"	05/17/2014
Smith & Wesson	686-6 Plus, 7 Shot SKU 164194	.357 Magnum	Revolver	4"	05/17/2014
Smith & Wesson	57-6 (Blue) SKU 150481	.41 Magnum	Revolver	6"	05/14/2014
Smith & Wesson	42-2 (Matte Black) SKU 150502	.38 Spl	Revolver	1.87"	05/14/2014
Smith & Wesson	57-6 (Blue) SKU 150479	.41 Magnum	Revolver	4"	05/14/2014
Smith & Wesson	M&P22 CA (Blk) SKU 122002	.22 LR	Pistol	4.10"	05/10/2014
Smith & Wesson	657-5 SKU 163946	.41 Magnum	Revolver	7.5"	05/09/2014
Smith & Wesson	638-3 (Matte Silver) SKU 163070	.38 Spl	Revolver	1.87"	05/08/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	625-8 SKU 160927	.45 ACP	Revolver	5"	05/08/2014
Smith & Wesson	610-3 SKU 163571	10mm	Revolver	3.87"	05/08/2014
Smith & Wesson	64-7 SKU 162502	.38 Spl	Revolver	2"	05/08/2014
Smith & Wesson	945-1 SKU 170177	.45 ACP	Pistol	3.25"	05/07/2014
Smith & Wesson	327 SKU 170254	.357 Magnum	Revolver	5"	05/05/2014
Walther	P99C DAO	9mm	Pistol	3.5"	05/05/2014
Smith & Wesson	629-6 Classic Laser Grips SKU 163637	.44 Magnum	Revolver	5"	05/02/2014
Smith & Wesson	460 Hunter SKU 170263	.460 S&W Magnum	Revolver	6.5"	05/02/2014
Smith & Wesson	460 Hunter SKU 170262	.460 S&W	Revolver	10.62"	05/02/2014
Walther	P22CA Military	.22 LR	Pistol	3.42"	05/02/2014
Walther	P22CA Military	.22 LR	Pistol	5"	05/02/2014
Walther	P22CA (Nickel)	.22 LR	Pistol	5"	05/02/2014
Smith & Wesson	SW99 SKU 120212	.40 S&W	Pistol	3.5"	04/28/2014
Smith & Wesson	SW99 SKU 120206	.45 ACP	Pistol	4.25"	04/28/2014
Smith & Wesson	SW99 SKU 120210	9mm	Pistol	3.5"	04/28/2014
Sturm, Ruger & Co.	P45GCMKIII	.22 LR	Pistol	4.5"	04/25/2014
Smith & Wesson	14-8 (Nickel) SKU 150253	.38 Spl	Revolver	6"	04/24/2014
Smith & Wesson	642-2 Laser Grips SKU 163811	.38 Spl	Revolver	1.87"	04/21/2014
Smith & Wesson	22A-1 Breakup (Camo) SKU 107434	.22 LR	Pistol	5.5"	04/21/2014
Smith & Wesson	657-5 Hunter SKU 170235	.41 Magnum	Revolver	8.37"	04/21/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	22A-1 Std BBL, Hi-Viz (2-Tone) SKU 149725	.22 LR	Pistol	5.5"	04/21/2014
Smith & Wesson	SW1911 Adj. Sights (Matte Stainless) SKU 108284	.45 ACP	Pistol	5"	04/21/2014
Sturm, Ruger & Co.	BSR40C-9L (Black) 03479	.40 S&W	Pistol	3.5"	04/17/2014
Sturm, Ruger & Co.	KSR40C-9L (Two-Tone) 03478	.40 S&W	Pistol	3.5"	04/17/2014
Smith & Wesson	610-3 SKU 150278	10mm	Revolver	6.5"	04/17/2014
Smith & Wesson	500 Performance Center SKU 170304	.500 S&W Magnum	Revolver	5"	04/17/2014
Smith & Wesson	500 (Ross Two-Tone) SKU 170303	.500 S&W Magnum	Revolver	5"	04/17/2014
Smith & Wesson	60-18 SKU 162440	.357 Magnum	Revolver	5"	04/15/2014
Smith & Wesson	642-2 SKU 163810	.38 Spl	Revolver	1.87"	04/11/2014
Smith & Wesson	360PD SKU 163064	.357 Magnum	Revolver	1.87"	04/11/2014
Smith & Wesson	442-2 (internal lock) SKU162810	.38 Spl	Revolver	1.87"	04/11/2014
Smith & Wesson	627-5 SKU 170210	.357 Magnum	Revolver	5"	04/11/2014
Smith & Wesson	627-4 38 Super SKU 170205	.38 Super	Revolver	5.5"	04/11/2014
Smith & Wesson	36-10 Lady Smith SKU 161490	.38 Spl	Revolver	1.87"	04/11/2014
Smith & Wesson	10-14 SKU 160125	.38 Spl	Revolver	4"	04/11/2014
Smith & Wesson	619 SKU 164301	.357 Magnum	Revolver	4"	04/05/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	SW1911DK SKU 108287	.45 ACP	Pistol	5"	04/05/2014
Smith & Wesson	SW990L SKU 120232	.40 S&W	Pistol	4.12"	04/05/2014
Smith & Wesson	625-8 JM SKU 160936	.45 ACP	Revolver	4.12"	04/05/2014
Smith & Wesson	SW990L SKU 120233	.40 S&W	Pistol	3.5"	04/05/2014
Smith & Wesson	48-7 (Black) SKU 150717	.22 WMR	Revolver	4"	04/05/2014
Smith & Wesson	SW1911 Fixed Sights SKU 108285	.45 ACP	Pistol	5"	04/05/2014
Smith & Wesson	48-7 (Black) SKU 150718	.22 WMR	Revolver	6"	04/05/2014
Smith & Wesson	620 SKU 164401	.357 Magnum	Revolver	4"	04/05/2014
Smith & Wesson	22A (Two-Color) SKU 149144	.22 LR	Pistol	5.5"	04/04/2014
Smith & Wesson	SW40P SKU 120029	.40 S&W	Pistol	4"	04/04/2014
Taurus	PT92 (Blue & Gold w/Rosewood)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Stainless & Gold w/Pearl)	9mm	Pistol	5"	03/28/2014
Taurus	PT99 (Stainless w/adj sight)	9mm	Pistol	5"	03/28/2014
Taurus	PT99 (Blue w/adj sight)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Blue w/Rosewood)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Blue & Gold w/Pearl)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Stainless w/Rosewood)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Stainless & Gold w/Rosewood)	9mm	Pistol	5"	03/28/2014
Smith & Wesson	SW9P SKU 120027	9mm	Pistol	4"	03/27/2014



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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	325PD SKU 163416	.45 ACP	Revolver	4"	03/21/2014
Smith & Wesson	625-9 SKU 160932	.45 Colt	Revolver	4"	03/21/2014
Smith & Wesson	460 Black Hunter SKU 170267	.460 S&W Magnum	Revolver	7.5"	03/21/2014
Smith & Wesson	29-8 Mountain Gun SKU 161236	.44 Magnum	Revolver	4"	03/19/2014
Sturm, Ruger & Co.	BSR9C-10L (Black)	9mm	Pistol	3.5"	03/17/2014
Sturm, Ruger & Co.	KSR45 03801	.45 ACP	Pistol	4.5"	03/14/2014
Sturm, Ruger & Co.	KSR9C-10-CF 03333	9mm	Pistol	3.5"	03/14/2014
Sturm, Ruger & Co.	LC9-R 03220	9mm	Pistol	3.12"	03/14/2014
Smith & Wesson	617-6 SKU 160578	.22 LR	Revolver	6"	03/14/2014
Smith & Wesson	642-2LS SKU 163808	.38 Spl	Revolver	1.87"	03/13/2014
Sturm, Ruger & Co.	LC9 (Blued) 03200	9mm	Pistol	3.12"	03/07/2014
Smith & Wesson	331-2 SKU 163667	.32 H&R Magnum	Revolver	1.87"	03/05/2014
Smith & Wesson	617-6 SKU 160583	.22 LR	Revolver	8.37"	03/05/2014
Smith & Wesson	617-6 SKU 160584	.22 LR	Revolver	4"	03/05/2014
Colt	O1991AR (Vietnam Tribute)	.45 ACP	Pistol	5"	03/04/2014
Smith & Wesson	43C (Matte Blk) SKU 103043	.22 LR	Revolver	1.875"	02/28/2014
Smith & Wesson	M&P 340 SKU 163072	.357 Magnum	Revolver	1.87"	02/27/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	SW 1911 PD Gunsite SKU 108304	.45 ACP	Pistol	4.25"	02/27/2014
Smith & Wesson	629-6 Black Comp. Hunter SKU 170241	.44 Magnum	Revolver	7.5"	02/26/2014
Sturm, Ruger & Co.	P4MKIII	.22 LR	Pistol	4"	02/24/2014
Sturm, Ruger & Co.	MKIII678	.22 LR	Pistol	6.875"	02/24/2014
Sturm, Ruger & Co.	MKIII6	.22 LR	Pistol	6"	02/24/2014
Sturm, Ruger & Co.	MKIII4	.22 LR	Pistol	4.75"	02/24/2014
Sturm, Ruger & Co.	KP512MKIII	.22 LR	Pistol	5.5"	02/24/2014
Smith & Wesson	60-15 Hi-Viz (S&W Logo Grip) SKU 162434	.357 Magnum	Revolver	3"	02/24/2014
Smith & Wesson	SW 1911 PD SKU 108286	.45 ACP	Pistol	5"	02/24/2014
Smith & Wesson	M&P 360 (S&W Logo Grip) SKU 163074	.357 Magnum	Revolver	1.87"	02/24/2014
Smith & Wesson	63-4 (S&W Logo Grip) SKU 162450	.22 LR	Revolver	5"	02/24/2014
Smith & Wesson	340PD (S&W Logo Grip) SKU 163061	.357 Magnum	Revolver	1.87"	02/24/2014
Smith & Wesson	317-3 (S&W Logo Grip) SKU 160221	.22 LR	Revolver	3"	02/24/2014
Smith & Wesson	317-2 (S&W Logo Grip) SKU 160222	.22 LR	Revolver	1.87"	02/24/2014
Smith & Wesson	640-3 (S&W Logo Grip) SKU 163690	.357 Magnum	Revolver	2.12"	02/24/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired	
Smith & Wesson	325NG (Matte Black) SKU 163421	.45 ACP	Revolver	2.5"	02/18/2014	
Smith & Wesson	637-2 Laser Grip SKU 163052	.38 Spl	Revolver	1.87"	02/17/2014	
Smith & Wesson	432 PD Laser Grip SKU 163669	.32 H&R Magnum	Revolver	1.87"	02/17/2014	
Smith & Wesson	410S Laser Grip SKU 104747	.40 S&W	Pistol	4"	02/17/2014	
Smith & Wesson	22A-1 Polished Sides SKU 107437	.22 LR	Pistol	5.5"	02/17/2014	
Smith & Wesson	SW 1911 PD SKU 108283	.45 ACP	Pistol	4.25"	02/17/2014	
Smith & Wesson	SW 1911 PD (Desert Tan) Laser Grip SKU 108296	.45 ACP	Pistol	4.25"	02/17/2014	
Smith & Wesson	329 NG (Matte Black) SKU 163420	.44 Magnum	Revolver	2.75"	02/14/2014	
Smith & Wesson	337-2PD SKU 163056	.38 Spl	Revolver	1.87"	02/14/2014	
Smith & Wesson	M&P 45 (Mag/Thmb Sfty) Dk Earth Bro SKU 109056	.45 ACP	Pistol	4.5"	02/12/2014	
Sturm, Ruger & Co.	SR9B-10-L (Black)	9mm	Pistol	4.14"	02/09/2014	
Sturm, Ruger & Co.	KSP-321X-CT (Stainless)	.357 Magnum	Revolver	2.28"	02/09/2014	
Smith & Wesson	640-1 SKU 103690	.357 Magnum	Revolver	2.12"	02/08/2014	
Smith & Wesson	4006 SKU 104400	.40 S&W	Pistol	4"	02/08/2014	
Smith & Wesson	4506 SKU 108163	.45 ACP	Pistol	5"	02/08/2014	
Smith & Wesson	4566 SKU 108272	.45 ACP	Pistol	4.25"	02/08/2014	
Smith & Wesson	40-1 (Color Case) SKU 150205	.38 Spl	Revolver	1.87"	02/07/2014	
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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sturm, Ruger & Co.	KMKIII678GC	.22 LR	Pistol	6.875"	02/03/2014
Sturm, Ruger & Co.	KSR9C-10L (Brushed Stainless)	9mm	Pistol	3.5"	02/03/2014
Sturm, Ruger & Co.	KMKIII678H	.22 LR	Pistol	6.87"	02/03/2014
Sturm, Ruger & Co.	P512MKIII 10107	.22 LR	Pistol	5.5"	02/03/2014
Smith & Wesson	648-2 SKU 163668	.22 MRF	Revolver	6"	02/03/2014
Smith & Wesson	617-5 SKU 160568	.22 LR	Revolver	6"	02/03/2014
Smith & Wesson	SW990L SKU 120230	9mm	Pistol	4"	02/03/2014
Smith & Wesson	629-6 Compensated Hunter SKU 170181	.44 Magnum	Revolver	7.5"	02/03/2014
Smith & Wesson	66-6 Carry Comp. SKU 170024	.357 Magnum	Revolver	3"	02/03/2014
Smith & Wesson	67-5 SKU 162802	.38 Spl	Revolver	4"	02/01/2014
Smith & Wesson	317-3 (Hi-Viz) SKU 160221	.22 LR	Revolver	3"	02/01/2014
Smith & Wesson	337-2 SKU 163053	.38 Spl	Revolver	1.87"	02/01/2014
Smith & Wesson	332-1 SKU 163679	.32 H&R Magnum	Revolver	1.87"	02/01/2014
Smith & Wesson	317-2 SKU 160222	.22 LR	Revolver	1.87"	02/01/2014
Sturm, Ruger & Co.	KP45HMKIII	.22 LR	Pistol	4.5"	01/31/2014
Smith & Wesson	M&P 45 (Mag. Safety) SKU 109206	.45 ACP	Pistol	4.5"	01/31/2014
Smith & Wesson	M&P 45 (Black/Mag.& Thumb Safety) SKU 109006	.45 ACP	Pistol	4.5"	01/31/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	M&P 40c (Mag. Safety) SKU 109203	.40 S&W	Pistol	3.5"	01/31/2014
Smith & Wesson	SW40VE (Black Slide) SKU 120046	.40 S&W	Pistol	4"	01/31/2014
Walther	P22CA (Brushed Chrome) CAP 22012	.22 LR	Pistol	3.42"	01/31/2014
Smith & Wesson	SW9E SKU 120018	9mm	Pistol	4"	01/30/2014
Smith & Wesson	SW9G SKU 120032	9mm	Pistol	4"	01/30/2014
Smith & Wesson	SW40VE SKU 120023	.40 S&W	Pistol	4"	01/30/2014
Smith & Wesson	SW40G SKU 120035	.40 S&W	Pistol	4"	01/30/2014
Smith & Wesson	342PD SKU 103816	.38 Spl	Revolver	1.87"	01/30/2014
Smith & Wesson	642LS SKU 103808	.38 Spl	Revolver	1.87"	01/30/2014
Smith & Wesson	500 Hunter SKU 170231	.500 S&W Magnum	Revolver	10.62"	01/29/2014
Smith & Wesson	SW9VE (Black Slide) SKU 149116	9mm	Pistol	4"	01/27/2014
Browning	Buck Mark MS Camper CF RMEF Adj Sight	.22 LR	Pistol	5.5"	01/26/2014
Browning	Hi-Power MKIII RMEF CF 10 Cap. Fxd Sgts.	9mm	Pistol	4.66"	01/25/2014
Smith & Wesson	4046 TSW SKU 102957	.40 S&W	Pistol	4"	01/19/2014
Smith & Wesson	SW990L SKU 120231	9mm	Pistol	3.5"	01/18/2014
Walther	P99C QA WAP 90000	.40 S&W	Pistol	3.5"	01/18/2014
Sturm, Ruger & Co.	LC9-NRA 03209	9mm	Pistol	3.12"	01/16/2014
Sturm, Ruger & Co.	BSR9C-10-CT 03329	9mm	Pistol	3.5"	01/16/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sturm, Ruger & Co.	KSR9C-10-CT 03328	9mm	Pistol	3.5"	01/16/2014
Sturm, Ruger & Co.	KSR9C-NRA 03325	9mm	Pistol	3.5"	01/16/2014
Sturm, Ruger & Co.	LC9-P 03205	9mm	Pistol	3.12"	01/16/2014
Sturm, Ruger & Co.	LC9-LM 03206	9mm	Pistol	3.12"	01/16/2014
Sturm, Ruger & Co.	LC9-CF 03211	9mm	Pistol	3.12"	01/16/2014
Smith & Wesson	4006 TSW Integral Rail SKU 150149	.40 S&W	Pistol	4"	01/16/2014
Smith & Wesson	945-1 (2-Tone) SKU 170300	.45 ACP	Pistol	5"	01/16/2014
Smith & Wesson	M&P 9C (Mag. Safety) SKU 109204	9mm	Pistol	3.50"	01/16/2014
Smith & Wesson	686-6 SSR SKU 178012	.357 Magnum	Revolver	4.12"	01/14/2014
Smith & Wesson	63-4 SKU 162450	.22 LR	Revolver	5"	01/14/2014
Smith & Wesson	40-1 (Blued) SKU 150222	.38 Spl	Revolver	1.87"	01/14/2014
Smith & Wesson	410S SKU 104744	.40 S&W	Pistol	4"	01/14/2014
Smith & Wesson	40-1 (Nickel) SKU 150223	.38 Spl	Revolver	1.87"	01/14/2014
Smith & Wesson	457S SKU 104808	.45 ACP	Pistol	3.75"	01/14/2014
Smith & Wesson	908S SKU 103890	9mm	Pistol	3.5"	01/14/2014
Smith & Wesson	910S SKU 104783	9mm	Pistol	4"	01/13/2014
Smith & Wesson	60-14 Lady Smith SKU 162414	.357 Magnum	Revolver	2.12"	01/10/2014

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	360 (Matte Black) SKU 160360	.38 Spl	Revolver	1.87"	01/08/2014
Smith & Wesson	460 Carry Comp. SKU 170268	.460 S&W Magnum	Revolver	3.5"	01/05/2014
Smith & Wesson	22-4 SKU 161239	.45 ACP	Revolver	4"	01/05/2014
Smith & Wesson	66-6 SKU 162706	.357 Magnum	Revolver	4"	01/02/2014
Walther	P990 WAP66008	.40 S&W	Pistol	4.12"	01/02/2014
Sturm, Ruger & Co.	P89	9mm	Pistol	4.5"	12/31/2013
Sturm, Ruger & Co.	KP95	9mm	Pistol	3.9"	12/31/2013
Sturm, Ruger & Co.	KP89	9mm	Pistol	4.5"	12/31/2013
Sturm, Ruger & Co.	KP90	.45 ACP	Pistol	4.5"	12/31/2013
Smith & Wesson	4013TSW SKU 104444	.40 S&W	Pistol	3.5"	12/31/2013
Smith & Wesson	SW40E SKU 120020	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	22S SKU 107300	.22 LR	Pistol	5.5"	12/31/2013
Smith & Wesson	CS9 SKU 103887	9mm	Pistol	3"	12/31/2013
Smith & Wesson	908 SKU 103882	9mm	Pistol	3.5"	12/31/2013
Smith & Wesson	CS40 SKU 108544	.40 S&W	Pistol	3.25"	12/31/2013
Smith & Wesson	22S SKU 107320	.22 LR	Pistol	7"	12/31/2013
Smith & Wesson	5903TSW SKU 108258	9mm	Pistol	4"	12/31/2013
Smith & Wesson	5906TSW SKU 108266	9mm	Pistol	4"	12/31/2013
Smith & Wesson	945-1 SKU 170169	.45 ACP	Pistol	3.75"	12/31/2013
Smith & Wesson	41 SKU 130511	.22 LR	Pistol	5.5"	12/31/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	4006TSW SKU 104411	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	3913TSW SKU 104531	9mm	Pistol	3.5"	12/31/2013
Smith & Wesson	945-1 SKU 170173	.45 ACP	Pistol	5"	12/31/2013
Smith & Wesson	41 SKU 130512	.22 LR	Pistol	7"	12/31/2013
Smith & Wesson	4003TSW SKU 108509	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	457 SKU 104804	.45 ACP	Pistol	3.75"	12/31/2013
Smith & Wesson	642-1 SKU 103810	.38 Spl	Revolver	1.87"	12/31/2013
Smith & Wesson	SW99 SKU 120201	9mm	Pistol	4"	12/31/2013
Smith & Wesson	3913LS SKU 108290	9mm	Pistol	3.5"	12/31/2013
Smith & Wesson	4566TSW SKU 108263	.45 ACP	Pistol	4.25"	12/31/2013
Smith & Wesson	CS45 SKU 103014	.45 ACP	Pistol	3.25"	12/31/2013
Smith & Wesson	4563TSW SKU 108275	.45 ACP	Pistol	4.25"	12/31/2013
Smith & Wesson	910 SKU 104780	9mm	Pistol	4"	12/31/2013
Smith & Wesson	SW9VE SKU 120025	9mm	Pistol	4"	12/31/2013
Smith & Wesson	410 SKU 104740	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	22A SKU 107400	.22 LR	Pistol	4"	12/31/2013
Smith & Wesson	SW99 SKU 120200	.40 S&W	Pistol	4.12"	12/31/2013
Walther	P99 (Black) SKU WAP65000	9mm	Pistol	4"	12/31/2013
Walther	P990 SKU WAP65008	9mm	Pistol	4"	12/31/2013
Walther	P99 (Black) SKU WAP66000	.40 S&W	Pistol	4.12"	12/31/2013
Sturm, Ruger & Co.	KP678HMKIII	.22 LR	Pistol	6.875"	12/29/2013
Smith & Wesson	4040PD SKU 104414	.40 S&W	Pistol	3.5"	12/22/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sturm, Ruger & Co.	KSR40-10L (Two-Tone)	.40 S&W	Pistol	4.14"	12/15/2013
Smith & Wesson	SW990L SKU 120223	.45 ACP	Pistol	4.25"	12/04/2013
Walther	P99 QA Titanium Coated SKU WAP77032	9mm	Pistol	4"	12/02/2013
Walther	P99 QA Titanium Coated SKU WAP78032	.40 S&W	Pistol	4.12"	12/02/2013
Walther	P99 QA Military (Green) SKU WAP77003	9mm	Pistol	4"	12/02/2013
Walther	P99 QA Military (Green) SKU WAP78003	.40 S&W	Pistol	4.12"	12/02/2013
Sturm, Ruger & Co.	BSR40-10L (Black)	.40 S&W	Pistol	4.14"	12/01/2013
Smith & Wesson	M&P 9 (Mag. Safety, Internal Lock) SKU 109001	9mm	Pistol	4.25"	11/30/2013
Smith & Wesson	29-10 (Nickel) SKU 150144	.44 Magnum	Revolver	6.5"	11/30/2013
Smith & Wesson	29-10 (Blue) SKU 150145	.44 Magnum	Revolver	6.5"	11/30/2013
Smith & Wesson	SW1911 (Nickel) SKU 150102	.45 ACP	Pistol	5"	11/30/2013
Smith & Wesson	SW1911 Rolling Thunder SKU 108306	.45 ACP	Pistol	5"	11/30/2013
Smith & Wesson	M&P 40 (Mag. Safety, Internal Lock) SKU 109000	.40 S&W	Pistol	4.25"	11/30/2013
Smith & Wesson	57-6 (Nickel) SKU 150482	.41 Magnum	Revolver	6"	11/29/2013
Sturm, Ruger & Co.	KSR9-10-L (Two-Tone)	9mm	Pistol	4.14"	11/24/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	315NG (Matte Black) SKU 163425	.38 Spl	Revolver	2.5"	11/24/2013
Smith & Wesson	642-2 PowerPort (Matte Black) SKU 170328	.38 Spl	Revolver	2.125"	11/24/2013
Smith & Wesson	325 Thunder Ranch (Matte Black) SKU 170316	.45 ACP	Revolver	4"	11/24/2013
Smith & Wesson	442-2 2nd Amend.Foundation Commem SKU 150505	.38 Spl	Revolver	1.87"	11/24/2013
Walther	P99C AS SKU WAP79000	9mm	Pistol	3.5"	11/22/2013
Sturm, Ruger & Co.	MKIII512GCL	.22 LR	Pistol	5.5"	11/16/2013
Smith & Wesson	520 SKU 164297	.357 Magnum	Revolver	4"	11/16/2013
Smith & Wesson	317LS SKU 100227	.22 LR	Revolver	1.87"	11/12/2013
Smith & Wesson	21-4 Classic (Blue) SKU 150196	.44 Spl	Revolver	4"	11/12/2013
Smith & Wesson	SW 1911 (Olive) Laser Grip SKU 108295	.45 ACP	Pistol	5"	11/12/2013
Smith & Wesson	342-1PD SKU 163816	.38 Spl	Revolver	1.87"	11/12/2013
Smith & Wesson	500 Hunter (Matte Silver) SKU 170299	.500 S&W Magnum	Revolver	7.5"	11/12/2013
Smith & Wesson	627-5 V Comp Two-Tone SKU 170296	.357 Magnum	Revolver	5"	11/12/2013
Walther	P99C QA SKU WAP80000	9mm	Pistol	3.5"	11/12/2013
Smith & Wesson	65-8 Lady Smith SKU 162608	.357 Magnum	Revolver	3"	11/08/2013
Smith & Wesson	617-4 SKU 100584	.22 LR	Revolver	4"	11/06/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	SW1911 SKU 108282	.45 ACP	Pistol	5"	11/06/2013
Smith & Wesson	686-6 Plus SKU 164284	.357 Magnum	Revolver	5"	11/06/2013
Smith & Wesson	647-1 SKU 170229	.17 HMR	Revolver	12"	11/06/2013
Smith & Wesson	64-8 SKU 162504	.38 Spl	Revolver	3"	11/06/2013
Smith & Wesson	66-6 SKU 162703	.357 Magnum	Revolver	2.5"	11/06/2013
Smith & Wesson	14-8 (Blue) SKU 150252	.38 Spl	Revolver	6"	11/06/2013
Smith & Wesson	386 PD SKU 163069	.357 Magnum	Revolver	2.5"	11/06/2013
Smith & Wesson	65-7 Lady Smith SKU 162608	.357 Magnum	Revolver	3"	11/06/2013
Smith & Wesson	386 SC SKU 163687	.357 Magnum	Revolver	3.12"	11/06/2013
Smith & Wesson	332 SKU 103679	.32 H&R Magnum	Revolver	1.87"	11/06/2013
Smith & Wesson	627-5 8 Shot V Comp SKU 170237	.357 Magnum	Revolver	5"	11/06/2013
Smith & Wesson	625-8 V Comp SKU 170238	.45 ACP	Revolver	4"	11/06/2013
Smith & Wesson	66-7 SKU 162706	.357 Magnum	Revolver	4"	11/06/2013
Smith & Wesson	629-6 Carry Comp (Matte Stainless) SKU 170279	.44 Magnum	Revolver	3"	11/06/2013
Smith & Wesson	442-1 SKU 102810	.38 Spl	Revolver	1.87"	11/06/2013
Smith & Wesson	21-4 SKU 161237	.44 Spl	Revolver	4"	11/06/2013
Smith & Wesson	629-6 (Matte) SKU 170135	.44 Magnum	Revolver	2.635"	11/06/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Smith & Wesson	296 SKU 103135	.44 Spl	Revolver	2.5"	11/06/2013
Smith & Wesson	66-6 SKU 162709	.357 Magnum	Revolver	6"	11/06/2013
Smith & Wesson	67-5 F-Comp (Matte Black) SKU 170324	.38 Spl	Revolver	3"	11/06/2013
Smith & Wesson	500 Hunter/Perf Ctr (Matte Blk) SKU 170255	.500 S&W Magnum	Revolver	7.5"	11/06/2013
Smith & Wesson	625-10 SKU 170226	.45 ACP	Revolver	2"	11/06/2013
Smith & Wesson	329-1 SKU 170232	.44 Magnum	Revolver	3"	11/06/2013
Smith & Wesson	PC1911-2 SKU 170257	.38 Super	Pistol	5"	11/06/2013
Smith & Wesson	500 Hunter SKU 170246	.500 S&W Magnum	Revolver	6.5"	11/06/2013
Smith & Wesson	66-7 SKU 162703	.357 Magnum	Revolver	2.5"	11/06/2013
Smith & Wesson	342 SKU 163814	.38 Spl	Revolver	1.87"	11/06/2013
Smith & Wesson	317 SKU 100222	.22 LR	Revolver	1.87"	11/06/2013
Taurus	PT38S (Stainless/Gold/Pearl)	.38 Super	Pistol	4.25"	11/02/2013
Walther	P99 (Titanium Coated) SKU WAP66032	9mm	Pistol	4"	10/01/2013
Walther	P99 (Titanium Coated) SKU WAP65032	.40 S&W	Pistol	4.12"	10/01/2013
Walther	P99 QA SKU WAP78022	.40 S&W	Pistol	4.12"	09/30/2013
Walther	P99 QA SKU WAP77022	9mm	Pistol	4"	09/30/2013
Walther	P99 AS SKU WAP77000	9mm	Pistol	4"	09/30/2013
Walther	P99 AS SKU WAP78000	.40 S&W	Pistol	4.12"	09/30/2013
Walther	P22CA	.22 LR	Pistol	5"	09/22/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Walther	P22CA (Black) SKU CAP 22003	.22 LR	Pistol	3.42"	09/20/2013
Heckler & Koch	P7M8	9mm	Pistol	4.13"	09/10/2013
Mitchell Manufacturing Corp.	Mitchell Gold Series Stainless .45 ACP	.45 ACP	Pistol	5"	08/17/2013
Sturm, Ruger & Co.	SR22PB (Black) 03600	.22 LR	Pistol	3.50"	07/26/2013
Rossi	R971	.357 Magnum	Revolver	4"	07/23/2013
Taurus	85 CHULT	.38 Spl	Revolver	2"	07/18/2013
Taurus	44 TKR	.44 Magnum	Revolver	4"	07/18/2013
Walther	SP22 M1 CA SKU CAP22201	.22 LR	Pistol	4"	07/17/2013
Walther	SP22 M2 CA SKU CAP22202	.22 LR	Pistol	6"	07/17/2013
Charter 2000	53850 All American	.38 Spl	Revolver	2"	07/01/2013
Rossi	R461 Blue	.357 Magnum	Revolver	2"	07/01/2013
Sig Sauer	P229R (Blued)	.40 S&W	Pistol	3.9"	06/28/2013
Taurus	851 (Stainless)	.38 Spl	Revolver	2"	06/20/2013
Taurus	850	.38 Spl	Revolver	2"	06/16/2013
Walther	P1 (Legacy Sports International)	9mm	Pistol	4.94"	06/05/2013
Colt	O1991Z Custom M1991A1 (West Point)	.45 ACP	Pistol	5"	05/30/2013
Colt	O1091Z Custom M1991A1 (West Point)	.45 ACP	Pistol	5"	05/30/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sig Sauer	P229R (Blued)	.357 SIG	Pistol	3.9"	05/24/2013
Browning	Buck Mark Camper MS Adj. Sight	.22 LR	Pistol	5.5"	05/10/2013
Browning	Buck Mark Camper MS F/O Adj. Sight	.22 LR	Pistol	5.5"	05/10/2013
Browning	Buck Mark Camper SS MS Adj. Sights	.22 LR	Pistol	5.5"	05/10/2013
Taurus	17	.17 HMR	Revolver	6.5"	04/16/2013
Sig Sauer	P229R (Blued)	9mm	Pistol	3.9"	04/12/2013
Sig Sauer	P226 Navy (Blued)	9mm	Pistol	4.4"	04/12/2013
Sig Sauer	SP2340 (Two-Tone)	.357 SIG	Pistol	3.8"	04/07/2013
Sig Sauer	SP2340 (Blued)	.357 SIG	Pistol	3.8"	04/07/2013
Sig Sauer	P245 (Two-Tone)	.45 ACP	Pistol	3.9"	04/07/2013
Sig Sauer	P220 (Two-Tone)	.45 ACP	Pistol	4.4"	04/07/2013
Sig Sauer	SP2009 (Two-Tone)	9mm	Pistol	3.8"	04/07/2013
Sig Sauer	P220 (Blued)	.45 ACP	Pistol	4.4"	04/07/2013
Sig Sauer	SP2340 (Blued)	.40 S&W	Pistol	3.8"	04/07/2013
Sig Sauer	SP2340 (Two-Tone)	.40 S&W	Pistol	3.8"	04/07/2013
Sig Sauer	P245 (Blued)	.45 ACP	Pistol	3.9"	04/07/2013
Sig Sauer	SP2009 (Blued)	9mm	Pistol	3.8"	04/07/2013
Sig Sauer	P228 (Blued)	9mm	Pistol	3.9"	03/27/2013
Sig Sauer	P229 DAK	9mm	Pistol	3.9"	03/23/2013
Sig Sauer	P226 DAK	9mm	Pistol	4.4"	03/23/2013
Sig Sauer	P239 DAK (Blued)	9mm	Pistol	3.6"	03/19/2013
Sig Sauer	P226 FBINA	.40 S&W	Pistol	4.4"	03/19/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sig Sauer	P226R (Stainless)	.40 S&W	Pistol	4.4"	03/11/2013
Sig Sauer	P226R (Stainless)	.357 SIG	Pistol	4.4"	03/11/2013
Sig Sauer	P226R (Stainless)	9mm	Pistol	4.4"	03/11/2013
Sig Sauer	P226 (Two-Tone)	.357 SIG	Pistol	4.4"	03/06/2013
Sig Sauer	P229 (Two-Tone)	.40 S&W	Pistol	3.8"	03/06/2013
Sig Sauer	P239 (Two-Tone)	9mm	Pistol	3.6"	03/06/2013
Sig Sauer	P239 (Two-Tone)	.357 SIG	Pistol	3.6"	03/06/2013
Sig Sauer	P239 (Two-Tone)	.40 S&W	Pistol	3.6"	03/06/2013
Sig Sauer	P226 (Two-Tone)	.40 S&W	Pistol	4.4"	03/06/2013
Sig Sauer	P229 (Two-Tone)	9mm	Pistol	3.9"	03/06/2013
Sig Sauer	P229 (Two-Tone)	.357 SIG	Pistol	3.9"	03/06/2013
Sig Sauer	P226 (Two-Tone)	9mm	Pistol	4.4"	03/06/2013
Sig Sauer	P220R Carry SAO (Two-Tone)	.45 ACP	Pistol	3.9"	02/27/2013
Sig Sauer	P229 (Blued)	.357 SIG	Pistol	3.9"	01/29/2013
Sig Sauer	P229 (Blued)	9mm	Pistol	3.9"	01/29/2013
Sig Sauer	P226 DAK	.357 SIG	Pistol	4.4"	01/26/2013
Sig Sauer	P229 DAK	.40 S&W	Pistol	3.9"	01/26/2013
Sig Sauer	P226 DAK	.40 S&W	Pistol	4.4"	01/26/2013
Sig Sauer	P229 DAK	.357 SIG	Pistol	3.9"	01/26/2013
Taurus	85 (Stainless Ultra-Lite)	.38 Spl	Revolver	2"	01/25/2013
Taurus	85 Titanium (Shadow Gray)	.38 Spl	Revolver	2"	01/25/2013
Taurus	85 (Stainless)	.38 Spl	Revolver	2"	01/25/2013
Taurus	454 (Stainless 8 3/8")	.454 Casull	Revolver	8.37"	01/25/2013

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Taurus	85 (Blue)	.38 Spl	Revolver	2"	01/25/2013
Taurus	44 (Stainless 6 1/2")	.44 Magnum	Revolver	6.5"	01/25/2013
Taurus	66 (Stainless 6")	.357 Magnum	Revolver	6"	01/25/2013
Taurus	617 Titanium (Shadow Gray)	.357 Magnum	Revolver	2"	01/25/2013
Taurus	85 (Blue Ultra-Lite)	.38 Spl	Revolver	2"	01/25/2013
Taurus	627 (Stainless 4")	.357 Magnum	Revolver	4"	01/25/2013
Rossi	R352 Stainless	.38 Spl	Revolver	2"	01/25/2013
Sig Sauer	P226 (Blued)	.357 SIG	Pistol	4.4"	12/31/2012
Sig Sauer	P229 (Blued)	.40 S&W	Pistol	3.9"	12/31/2012
Sig Sauer	P226 (Blued) 226-9-B	9mm	Pistol	4.4"	12/31/2012
Sig Sauer	P226 (Blued)	.40 S&W	Pistol	4.4"	12/31/2012
Sturm, Ruger & Co.	P89T	9mm	Pistol	4.5"	12/31/2012
Sturm, Ruger & Co.	P90T	.45 ACP	Pistol	4.5"	12/31/2012
Sturm, Ruger & Co.	P944T	.40 S&W	Pistol	4.2"	12/31/2012
Sig Sauer	P229R Equinox	.40 S&W	Pistol	3.9"	12/19/2012
Sig Sauer	P226R Blackwater 226R-9-Blackwater	9mm	Pistol	4.4"	12/19/2012
Bulgarian	Makarov (Century Int'l)	9 mm Mak	Pistol	3.65"	12/06/2012
Bersa	Thunder 380 Gold	.380	Pistol	3.5"	11/15/2012
Bersa	Thunder 380 Nickel	.380	Pistol	3.5"	11/15/2012
Bersa	Thunder 380 Duotone	.380	Pistol	3.5"	11/15/2012

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Bersa	Thunder 380	.380	Pistol	3.5"	11/15/2012
Sturm, Ruger & Co.	MKIII512-60 (Black)	.22 LR	Pistol	5.5"	11/13/2012
Sturm, Ruger & Co.	KMKIII512-60 (Matte Stainless)	.22 LR	Pistol	5.5"	11/13/2012
Sig Sauer	P225 (Blued)	9mm	Pistol	3.9"	08/21/2012
Sig Sauer	P228R (Blue)	9mm	Pistol	3.9"	08/17/2012
Sig Sauer	P229R DAK	.357 SIG	Pistol	3.9"	08/10/2012
Sig Sauer	P229R DAK	.40 S&W	Pistol	3.9"	08/10/2012
Sig Sauer	P229 SAS	.40 S&W	Pistol	3.9"	07/27/2012
Sturm, Ruger & Co.	LCR-BGXS (Black)	.38 Spl	Revolver	1.87"	07/22/2012
Sig Sauer	P226R (Blued)	9mm	Pistol	4.4"	07/17/2012
Sig Sauer	P226R (Blued)	.357 SIG	Pistol	4.4"	07/17/2012
Sig Sauer	P226R (Blued)	.40 S&W	Pistol	4.4"	07/17/2012
Sig Sauer	P229R DAK	9mm	Pistol	3.9"	07/08/2012
Sig Sauer	P226R DAK	9mm	Pistol	4.4"	07/08/2012
Sig Sauer	P226R DAK	.357 SIG	Pistol	4.4"	07/08/2012
Sig Sauer	P226R DAK	.40 S&W	Pistol	4.4"	07/08/2012
Sturm, Ruger & Co.	P95	9mm	Pistol	3.9"	07/02/2012
Sturm, Ruger & Co.	KRH-45-4 (Satin Stainless)	.45 Colt	Revolver	4"	06/25/2012
Colt	O1991Z Custom M1991A1 (NRA 2011 Gun of the Year)	.45 ACP	Pistol	5"	06/16/2012

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Sturm, Ruger & Co.	KRH-444	.44 Magnum	Revolver	4"	06/14/2012
Sturm, Ruger & Co.	P944T	.40 S&W	Pistol	4.20"	05/15/2012
Sturm, Ruger & Co.	P944TH	.40 S&W	Pistol	4.20"	05/15/2012
Sturm, Ruger & Co.	P944	.40 S&W	Pistol	4.20"	05/15/2012
Sturm, Ruger & Co.	KP944	.40 S&W	Pistol	4.20"	05/15/2012
ISSC	M22 (Black)	.22 LR	Pistol	4"	04/26/2012
Colt	O1991Z Custom M1991A1 (USMA 2011)	.45 ACP	Pistol	5"	04/17/2012
Sturm, Ruger & Co.	KSRH-7480	.480 Ruger	Revolver	7.5"	04/17/2012
Sturm, Ruger & Co.	KSRH-9480	.480 Ruger	Revolver	9.5"	04/17/2012
Sturm, Ruger & Co.	KP89TH	9mm	Pistol	4.5"	02/05/2012
Sturm, Ruger & Co.	KP944TH	.40 S&W	Pistol	4.2"	02/05/2012
Sturm, Ruger & Co.	KP90TH	.45 ACP	Pistol	4.5"	02/05/2012
Sturm, Ruger & Co.	KP512 (22/45 Target)	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	KP94	9mm	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KMK10 (Mark II Target)	.22 LR	Pistol	10"	12/31/2011

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Sturm, Ruger & Co.	KMK678GC	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KMK6 (Mark II)	.22 LR	Pistol	6"	12/31/2011
Sturm, Ruger & Co.	KGP-160	.357 Magnum	Revolver	6"	12/31/2011
Sturm, Ruger & Co.	MK4	.22 LR	Pistol	4.75"	12/31/2011
Sturm, Ruger & Co.	P678GC (22/45 Comp. Target)	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KMK4	.22 LR	Pistol	4.75"	12/31/2011
Sturm, Ruger & Co.	P944TH	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KMK678G	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P944	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KP944	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	P944TH	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	GP-141	.357 Magnum	Revolver	4"	12/31/2011
Sturm, Ruger & Co.	MK512	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	KMK678	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P89TH	9mm	Pistol	4.5"	12/31/2011

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sturm, Ruger & Co.	P4	.22 LR	Pistol	4"	12/31/2011
Sturm, Ruger & Co.	P512	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	MK678	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P90	.45 ACP	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	KMK512 (Mark II Target)	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	P90TH	.45 ACP	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	MK678G	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KBSR9-10-L (Black)	9mm	Pistol	4.14"	12/16/2011
Sturm, Ruger & Co.	KODBSR9-10-L (Blk/Green)	9mm	Pistol	4.14"	12/16/2011
Charter 2000	53884 Undercover Lite (Orange/SS) Std	.38 Spl	Revolver	2"	07/01/2011
Taurus	PT911 (Stainless)	9mm	Pistol	4"	06/20/2011
Taurus	PT24/7 (Stainless 9mm) 1-247099	9mm	Pistol	4"	06/20/2011
Taurus	PT24/7 (Blue 9mm)	9mm	Pistol	4"	06/20/2011
Taurus	PT911 (Blue)	9mm	Pistol	4"	06/16/2011
Taurus	PT24/7 (40 S&W)	.40 S&W	Pistol	4"	06/16/2011
Taurus	PT24/7 (Blue 40 S&W)	.40 S&W	Pistol	4"	06/16/2011
Browning	Buck Mark Challenge SE MS	.22 LR	Pistol	5.5"	04/25/2011
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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Browning	Buck Mark Camper SS MS	.22 LR	Pistol	5.5"	04/25/2011
Taurus	PT111 (Gray/Blue)	9mm	Pistol	3"	04/16/2011
Taurus	PT111 (Gray/Stainless)	9mm	Pistol	3"	04/16/2011
Sig Sauer	P6 (C.A.I.)	9mm	Pistol	3.9"	04/10/2011
Browning	Buck Mark Camper MS FO Sight	.22 LR	Pistol	5.5"	04/08/2011
Browning	Buck Mark SE MS FLD PLUS RSWD UDX ADJ S	.22 LR	Pistol	5.5"	04/07/2011
Browning	Buck Mark Micro Bull MS	.22 LR	Pistol	4"	04/07/2011
Taurus	PT140 (Stainless)	.40 S&W	Pistol	3"	03/25/2011
Taurus	PT111 (Stainless)	9mm	Pistol	3"	03/25/2011
Sturm, Ruger & Co.	KSP-831X	.38 Spl	Revolver	3.06"	03/12/2011
Browning	Buck Mark Plus Stainless UDX MS	.22 LR	Pistol	5.5"	03/08/2011
Browning	Buck Mark 5.5 Target Cocabolo SE MS	.22 LR	Pistol	5.5"	03/08/2011
Browning	Buck Mark Standard SS MS	.22 LR	Pistol	5.5"	03/08/2011
Sturm, Ruger & Co.	KSP-3231X	.32 H&R Magnum	Revolver	3.063"	03/06/2011
Browning	Buck Mark Contour 5.5 URX SE MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark Contour 5.5 Lite URX SE MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark Standard URX SE MS	.22 LR	Pistol	5.5"	03/05/2011



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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Browning	Buck Mark Standard SS URX MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark Micro Standard URX SE MS	.22 LR	Pistol	4"	03/05/2011
Browning	Buck Mark Micro Standard SS URX MS	.22 LR	Pistol	4"	03/05/2011
Browning	Buck Mark LT Splash 5.5 URX FO MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark 5.5 Field Cocabolo SE MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark LT Splash 7.25 URX FO SE MS	.22 LR	Pistol	7.25"	03/05/2011
Browning	Buck Mark Contour 7.25 Lite URX SE MS	.22 LR	Pistol	7.25"	03/05/2011
Browning	Buck Mark Plus UDX SE MS	.22 LR	Pistol	5.5"	03/05/2011
Beretta	92FS Vertec (Black)	9mm	Pistol	4.52"	03/05/2011
Beretta	U22 Neos Inox 6	.22 LR	Pistol	6"	03/04/2011
Beretta	U22 Neos 4.5	.22 LR	Pistol	4.5"	03/04/2011
Beretta	U22 Neos Inox 7.5 In. Dlx	.22 LR	Pistol	7.5"	03/04/2011
Beretta	U22 Neos Inox 6	.22 LR	Pistol	6"	03/04/2011
Beretta	U22 Neos Inox 4.5	.22 LR	Pistol	4.5"	03/04/2011
Beretta	U22 Neos 7.5 In. Dlx	.22 LR	Pistol	7.5"	03/04/2011
Beretta	U22 Neos 6	.22 LR	Pistol	6"	03/04/2011
Beretta	U22 Neos 6	.22 LR	Pistol	6"	03/04/2011
Browning	Buck Mark Camper MS (Tolerance Band)	.22 LR	Pistol	5.5"	02/28/2011
Beretta	96 Vertec (Black)	.40 S&W	Pistol	4.7"	02/25/2011

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Beretta	950 Jetfire Inox	.25 ACP	Pistol	61 mm	02/13/2011
Beretta	950 Jetfire	.25 ACP	Pistol	61 mm	02/13/2011
Steyr Arms	S-A1	.40 S&W	Pistol	3.6"	02/08/2011
Sturm, Ruger & Co.	KP90D	.45 ACP	Pistol	4.5"	02/06/2011
Sturm, Ruger & Co.	KP97D	.45 ACP	Pistol	4.2"	02/06/2011
Sturm, Ruger & Co.	P89D	9mm	Pistol	4.5"	02/06/2011
Sturm, Ruger & Co.	KP89D	9mm	Pistol	4.5"	02/06/2011
Sturm, Ruger & Co.	KP95D	9mm	Pistol	3.9"	02/06/2011
Sturm, Ruger & Co.	P95D	9mm	Pistol	3.9"	02/06/2011
Beretta	U22 Neos Inox 4.5	.22 LR	Pistol	4.5"	01/29/2011
Steyr Arms	M40-A1	.40 S&W	Pistol	4"	01/24/2011
Steyr Arms	M9-A1	9mm	Pistol	4"	01/24/2011
Steyr Arms	M357-A1	.357 SIG	Pistol	4"	01/24/2011
Taurus	PT140 (Blue w/night sight)	.40 S&W	Pistol	3"	01/19/2011
Taurus	PT111 (Blue)	9mm	Pistol	3"	01/19/2011
Taurus	PT111 (Blue w/night sight)	9mm	Pistol	3"	01/19/2011
Taurus	PT140 (Blue)	.40 S&W	Pistol	3"	01/19/2011
Springfield Armory	PX9181L	.45 ACP	Pistol	5"	12/31/2010

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Springfield Armory	PX9181L (ambi safety)	.45 ACP	Pistol	5"	12/31/2010
Sturm, Ruger & Co.	RH-445	.44 Magnum	Revolver	5.5"	12/31/2010
Sturm, Ruger & Co.	RH-44	.44 Magnum	Revolver	7.5"	12/31/2010
Sturm, Ruger & Co.	RH-44R	.44 Magnum	Revolver	7.5"	12/31/2010
Wilson Combat	CQB, Ambi, AT Tac Lt RI (Blk) (WCQB-AL-CA)	.45 ACP	Pistol	5"	12/29/2010
Taurus	PT145P (Blue)	.45 ACP	Pistol	3.3"	12/08/2010
Taurus	PT145P (Stainless)	.45 ACP	Pistol	3.3"	12/08/2010
Taurus	M22H SS (Raging Hornet)	.22 Hornet	Revolver	10"	11/02/2010
Taurus	PT24-7 (Two-Tone)	.45 ACP	Pistol	4"	10/26/2010
Springfield Armory	PB9162L	.45	Pistol	3.5"	10/04/2010
Taurus	PT145 (Stainless)	.45 ACP	Pistol	3.3"	10/03/2010
Taurus	PT145 (Blue)	.45 ACP	Pistol	3.3"	10/03/2010
Taurus	PT140P-CA (Blue)	.40 S&W	Pistol	3.25"	10/01/2010
Taurus	PT145P-CA (Blue)	.45 ACP	Pistol	3.3"	10/01/2010
Taurus	PT111P-CA (Blue)	9mm	Pistol	3.25"	10/01/2010
Springfield Armory	XD9524	.45 GAP	Pistol	4'	09/26/2010
Springfield Armory	XD9525	.45 GAP	Pistol	5"	09/26/2010
Springfield Armory	PX9806L	.45 ACP	Pistol	3"	09/22/2010
Sig Sauer	P226R HSP	.40 S&W	Pistol	4.1"	09/21/2010

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sig Sauer	P229R HSP	.40 S&W	Pistol	3.9"	09/21/2010
Springfield Armory	PX9808L	.45 ACP	Pistol	3"	09/06/2010
Springfield Armory	PX9105L	.45 ACP	Pistol	5"	09/06/2010
Springfield Armory	PX9505L	9mm	Pistol	3.5"	09/06/2010
Browning	Hi-Power MKIII Fixed Sights	.40 S&W	Pistol	4.66"	09/04/2010
Beretta	M9 "America's Defender" 20th Anniversary	9mm	Pistol	4.9"	08/24/2010
Taurus	PT111P (Stainless)	9mm	Pistol	3.25"	08/23/2010
Kimber	NRA Eclipse II	.45 ACP	Pistol	5"	08/16/2010
Springfield Armory	PX9802L	.45 ACP	Pistol	3"	08/13/2010
Browning	Hi-Power Practical Fixed Sights	.40 S&W	Pistol	4.66"	08/12/2010
Springfield Armory	PX9609L	.45 ACP	Pistol	5"	07/31/2010
Browning	Hi-Power Practical Fixed Sights	9mm	Pistol	4.66"	07/26/2010
Browning	Hi-Power Practical Adj Sights	9mm	Pistol	4.66"	07/26/2010
Browning	Hi-Power Silver Chrome Fixed Sights	9mm	Pistol	4.66"	07/26/2010
Magnum Research	Desert Eagle Mark XIX DE44CA/blk oxide	.44 Magnum	Pistol	6"	07/19/2010
Taurus	PT140P (Blue)	.40 S&W	Pistol	3.25"	07/18/2010
Taurus	PT140P (Stainless)	.40 S&W	Pistol	3.25"	07/18/2010

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Taurus	PT111P (Blue)	9mm	Pistol	3.25"	07/18/2010
Sturm, Ruger & Co.	MK4NRA	.22 LR	Pistol	4.75"	07/10/2010
Walther	PPK/S-1 (Crimson Trace)	.380 ACP	Pistol	3.35"	06/16/2010
Walther	PPK/S-1 (Two-Tone)	.380 ACP	Pistol	3.35"	05/27/2010
Walther	PPK/S-1	.380 ACP	Pistol	3.35"	05/08/2010
Browning	Buck Mark Camper MS	.22 LR	Pistol	5.5"	04/25/2010
Springfield Armory	XD9504	.45	Pistol	4.05"	03/23/2010
Springfield Armory	XD9505	.45	Pistol	5.01"	03/23/2010
Browning	Buck Mark JMB NRA MS	.22 LR	Pistol	5.5"	02/27/2010
Browning	Buck Mark JMB NRA HG	.22 LR	Pistol	5.5"	02/27/2010
Walther	PPK 75th Anniversary	.380 ACP	Pistol	3.35"	02/27/2010
Wilson Combat	KZ-45 (Black) (WKZ-T-PA-CA)	.45 ACP	Pistol	5"	02/26/2010
Mitchell Manufacturing Corp.	Mitchell White Lightning .17HMR	.17 HMR	Pistol	8.5"	02/14/2010
Mitchell Manufacturing Corp.	Mitchell White Lightning .22 WMR	.22 WMR	Pistol	8.5"	02/14/2010
Wilson Combat	ADP (Black) (WC-ADP)	9mm	Pistol	3.75"	02/14/2010
Walther	PPK (Blued)	.380 ACP	Pistol	3.35"	02/14/2010
Magnum Research	Baby Dsrst Eagle MR4500RS	.45 ACP	Pistol	3.9"	01/29/2010
Magnum Research	Baby Dsrst Eagle MR4500RS	.45 ACP	Pistol	3.9"	01/29/2010

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Magnum Research	Baby Dsrt Eagle MR9400	.40 S&W	Pistol	4.52"	01/29/2010
Sturm, Ruger & Co.	MK10	.22 LR	Pistol	10"	12/31/2009
Sturm, Ruger & Co.	KGPF-341	.357 Magnum	Revolver	4"	12/31/2009
Sturm, Ruger & Co.	MK8	.22 LR	Pistol	8"	12/31/2009
Sturm, Ruger & Co.	GPF-341	.357 Magnum	Revolver	4"	12/31/2009
Sturm, Ruger & Co.	P8GC	.22 LR	Pistol	8"	12/31/2009
Sturm, Ruger & Co.	GPF-331	.357 Magnum	Revolver	3"	12/31/2009
Sturm, Ruger & Co.	GP160	.357 Magnum	Revolver	6"	12/31/2009
Magnum Research	Baby Dsrt Eagle MR9900RB	9mm	Pistol	3.64	12/31/2009
Magnum Research	Baby Dsrt Eagle MR9900	9mm	Pistol	4.52"	12/31/2009
Kimber	Custom II/External Extractor	.45 ACP	Pistol	5"	11/14/2009
Kimber	Ultra Carry Stainless II/External Extractor	.45 ACP	Pistol	3"	11/14/2009
Bersa	Bersa Thunder 9 Ultra Compact	9mm	Pistol	3.25"	11/08/2009
Walther	PPK (Stainless)	.380 ACP	Pistol	3.35"	11/08/2009
Kimber	Raptor II/External Extractor	.45 ACP	Pistol	5"	11/08/2009

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Kimber	Stainless II/External Extractor	.45 ACP	Pistol	5"	11/05/2009
Kimber	Eclipse Pro II w/External Extractor	.45 ACP	Pistol	4"	11/05/2009
Kimber	Custom TLE/RL II	.45 ACP	Pistol	5"	10/21/2009
Kimber	Pro Carry Ten II	.45 ACP	Pistol	4"	10/10/2009
Kimber	LTP II	.45 ACP	Pistol	5"	09/17/2009
Bersa	Thunder 45 Ultra Compact (Matte)	.45 ACP	Pistol	3.6"	09/08/2009
Walther	P1 (Century Int'l)	9mm	Pistol	4.94"	08/21/2009
Kimber	Ultra Ten II	.45 ACP	Pistol	3"	08/19/2009
Ed Brown Products	SF-BB-CAL (Special Forces)	.45 ACP	Pistol	5"	08/16/2009
Firestorm	Mini Fire Storm 9mm	9mm	Pistol	3.375"	07/29/2009
Ed Brown Products	Executive Target "ET-BB-CAL"	.45 ACP	Pistol	5"	07/18/2009
Kimber	Team Match II	.45 ACP	Pistol	5"	07/17/2009
Sturm, Ruger & Co.	P95L	9mm	Pistol	3.90"	06/25/2009
Ed Brown Products	KC-SS-CAL	.45 ACP	Pistol	4.25"	06/24/2009
Browning	Buck Mark SE MS Lt Splash 7.25 URX FO, Adj S	.22 LR	Pistol	7.25"	06/18/2009
Browning	Buck Mark Micro Standard URX SE MS	.22 LR	Pistol	4"	06/18/2009
Sturm, Ruger & Co.	KMK512GCUS	.22 LR	Pistol	5.5"	06/18/2009



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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Sturm, Ruger & Co.	P97D	.45 ACP	Pistol	4.25"	06/13/2009
Magnum Research	BE9900RB	9mm	Pistol	3.5"	06/11/2009
Sturm, Ruger & Co.	KGP-141TG	.357 Magnum	Revolver	4"	06/03/2009
Sturm, Ruger & Co.	KSP-321XTG	.357 Magnum	Revolver	2.25"	06/03/2009
Sturm, Ruger & Co.	P95DPR	9mm	Pistol	3.9"	05/27/2009
Sturm, Ruger & Co.	KP944D	.40 S&W	Pistol	4.20"	05/15/2009
Kimber	Stainless TLE/RL II	.45 ACP	Pistol	5"	05/10/2009
Sturm, Ruger & Co.	KP345DPR	.45 ACP	Pistol	4.2"	04/25/2009
Sturm, Ruger & Co.	KSRH-9454	.454 Casull	Revolver	9.5"	04/17/2009
Charles Daly	CDGR6002 1911 A-1	.45 ACP	Pistol	5"	04/04/2009
Springfield Armory	PX9503L	.45 ACP	Pistol	4"	03/27/2009
Springfield Armory	PX9503L (ambi safety)	.45 ACP	Pistol	4"	03/27/2009
Kimber	Tactical Pro II	.45 ACP	Pistol	4"	03/27/2009
Firestorm	Mini Firestorm	.40 S&W	Pistol	3.25"	03/26/2009
Kimber	Tactical Custom II	.45 ACP	Pistol	5"	03/20/2009
Firestorm	Mini Firestorm 45	.45 ACP	Pistol	3.6"	03/19/2009
Sturm, Ruger & Co.	MK512GCL	.22 LR	Pistol	5.5"	03/19/2009

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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Kimber	Tactical Ultra II	.45 ACP	Pistol	3"	03/19/2009
Kimber	Royal II/External Extractor	.45 ACP	Pistol	5"	03/16/2009
Browning	Buck Mark Micro Standard SS MS	.22 LR	Pistol	4"	03/08/2009
Sturm, Ruger & Co.	KSP-241X	.22 LR	Revolver	4"	03/06/2009
Sturm, Ruger & Co.	KSP-3241X	.32 H&R Magnum	Revolver	4"	03/06/2009
Kimber	BP Ten II	.45 ACP	Pistol	5"	03/04/2009
Kimber	Pro BP Ten II	.45 ACP	Pistol	4"	03/04/2009
Kimber	Custom CDP II	.45 ACP	Pistol	5"	03/04/2009
Kimber	Gold Match II/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Custom TLE II/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Custom Target/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Gold Stainless Combat II/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Stainless TLE/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Eclipse Pro Target II/External Extractor	.45 ACP	Pistol	4"	02/25/2009
Springfield Armory	PX9129L	.45 ACP	Pistol	6"	02/20/2009
Springfield Armory	PX9129L (ambi safety)	.45 ACP	Pistol	6"	02/20/2009

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Springfield Armory	PX9510L	.45 ACP	Pistol	3.25"	02/20/2009
Springfield Armory	PX9510L (ambi safety)	.45 ACP	Pistol	3.25"	02/20/2009
Kimber	Gold Match Ten II	.45 ACP	Pistol	5"	02/09/2009
Kimber	Pro CDP II/External Extractor	.45 ACP	Pistol	4"	02/04/2009
Kimber	Pro HD II/External Extractor	.45 ACP	Pistol	4"	02/04/2009
Kimber	Gold Combat II/External Extractor	.45 ACP	Pistol	5"	02/04/2009
Springfield Armory	PX9629L	.45	Pistol	6"	01/29/2009
Springfield Armory	PX9629L (ambi safety)	.45	Pistol	6"	01/29/2009
Kimber	Stainless Ten II	.45 ACP	Pistol	5"	01/27/2009
Springfield Armory	PX9805L	.45 ACP	Pistol	3"	01/17/2009
Kimber	Eclipse Ultra II/External Extractor	.45 ACP	Pistol	3"	01/09/2009
Kimber	Super Match II/External Extractor	.45 ACP	Pistol	5"	01/05/2009
Kimber	Stainless Pro Carry II/External Extractor	.45 ACP	Pistol	4"	01/05/2009
Sturm, Ruger & Co.	KRH-45	.45 Long Colt	Revolver	7.5"	12/31/2008
Sturm, Ruger & Co.	KRH-45R	.45 Long Colt	Revolver	7.5"	12/31/2008
Sturm, Ruger & Co.	KGPF-340	.357 Magnum	Revolver	4"	12/31/2008
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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Sturm, Ruger & Co.	MK6 (Mark II)	.22 LR	Pistol	6"	12/31/2008
Sturm, Ruger & Co.	KP4	.22 LR	Pistol	4.75"	12/31/2008
Sturm, Ruger & Co.	KRH-445	.44 Magnum	Revolver	5.5"	12/31/2008
Sturm, Ruger & Co.	KGPF-330	.357 Magnum	Revolver	3"	12/31/2008
Sturm, Ruger & Co.	KGPF-840	.38 Spl	Revolver	4"	12/31/2008
Sturm, Ruger & Co.	GPF-340	.357 Magnum	Revolver	4"	12/31/2008
Sturm, Ruger & Co.	P94	9mm	Pistol	4.2"	12/31/2008
Detonics USA	Combat Master	.45 ACP	Pistol	3.5"	12/29/2008
Detonics USA	9-11-01	.45 ACP	Pistol	5"	12/29/2008
Para USA	PX745EMB	.45 ACP	Pistol	5"	12/29/2008
Para USA	PX745ELMB	.45 ACP	Pistol	5"	12/29/2008
Para USA	PX745ENMB	.45 ACP	Pistol	5"	12/29/2008
Springfield Armory	XD9102LE	.40 S&W	Pistol	4.08"	12/20/2008
Springfield Armory	XD9103LE	.357 SIG	Pistol	4.08"	12/20/2008
Kimber	Stainless Gold Match II/External Extractor	.45 ACP	Pistol	5"	12/17/2008
Kimber	Stainless Target II/External Extractor	.45 ACP	Pistol	5"	12/16/2008
Kimber	Eclipse Custom II/External Extractor	.45 ACP	Pistol	5"	12/16/2008
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<b>Manufacturer</b>	<b>Model</b>	<b>Caliber</b>	<b>Gun Type</b>	<b>Barrel Length</b>	<b>Expired</b>
Kimber	Eclipse Target II/External Extractor	.45 ACP	Pistol	5"	12/16/2008
Kimber	Ultra CDP II/External Extractor	.45 ACP	Pistol	3"	12/16/2008
Nighthawk Custom	Talon IV (Black/Blue)	.45 ACP	Pistol	3.65"	12/14/2008
Nighthawk Custom	Talon IV (Black/Sniper Gray)	.45 ACP	Pistol	3.65"	12/14/2008
Nighthawk Custom	Talon IV	.45 ACP	Pistol	3.65"	12/14/2008
Kimber	Rimfire Target Black 17M2	.17 HM2	Pistol	5"	11/04/2008
Springfield Armory	XD9101LE	9mm	Pistol	4.08"	10/21/2008
Sig Sauer	1911-45-S	.45 ACP	Pistol	5"	08/10/2008
Charles Daly	CDGR8008 Field HP	9mm	Pistol	4.625"	08/02/2008
Charles Daly	CDGR6269 1911A-1	.45 ACP	Pistol	4"	08/02/2008
Browning	Buck Mark Plus SE MS NKL	.22 LR	Pistol	5.5"	07/29/2008
Browning	Pro-9	9mm	Pistol	4"	07/29/2008
Browning	Buck Mark Camper Splash MS	.22 LR	Pistol	5.5"	07/29/2008
Sig Sauer	226-9-Sport-STK	9mm	Pistol	4.4"	06/28/2008
Sig Sauer	P229R GCP	.40 S&W	Pistol	3.8"	06/13/2008
Feg. Hungary	PA 63 Two-Tone (Century Int'l)	9 mm Mak	Pistol	3.9"	05/21/2008
Charles Daly	CDGR6556 1911-A1	.45 ACP	Pistol	5"	04/26/2008
Charles Daly	CDGR6900 1911-A1	.45 ACP	Pistol	5"	04/26/2008

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Charles Daly	CDGR6505 1911-A1	.45 ACP	Pistol	5"	04/26/2008
Browning	Buck Mark Standard SE MS	.22 LR	Pistol	5.5"	04/25/2008
Browning	Buck Mark Micro Standard SE MS	.22 LR	Pistol	4"	04/25/2008
Browning	Buck Mark Plus SE MS	.22 LR	Pistol	5.5"	04/25/2008
Sig Sauer	P228 (Two Tone)	9mm	Pistol	3.9"	04/07/2008
Charles Daly	CDGR6051 1911 A-1	.45 ACP	Pistol	5"	04/04/2008
Charles Daly	CDGR6228 1911 A-1	.45 ACP	Pistol	4"	04/04/2008
Charles Daly	CDGR6417 1911 A-1	.45 ACP	Pistol	3.5"	04/04/2008
Sig Sauer	P220 (Stainless) Sport	.45 ACP	Pistol	5.5"	12/31/2007
Sig Sauer	Mosquito (Green) MOS-22-G	.22 LR	Pistol	4"	12/19/2007
Sturm, Ruger & Co.	P90THGA	.45 ACP	Pistol	4.5"	12/18/2007
Sturm, Ruger & Co.	P90THGADLX	.45 ACP	Pistol	4.5"	12/18/2007
Browning	Buck Mark SE MS FLD PLUS RSWD	.22 LR	Pistol	5.5"	10/04/2007
Jimenez Arms	J.A. NINE CA (Black/Nickel)	9mm	Pistol	3.7"	08/10/2007
Jimenez Arms	JA-25 (Nickel)	.25	Pistol	2.5"	08/10/2007
Browning	Buck Mark Camper SE MS NKL	.22 LR	Pistol	5.5"	08/10/2007
Jimenez Arms	J.A. NINE CA (Black)	9mm	Pistol	3.7"	08/04/2007
Jimenez Arms	J.A. NINE CA (Nickel/Black)	9mm	Pistol	3.7"	08/04/2007
Browning	Buck Mark SE MS NKL	.22 LR	Pistol	5.5"	07/29/2007

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Browning	Buck Mark Micro NKL SE MS	.22 LR	Pistol	4"	07/29/2007
Jimenez Arms	J.A. NINE CA (Nickel)	9mm	Pistol	3.7"	07/21/2007
Jimenez Arms	J.A. 380 (Black)	.380 ACP	Pistol	2.75"	05/05/2007
Jimenez Arms	J.A. 380 (Nickel)	.380 ACP	Pistol	2.75"	03/23/2007
Browning	Buck Mark Plus SE	.22 LR	Pistol	5.5"	03/19/2007
Browning	Buck Mark Nickel SE	.22 LR	Pistol	5.5"	03/19/2007
Browning	Buck Mark Plus Nickel SE	.22 LR	Pistol	5.5"	03/19/2007
Browning	Buck Mark Micro Plus Std SE	.22 LR	Pistol	4"	03/19/2007
Jimenez Arms	JA-22 (Black/Nickel)	.22	Pistol	2.5"	03/14/2007
Jimenez Arms	JA-22 (Black)	.22	Pistol	2.5"	03/14/2007
Browning	Buck Mark Camper Nickel	.22 LR	Pistol	5.5"	03/08/2007
Browning	Buck Mark Micro Nickel SE	.22 LR	Pistol	4"	03/08/2007
Browning	Buck Mark 5.5 Field SE	.22 LR	Pistol	5.5"	03/08/2007
Browning	Buck Mark Camper	.22 LR	Pistol	5.5"	03/04/2007
Browning	Buck Mark Micro Standard SE	.22 LR	Pistol	4"	03/04/2007
Browning	Buck Mark Standard SE	.22 LR	Pistol	5.5"	03/04/2007
Browning	Buck Mark Challenge SE	.22 LR	Pistol	5.5"	03/04/2007
Browning	Buck Mark 5.5 Target SE	.22 LR	Pistol	5.5"	03/04/2007
Jimenez Arms	JA-22 (Nickel)	.22	Pistol	2.5"	02/06/2007
Jimenez Arms	JA-25 (Black)	.25	Pistol	2.5"	01/17/2007
Jimenez Arms	JA-25 (Black/Nickel)	.25	Pistol	2.5"	01/17/2007

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Charles Daly	CDGR6473 1911A-1	.45 ACP	Pistol	3.5"	11/27/2006
Browning	Buck Mark SE FLD PLUS RSWD	.22 LR	Pistol	5.5"	10/04/2006
Shooters Arms Mfg.	M-1911	.45 ACP	Pistol	5"	09/10/2006
Browning	Buck Mark Camo Camper (MOBU)	.22 LR	Pistol	5.5"	07/26/2006
European American Armory	Witness EA45B	.45 ACP	Pistol	4.5"	07/10/2006
European American Armory	Witness EA40B	.40 S&W	Pistol	4.5"	07/10/2006
Heckler & Koch	USP .357 Sig Compact	.357 SIG	Pistol	3.58"	05/23/2006
Mauser	M2	.40 S&W	Pistol	3.5"	03/16/2006
Feg. Hungary	PJK--9HP	9mm	Pistol	4.625"	01/17/2006
North American Arms	.380 Guardian S	.380 ACP	Pistol	2.25"	01/14/2006
Firestorm	Gov't	.45 ACP	Pistol	5"	01/08/2006
Llama	MAX-I	.45 ACP	Pistol	5"	01/08/2006
Para USA	P1345SR	.45 ACP	Pistol	4.25"	12/31/2005
Para USA	P1345SL	.45 ACP	Pistol	4.25"	12/31/2005
Para USA	P1345SN	.45 ACP	Pistol	4.25"	12/31/2005
North American Arms	.32 Guardian S	.32 ACP	Pistol	2"	12/04/2005
Heckler & Koch	P7M8 Anniversary	9mm	Pistol	4.13"	11/22/2005
Jimenez Arms	J.A. NINE (Black)	9mm	Pistol	3.7"	11/04/2005
Para USA	CTX1345GR	.45 ACP	Pistol	4.25"	11/04/2005

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	CTX1345GL	.45 ACP	Pistol	4.25"	11/04/2005
Para USA	CTX1345GN	.45 ACP	Pistol	4.25"	11/04/2005
Jimenez Arms	J.A. NINE (Nickel)	9mm	Pistol	3.7"	11/01/2005
Browning	HP Standard	.40 S&W	Pistol	4.66"	10/23/2005
Para USA	D745SN	.45 ACP	Pistol	5"	10/16/2005
Para USA	D745S	.45 ACP	Pistol	5"	10/16/2005
Para USA	D745SL	.45 ACP	Pistol	5"	10/16/2005
Mauser	M2	.45 ACP	Pistol	3.5"	10/16/2005
Firestorm	Firestorm Government Model .38 Super	.38 Super	Pistol	5"	08/24/2005
Llama	Llama MiniMax Subcompact .45	.45 ACP	Pistol	3.63"	08/14/2005
Browning	Buck Mark Camper Blue	.22 LR	Pistol	5.5"	07/26/2005
Browning	Buck Mark Camper Green	.22 LR	Pistol	5.5"	07/26/2005
Browning	Buck Mark Camper Red	.22 LR	Pistol	5.5"	07/26/2005
Browning	Hi-Power Silver Chrome Adj Sights	9mm	Pistol	4.66"	07/26/2005
Para USA	C745SL	.45 ACP	Pistol	3.5"	07/24/2005
Para USA	C745SN	.45 ACP	Pistol	3.5"	07/24/2005
Para USA	C745S	.45 ACP	Pistol	3.5"	07/24/2005
Llama	Micro Max .380 Matte	.380 ACP	Pistol	3.75"	07/16/2005
Para USA	T1445ER	.45 ACP	Pistol	5"	06/04/2005
Para USA	T1445EL	.45 ACP	Pistol	5"	06/04/2005
Para USA	T1445EN	.45 ACP	Pistol	5"	06/04/2005

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	D1640SR	.40 S&W	Pistol	5"	06/04/2005
Para USA	D1640SL	.40 S&W	Pistol	5"	06/04/2005
Para USA	D1640SN	.40 S&W	Pistol	5"	06/04/2005
Fabrique Nationale	FN HP-SFS	9mm	Pistol	4.6"	05/24/2005
Para USA	CT1345SN	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CCW745S	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CCW745SL	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CCW745SN	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CT1345S	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CT1345SL	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	L1245SR	.45 ACP	Pistol	3.5"	05/17/2005
Para USA	L1245SL	.45 ACP	Pistol	3.5"	05/17/2005
Para USA	L1245SN	.45 ACP	Pistol	3.5"	05/17/2005
Para USA	C6.45SN	.45 ACP	Pistol	3"	05/08/2005
Para USA	C6.45S	.45 ACP	Pistol	3"	05/08/2005
Para USA	C6.45SL	.45 ACP	Pistol	3"	05/08/2005
Para USA	T1445SN	.45 ACP	Pistol	5"	05/07/2005
Para USA	D1445SR	.45 ACP	Pistol	5"	05/07/2005
Para USA	D1445SL	.45 ACP	Pistol	5"	05/07/2005
Para USA	D189EL	9mm	Pistol	5"	05/07/2005
Para USA	D189EN	9mm	Pistol	5"	05/07/2005
Para USA	D1445SN	.45 ACP	Pistol	5"	05/07/2005
Para USA	T1445SR	.45 ACP	Pistol	5"	05/07/2005

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**ER-0928**

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	T1640SR	.40 S&W	Pistol	5"	05/07/2005
Para USA	T1640SL	.40 S&W	Pistol	5"	05/07/2005
Para USA	T1640SN	.40 S&W	Pistol	5"	05/07/2005
Para USA	D189ER	9mm	Pistol	5"	05/07/2005
Para USA	T1445SL	.45 ACP	Pistol	5"	05/07/2005
Colt	O2070E Govt Model MK IV	.38 Super	Pistol	5"	04/30/2005
STI International	CA Trojan	.45 ACP	Pistol	5"	04/30/2005
Fabrique Nationale	BDA9	9mm	Pistol	4.8"	04/30/2005
Fabrique Nationale	BDA0	9mm	Pistol	4.8"	04/30/2005
Firestorm	45 Compact	.45 ACP	Pistol	4.25"	04/17/2005
Llama	Mini Max 45	.45 ACP	Pistol	3.5"	04/17/2005
Firestorm	Firestorm Gov't Duotone	.45 ACP	Pistol	5"	04/09/2005
Firestorm	Firestorm 380 Duotone	.380 ACP	Pistol	3.5"	04/09/2005
Browning	Buck Mark Camper Sanodal Black	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Gold	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Camo	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Gray, Lam. Grips	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Gray, FO Sights	.22 LR	Pistol	5.5"	04/08/2005
Para USA	L1445SN	.45 ACP	Pistol	5"	03/12/2005

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	S1445ER	.45 ACP	Pistol	5"	03/12/2005
Para USA	S1445EL	.45 ACP	Pistol	5"	03/12/2005
Para USA	S1445EN	.45 ACP	Pistol	5"	03/12/2005
Para USA	L1445SR	.45 ACP	Pistol	5"	03/12/2005
Para USA	L1445SL	.45 ACP	Pistol	5"	03/12/2005
Colt	MM3060 DT	.44 Magnum	Revolver	6"	03/12/2005
Colt	O2570E Govt Model Mark IV Ser 80	.38 Super	Pistol	5"	03/12/2005
Para USA	S1640EN	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1445ER	.45 ACP	Pistol	5"	02/28/2005
Para USA	L1445EN	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1640SR	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1445EL	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1640SL	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1640ER	.40 S&W	Pistol	5"	02/28/2005
Para USA	S1245SL	.45 ACP	Pistol	3.5"	02/28/2005
Para USA	L1640EN	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1640EL	.40 S&W	Pistol	5"	02/28/2005
Para USA	S1445SR	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1640SN	.40 S&W	Pistol	5"	02/28/2005
Para USA	S1445SL	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1445SN	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1245SN	.45 ACP	Pistol	3.5"	02/28/2005
Para USA	S1640ER	.40 S&W	Pistol	5"	02/28/2005

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	S1245SR	.45 ACP	Pistol	3.5"	02/28/2005
Para USA	S1640EL	.40 S&W	Pistol	5"	02/28/2005
Colt	O7860D	.45 ACP	Pistol	3"	02/10/2005
Smith & Wesson	SW 1911	.45 ACP	Pistol	5"	02/03/2005
Para USA	P1245RR	.45 ACP	Pistol	3.5"	01/25/2005
Para USA	P1245RL	.45 ACP	Pistol	3.5"	01/25/2005
Para USA	P1245RN	.45 ACP	Pistol	3.5"	01/25/2005
Taurus	PT92 (Blue w/night sight)	9mm	Pistol	5"	01/19/2005
Taurus	PT92 (Stainless)	9mm	Pistol	5"	01/19/2005
Taurus	PT92 (Stainless w/night sight)	9mm	Pistol	5"	01/19/2005
Taurus	85 Titanium (Spectrum Blue)	.38 Spl	Revolver	2"	01/13/2005
Bryco Arms	Jennings Nine CA	9mm	Pistol	3.75"	01/04/2005
Bryco Arms	Jennings T380-CA	.380	Pistol	4"	01/04/2005
Bryco Arms	M38-CA	.380	Pistol	2.75"	01/03/2005
Walther	P99 QA	9mm	Pistol	4"	01/02/2005
Springfield Armory	PI9601L	.45 ACP	Pistol	5"	12/31/2004
Springfield Armory	PI9601L (ambi safety)	.45 ACP	Pistol	5"	12/31/2004
Para USA	D745EN	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1445ER	.45 ACP	Pistol	5"	12/31/2004
Para USA	D1445ER	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1345ER	.45 ACP	Pistol	4.25"	12/31/2004

Case 8:22-cv-01421-CJC-ADS Document 48-4 Filed 01/27/23 Page 79 of 85					
Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	P1445EL	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1345EL	.45 ACP	Pistol	4.25"	12/31/2004
Para USA	P1345EN	.45 ACP	Pistol	4.25"	12/31/2004
Para USA	P1245SN	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	D1445EL	.45 ACP	Pistol	5"	12/31/2004
Para USA	D1445EN	.45 ACP	Pistol	5"	12/31/2004
Para USA	L1245EN	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	D1640ER	.40 S&W	Pistol	5"	12/31/2004
Para USA	P1445EN	.45 ACP	Pistol	5"	12/31/2004
Para USA	D1640EL	.40 S&W	Pistol	5"	12/31/2004
Para USA	D1640EN	.40 S&W	Pistol	5"	12/31/2004
Para USA	D745E	.45 ACP	Pistol	5"	12/31/2004
Para USA	D745EL	.45 ACP	Pistol	5"	12/31/2004
Para USA	L1245ER	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	P1445SR	.45 ACP	Pistol	5"	12/31/2004
Para USA	L1245EL	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	P1445SL	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1445SN	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1245SR	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	P1245SL	.45 ACP	Pistol	3.5"	12/31/2004
Walther	P99 QA	.40 S&W	Pistol	4.12"	12/31/2004
STI International	2011 CA Edge	.40 S&W	Pistol	5"	12/21/2004
Springfield Armory	PX9155L	.40 S&W	Pistol	5"	11/06/2004

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Springfield Armory	PX9155L (ambi safety)	.40 S&W	Pistol	5"	11/06/2004
Springfield Armory	X-Treme Duty w/A.O. Tritium	.40 S&W	Pistol	4.08"	09/24/2004
Springfield Armory	X-Treme Duty w/A.O. Tritium	9mm	Pistol	4.08"	09/24/2004
Springfield Armory	PB9105L	.45 ACP	Pistol	5"	09/20/2004
Springfield Armory	PB9160L	.45 Ultra	Pistol	3.5"	09/20/2004
Para USA	LC745S	.45 ACP	Pistol	3.5"	07/30/2004
Para USA	LC745SL	.45 ACP	Pistol	3.5"	07/30/2004
Para USA	LC745SN	.45 ACP	Pistol	3.5"	07/30/2004
Bryco Arms	J-22-CA	.22 LR	Pistol	2.5"	06/04/2004
Sturm, Ruger & Co.	KP95DPR	9mm	Pistol	3.9"	05/27/2004
Walther	P22	.22 LR	Pistol	5"	05/08/2004
Walther	P22	.22 LR	Pistol	3.4"	05/08/2004
Bryco Arms	M25-CA	.25	Pistol	2.5"	04/02/2004
Taurus	617 Titanium (Spectrum Blue)	.357 Magnum	Revolver	2"	01/19/2004
Taurus	85 Titanium (Matte Spectrum Gold)	.38 Spl	Revolver	2"	01/13/2004
Taurus	85 Titanium (Matte Spectrum Blue)	.38 Spl	Revolver	2"	01/13/2004
Republic Arms	Patriot	.45 ACP	Pistol	3"	01/04/2004
Springfield Armory	PX9242L	.45 ACP	Pistol	4"	12/31/2003

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Springfield Armory	PX9242L (ambi safety)	.45 ACP	Pistol	4"	12/31/2003
Phoenix Arms	HP22 (Nickel)	.22 LR	Pistol	5"	12/31/2003
Sturm, Ruger & Co.	KP4B (22/45 Target)	.22 LR	Pistol	4"	12/31/2003
Smith & Wesson	342	.38 Spl +P	Revolver	1.87"	12/31/2003
Beretta	8040 Mini Cougar F	.40 S&W	Pistol	3.6"	12/31/2003
Beretta	92FS Compact	9mm	Pistol	4.3"	12/31/2003
Beretta	92G Elite	9mm	Pistol	4.7"	12/31/2003
Beretta	8000 Mini Cougar F	9mm	Pistol	3.7"	12/31/2003
Beretta	96G Elite	.40 S&W	Pistol	4.7"	12/31/2003
Beretta	92FS Compact Type M Inox	9mm	Pistol	4.3"	12/31/2003
Beretta	8045 Mini Cougar F	.45 ACP	Pistol	3.7"	12/31/2003
Beretta	92FS Compact Inox	9mm	Pistol	4.3"	12/31/2003
Beretta	U22 Neos 4.5	.22 LR	Pistol	4.5"	12/03/2003
Beretta	M9 Ltd. Edition	9mm	Pistol	4.92"	11/14/2003
Springfield Armory	PI9603L (ambi safety)	.40 S&W	Pistol	5"	11/06/2003
Springfield Armory	PI9603L	.40 S&W	Pistol	5"	11/06/2003
Charles Daly	CDGR6036 1911A-1	.45 ACP	Pistol	5"	08/02/2003
Kimber	Ultra CDP Elite II	.45 ACP	Pistol	3"	07/17/2003
Kimber	Ultra CDP Elite STS II	.45 ACP	Pistol	3"	07/17/2003
Kimber	Pro Eclipse II	.45 ACP	Pistol	4"	06/27/2003
Bryco Arms	Valor 380	.380	Pistol	3.75"	06/04/2003

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	T1640ER	.40 S&W	Pistol	5"	05/07/2003
Para USA	T1640EL	.40 S&W	Pistol	5"	05/07/2003
Para USA	T1640EN	.40 S&W	Pistol	5"	05/07/2003
Davis	D-22 Satin	.22 LR	Derringer	2.4"	04/26/2003
Colt	Police Positive	.38 Spl	Revolver	4"	04/26/2003
Charles Daly	CDGR2141 DDA 10-45	.45 ACP	Pistol	4.37"	04/26/2003
Charles Daly	CDGR2077 DDA 10-45	.45 ACP	Pistol	3.62"	04/26/2003
Charles Daly	CDGR2099 DDA 10-45	.45 ACP	Pistol	3.62"	04/26/2003
Charles Daly	CDGR2084 DDA 10-45	.45 ACP	Pistol	3.62"	04/26/2003
Kimber	Custom Eclipse II	.45 ACP	Pistol	5"	04/26/2003
Kimber	STS Gold Match SE II	.45 ACP	Pistol	5"	04/26/2003
Davis	D-38 Blue	.38 Spl	Derringer	2.75"	04/05/2003
Davis	D-38 Satin	.38 Spl	Derringer	2.75"	04/05/2003
Davis	D-38 Chrome	.38 Spl	Derringer	2.75"	04/05/2003
Charles Daly	CDGR2020 DDA 10-45	.45 ACP	Pistol	3.62"	04/04/2003
Charles Daly	CDGR2196 DDA 10-45	.45 ACP	Pistol	4.37"	04/04/2003
Kimber	Custom Defender II	.45 ACP	Pistol	5"	03/29/2003
Kimber	Target Elite II	.45 ACP	Pistol	5"	03/29/2003
Colt	O4012XS Combat Commander	.45 ACP	Pistol	4.25"	03/12/2003
Davis	DM-22 Chrome	.22 Magnum	Derringer	2.4"	03/05/2003
Davis	DM-22 Satin	.22 Magnum	Derringer	2.4"	03/05/2003
Davis	D-22 Chrome	.22 LR	Derringer	2.4"	03/05/2003
Davis	D-32 Blue	.32	Derringer	2.4"	03/05/2003

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Davis	D-32 Satin	.32	Derringer	2.4"	03/05/2003
Para USA	P1045SL	.45 ACP	Pistol	3"	02/28/2003
Para USA	L1440ER	.40 S&W	Pistol	3.5"	02/28/2003
Para USA	P1045SN	.45 ACP	Pistol	3"	02/28/2003
Para USA	L1440EL	.40 S&W	Pistol	3.5"	02/28/2003
Para USA	L1440EN	.40 S&W	Pistol	3.5"	02/28/2003
Para USA	P1445RR	.45 ACP	Pistol	5"	02/28/2003
Para USA	P1445RL	.45 ACP	Pistol	5"	02/28/2003
Para USA	S1245ER	.45 ACP	Pistol	3.5"	02/28/2003
Para USA	P1445RN	.45 ACP	Pistol	5"	02/28/2003
Para USA	S1245EL	.45 ACP	Pistol	3.5"	02/28/2003
Para USA	S1245EN	.45 ACP	Pistol	3.5"	02/28/2003
Para USA	P1045SR	.45 ACP	Pistol	3"	02/28/2003
Springfield Armory	PX9162L	.45 ACP	Pistol	3.75"	02/08/2003
Springfield Armory	PX9162L (ambi safety)	.45 ACP	Pistol	3.75"	02/08/2003
Springfield Armory	PX9507L	.45 ACP	Pistol	3.25"	02/08/2003
Springfield Armory	PX9507L (ambi safety)	.45 ACP	Pistol	3.25"	02/08/2003
Davis	D32 Chrome	.32	Derringer	2.4"	02/06/2003
Llama	MAX-I Deluxe Blue	.45 ACP	Pistol	5"	01/03/2003
Para USA	P1640EN	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1045RN	.45 ACP	Pistol	3"	12/31/2002

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Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Para USA	P1245ER	.45 ACP	Pistol	3.5"	12/31/2002
Para USA	P1245EL	.45 ACP	Pistol	3.5"	12/31/2002
Para USA	P1640ER	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1640SR	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1640SL	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1640SN	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1245EN	.45 ACP	Pistol	3.5"	12/31/2002
Para USA	P1045RR	.45 ACP	Pistol	3"	12/31/2002
Para USA	P1640EL	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1045RL	.45 ACP	Pistol	3"	12/31/2002
Davis	DM-22 Blue	.22 Magnum	Derringer	2.4"	12/31/2002
Kimber	Comp. Alum. STS II	.45 ACP	Pistol	4"	12/31/2002
Kimber	Compact II	.45 ACP	Pistol	4"	12/31/2002
Kimber	Ultra Shadow LE II	.45 ACP	Pistol	3"	11/06/2002
Kimber	Pro Shadow	.45 ACP	Pistol	4"	11/06/2002
Kimber	Ultra Eclipse II	.45 ACP	Pistol	3"	09/10/2002
Firestorm	Firestorm Mini Compact .45	.45 ACP	Pistol	3.63"	08/14/2002
Walther	P99 QPQ	.40 S&W	Pistol	4.12"	06/14/2002
Walther	P99 QPQ	9mm	Pistol	4"	06/14/2002
IM Metal	HS 2000	9mm	Pistol	4.08"	03/19/2002
Kimber	Poly Gold Match STS II	.45 ACP	Pistol	5"	01/18/2002
Kimber	Poly Stainles II	.45 ACP	Pistol	5"	12/31/2001



Home / SHIELD / M&P®9 SHIELD COMPLIANT

## SHIELD SERIES

M&P®9 SHIELD COMPLIANT

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**\$75 PREPAID CARD**

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**9MM**  
CALIBER

**7,8**  
CAPACITY

**STAINLESS STEEL**  
BARREL MATERIAL

**THUMB SAFETY**  
SAFETY

### Product Features

The reality of protection is that you never know when you'll need it. We took the power and features of our full sized M&P pistols and put them into a slim, lightweight pistol the size of your hand. The M&P Shield is an easy to conceal pistol that offers professional grade features with simple operation and reliable performance day or night. One million Shield owners can't be wrong.

- CA Compliant Tactile Loaded Chamber Indicator and Magazine Safety
- Extremely thin and lightweight - can be comfortably carried all day
- Polymer frame with embedded stainless steel rigid chassis system
- Striker-fired for short consistent trigger pull, every time
- M&P's patented take-down lever and sear deactivation systems allow for disassembly without pulling the trigger
- Single Sided Thumb Safety
- Includes 2 magazines, one with extended capacity for full grip

### Specs

CALIBER	9MM
SIZE	MICRO-COMPACT
CAPACITY	7,8
ACTION	STRIKER FIRED
BARREL LENGTH	3.1
GRIP	POLYMER
SIGHTS	WHITE DOT
OPTIC READY	NO
SAFETY	THUMB SAFETY
COLOR/FINISH	BLACK
STATE COMPLIANCE	CA, CO, CT, DE, HI, MD, NJ, NY, OR, RI, VT, WA
THREADED BARREL	NO
BARREL MATERIAL	STAINLESS STEEL
FRAME	POLYMER
LASER	NO
PERFORMANCE CENTER	NO
NUMBER OF MAGAZINES	2
10LB TRIGGER	NO
REBATE	\$75 PREPAID CARD

### Spec Sheet



ALL BACKED BY OUR SMITH & WESSON LIFETIME SERVICE POLICY, AVAILABILITY SUBJECT TO APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES.

Plaintiffs' Exhibit 5

ER-0939



Home / SHIELD M2.0 / M&P®9 SHIELD M2.0

## SHIELD M2.0 SERIES

M&P®9 SHIELD M2.0

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**BUY NOW**

**MSRP: \$505.00** **SKU: 11808**

<b>9MM</b> CALIBER	<b>7,8</b> CAPACITY	<b>STAINLESS STEEL</b> BARREL MATERIAL	<b>POLYMER</b> GRIP
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### Product Features

The reality of protection is that you never know when you'll need it. We took the power and features of our full sized M&P pistols and put them into a slim, lightweight pistol the size of your hand. The M&P Shield is an easy to conceal pistol that offers professional grade features with simple operation and reliable performance day or night. One million Shield owners can't be wrong.

- Incorporates the design features of the M&P M2.0 line of firearms.
- Aggressive grip texture for enhanced control.
- New M&P M2.0 crisp trigger with lighter trigger pull.
- Tactile and audible trigger reset.
- Extremely thin and lightweight - can be comfortably carried all day.
- M&P's patented take-down lever and sear deactivation systems allow for disassembly without pulling the trigger.
- Includes 2 magazines:
  - One 7-round magazine.
  - One 8-round extended grip magazine.
- Optimal 18-degree grip angle for natural point of aim.
- Armornite® durable corrosion resistant finish.
- Backed by Smith & Wesson's Lifetime Service Policy.

### Specs

CALIBER	9MM
SIZE	MICRO-COMPACT
CAPACITY	7,8
ACTION	STRIKER FIRED
BARREL LENGTH	3.1
GRIP	POLYMER
SIGHTS	WHITE DOT
OPTIC READY	NO
SAFETY	NONE
COLOR/FINISH	BLACK
STATE COMPLIANCE	CO,CT,DE,HI,MD,NJ,NY,OR,RI,VT,WA
THREADED BARREL	NO
BARREL MATERIAL	STAINLESS STEEL
FRAME	POLYMER
LASER	NO
PERFORMANCE CENTER	NO
NUMBER OF MAGAZINES	2
10LB TRIGGER	NO
REBATE	\$75 PREPAID CARD

ALL BACKED BY OUR SMITH & WESSON LIFETIME SERVICE POLICY. AVAILABILITY SUBJECT TO APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES.

Plaintiffs' Exhibit 6

ER-0940

# FIREARM AND AMMUNITION INDUSTRY **ECONOMIC IMPACT**

REPORT | 2022



**NSSF**  
The Firearm Industry  
Trade Association

Plaintiffs' Exhibit 7 7-001

ER-0941

## Who is the National Shooting Sports Foundation?

The NSSF is the trade association for firearm, ammunition, hunting and recreational shooting sports industry. Formed in 1961, its mission is to promote, protect and preserve hunting and the shooting sports. NSSF's membership comprises approximately 10,000 manufacturers, distributors, firearm retailers, shooting ranges, sportsmen's organizations and publishers.

America's firearm and ammunition industry is a critical component of our nation's security, public safety, and economic well-being. For more than 200 years, the industry has made products that have been part of our country's

tradition of freedom, self-reliance and enjoyment of the outdoors. The firearm and ammunition industry is proud to provide the U.S. military and federal, state and local law enforcement agencies with the

**NSSF**  
The Firearm Industry  
Trade Association

tools they need to carry out their vital national security and public safety missions, and is essential for

law-abiding Americans to exercise their Second Amendment right to acquire a firearm and ammunition for lawful purposes like personal protection and home defense. Without our industry, the right to keep and bear arms would be a mere illusion.

The firearm industry is committed to the safe, legal, and responsible ownership and use of firearms, and works on a daily basis to stop their criminal misuse. Through Real Solutions. Safer Communities®, NSSF leads the way in promoting responsible ownership, storage, and helping to keep guns out of the wrong hands.

## The Firearm and Ammunition Industry Economic Impact Report

This report details the significant economic impact the firearm and ammunition industry has on our economy, both nationally and at the state level. The economic growth America's firearm and ammunition industry has experienced in recent years has been nothing short of remarkable and has been driven by an unprecedented number of Americans choosing to exercise their fundamental right to keep and bear arms. This includes an estimated 5.4 million new gun owners in 2021.

The report also notes the significant impact the firearm and ammunition industry has on wildlife conservation funding in America through its growing Pittman-Robertson excise tax contributions to the Wildlife Restoration Trust Fund which exceeded \$1.1 billion in 2021.

Regardless of economic conditions across the country, our industry has grown and created over 375,000 new, well-paying jobs since the middle of the Great Recession in 2008. Our industry is proud to be one of the bright spots in our economy.

Take a look for yourself and see the impact we have nationally and on your home state.

(See center spread.)



Plaintiffs' Exhibit 7 7-002





## THE NATIONAL SHOOTING SPORTS FOUNDATION ECONOMIC IMPACT OF THE FIREARM INDUSTRY 2021 DATA

### The Firearm Industry Creates Jobs in America

United States companies that manufacture, distribute, and sell sporting firearms, ammunition, and supplies are an important part of the country's economy. Manufacturers of firearms, ammunition, and supplies, along with the companies that sell and distribute these products, provide well-paying jobs in America and pay significant amounts in tax to the state and Federal governments.

#### The Economic Impact of the Sporting Arms and Ammunition Industry in the United States

	Direct	Supplier	Induced	Total
<b>Jobs (FTE)</b>	<b>169,523</b>	<b>85,188</b>	<b>121,108</b>	<b>375,819</b>
<b>Wages</b>	<b>\$7,909,712,200</b>	<b>\$6,529,122,900</b>	<b>\$6,948,198,900</b>	<b>\$21,387,034,000</b>
<b>Economic Impact</b>	<b>\$28,427,430,200</b>	<b>\$20,024,587,500</b>	<b>\$22,067,341,200</b>	<b>\$70,519,358,900</b>

### The Firearm & Ammunition Industry is an Important Part of America's Economy

Companies in the United States that manufacture, distribute, and sell firearms, ammunition, and hunting equipment employ as many as 169,523 people in the country and generate an additional 206,296 jobs in supplier and ancillary industries. These include jobs in supplying goods and services to manufacturers, distributors, and retailers, and those that depend on sales to workers in the firearm and ammunition industry.<sup>1</sup>

These are good jobs paying an average of \$56,900 in wages and benefits. And today, every job is important. The United States currently has an unemployment rate of 3.8 percent. This means that there are already 6,300,000 people trying to find jobs in the nation and collecting unemployment benefits.<sup>2</sup>

### The Economic Benefit of the Industry Spreads Throughout the Country

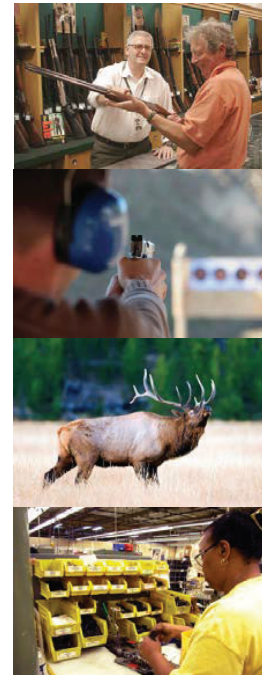
Not only does the manufacture and sale of firearms and hunting supplies create good jobs in the United States, but the industry also contributes to the economy as a whole. In fact, in 2021 the firearm and ammunition industry was responsible for as much as \$70.52 billion in total economic activity in the country.

The broader economic impact flows throughout the economy, generating business for firms seemingly unrelated to firearms. Real people, with real jobs, working in industries as varied as banking, retail, accounting, metal working, even in printing, all depend on the firearm and ammunition industry for their livelihood.

### The Country Also Benefits From the Taxes Paid By The Industry

Not only does the industry create jobs, it also generates sizeable tax revenues. In the United States, the industry and its employees pay over \$7.86 billion in taxes including property, income, and sales based levies.<sup>3</sup>

Taxes Generated in The United States		
Tax Impact	Business Taxes	Excise Taxes
<b>Federal Taxes</b>	<b>\$4,593,595,500</b>	<b>\$1,102,734,200</b>
<b>State Taxes</b>	<b>\$3,265,333,100</b>	
<b>Total Taxes</b>	<b>\$7,858,928,600</b>	<b>\$1,102,734,200</b>



<sup>1</sup> John Dunham & Associates, Florida, December 2021. Direct impacts include those jobs in firearms and ammunition manufacturers, as well as companies that manufacture products such as ammunition holders and magazines, cases, decoys, game calls, holsters, hunting equipment, scopes, clay pigeons and targets. Direct impacts also include those resulting from the wholesale distribution and retailing of these products.

<sup>2</sup> The Bureau of Labor Statistics. Available online at: [www.bls.gov/lau/home.htm](http://www.bls.gov/lau/home.htm). Data for March 2022.

<sup>3</sup> This is in addition to over \$1.10 billion in federal excise taxes.

ECONOMIC CONTRIBUTION OF ARMS AND AMMUNITION INDUSTRIES, 2021 STATE BY STATE ECONOMIC IMPACT REPORT

	Direct			Suppliers			Indirect			Total			Average Wage	Federal Business Tax
	Jobs	Wages	Output	Jobs	Wages	Output	Jobs	Wages	Output	Jobs	Wages	Output		
Alabama	2,602	\$ 817,382,000	\$ 253,953,600	1,174	\$ 700,965,500	\$ 270,709,600	1,471	\$ 646,519,600	\$ 216,100,200	5,247	\$ 210,994,300	\$ 740,771,400	\$ 43,616	\$ 4,156,600
Alaska	609	\$ 19,478,100	\$ 54,669,500	148	\$ 9,086,000	\$ 28,645,000	272	\$ 12,822,500	\$ 37,640,200	1,029	\$ 41,387,200	\$ 120,954,700	\$ 47,151	\$ 6,084,300
Arizona	5,111	\$ 319,586,100	\$ 1,036,790,200	2,594	\$ 200,112,700	\$ 557,248,600	4,228	\$ 258,936,600	\$ 737,647,400	11,933	\$ 778,633,400	\$ 2,231,086,000	\$ 61,243	\$ 180,242,900
Arkansas	43,445	\$ 217,951,500	\$ 1,342,486,000	24,234	\$ 155,890,200	\$ 983,777,700	30,657	\$ 160,597,200	\$ 600,444,560	10,426	\$ 524,438,900	\$ 2,526,709,300	\$ 40,263	\$ 132,078,600
California	13,071	\$ 651,244,100	\$ 1,771,452,100	63,188	\$ 1,567,559,300	\$ 5,544,434,400	93,633	\$ 633,018,000	\$ 1,902,114,200	29,082	\$ 1,181,645,500	\$ 5,207,997,700	\$ 66,095	\$ 386,709,600
Colorado	3,108	\$ 128,310,500	\$ 380,289,300	1,441	\$ 104,576,500	\$ 388,293,200	2,163	\$ 165,592,500	\$ 348,573,000	6,712	\$ 348,509,500	\$ 1,007,765,500	\$ 53,436	\$ 77,456,900
Connecticut	2,163	\$ 176,243,500	\$ 671,198,200	1,264	\$ 133,670,200	\$ 353,155,800	1,847	\$ 165,419,800	\$ 419,141,000	5,264	\$ 460,333,500	\$ 1,443,495,100	\$ 81,040	\$ 10,078,500
Delaware	248	\$ 6,344,000	\$ 12,659,000	95	\$ 6,227,200	\$ 24,392,200	160	\$ 8,574,800	\$ 35,712,300	503	\$ 2,148,000	\$ 72,719,500	\$ 53,593	\$ 2,868,400
District of Columbia	127	\$ 7,423,800	\$ 11,911,500	35	\$ 4,892,000	\$ 8,385,900	74	\$ 6,532,600	\$ 15,002,300	236	\$ 19,124,400	\$ 33,539,500	\$ 88,008	\$ 2,227,800
Florida	10,056	\$ 401,478,800	\$ 1,387,056,700	4,913	\$ 320,886,300	\$ 942,991,800	7,363	\$ 367,025,600	\$ 1,154,348,000	22,332	\$ 1,083,932,700	\$ 3,464,466,500	\$ 49,847	\$ 259,722,000
Georgia	3,869	\$ 167,060,200	\$ 679,853,600	2,222	\$ 169,553,200	\$ 550,836,500	2,954	\$ 155,618,000	\$ 532,633,600	9,915	\$ 482,775,200	\$ 1,793,326,900	\$ 52,865	\$ 98,402,600
Hawaii	297	\$ 11,144,100	\$ 24,130,100	89	\$ 5,655,200	\$ 16,359,300	192	\$ 9,496,600	\$ 33,476,400	578	\$ 26,297,900	\$ 73,945,800	\$ 49,461	\$ 10,280,000
Idaho	2,991	\$ 183,773,900	\$ 860,376,200	1,761	\$ 122,876,400	\$ 394,541,200	2,247	\$ 129,036,100	\$ 430,361,500	6,999	\$ 435,686,400	\$ 1,686,778,900	\$ 57,426	\$ 100,400,500
Illinois	5,323	\$ 280,194,900	\$ 1,070,785,000	3,286	\$ 178,480,800	\$ 669,983,500	4,442	\$ 283,304,400	\$ 926,998,300	13,051	\$ 842,587,100	\$ 2,864,766,800	\$ 63,913	\$ 183,877,600
Indiana	2,988	\$ 73,605,900	\$ 232,510,200	1,314	\$ 96,616,800	\$ 407,063,000	1,509	\$ 79,030,000	\$ 338,098,200	5,021	\$ 249,183,300	\$ 937,691,400	\$ 52,373	\$ 37,773,200
Iowa	1,076	\$ 47,891,700	\$ 153,701,800	609	\$ 40,955,100	\$ 144,659,200	894	\$ 44,615,100	\$ 183,120,900	2,779	\$ 133,460,300	\$ 481,188,100	\$ 48,903	\$ 22,298,700
Kansas	1,270	\$ 80,006,000	\$ 285,639,100	430	\$ 36,577,900	\$ 128,268,600	633	\$ 45,514,200	\$ 165,750,500	2,133	\$ 162,225,100	\$ 579,658,800	\$ 71,045	\$ 12,766,600
Kentucky	2,452	\$ 97,319,500	\$ 330,534,700	1,096	\$ 71,622,400	\$ 266,028,300	1,513	\$ 76,547,200	\$ 255,909,800	5,301	\$ 245,562,600	\$ 852,472,800	\$ 40,267	\$ 42,270,200
Louisiana	1,739	\$ 55,400,000	\$ 176,232,100	815	\$ 50,235,500	\$ 234,952,200	1,061	\$ 47,560,300	\$ 206,184,400	3,915	\$ 153,215,800	\$ 673,368,700	\$ 44,826	\$ 28,672,000
Maine	1840	\$ 55,749,000	\$ 85,259,400	652	\$ 35,718,100	\$ 104,533,400	1,031	\$ 43,982,000	\$ 128,233,500	2,332	\$ 135,453,000	\$ 418,076,300	\$ 42,660	\$ 29,514,400
Massachusetts	1,979	\$ 113,397,600	\$ 399,477,800	857	\$ 77,081,000	\$ 166,051,100	1,450	\$ 96,640,800	\$ 295,235,700	4,386	\$ 287,119,500	\$ 890,704,500	\$ 66,649	\$ 62,428,500
Michigan	5,955	\$ 210,684,600	\$ 643,807,600	2,909	\$ 200,060,900	\$ 536,213,300	3,695	\$ 268,818,000	\$ 920,443,300	10,511	\$ 796,439,100	\$ 2,845,799,700	\$ 74,899	\$ 192,635,000
Minnesota	4,489	\$ 340,879,700	\$ 1,205,550,500	2,715	\$ 253,992,900	\$ 896,519,900	4,476	\$ 310,636,500	\$ 881,176,300	11,680	\$ 914,443,100	\$ 2,783,346,700	\$ 52,206	\$ 239,960,000
Mississippi	2,223	\$ 105,941,800	\$ 425,566,100	1,102	\$ 66,597,900	\$ 259,619,000	1,412	\$ 70,650,000	\$ 344,392,300	4,737	\$ 243,189,700	\$ 929,617,700	\$ 50,035	\$ 26,798,400
Missouri	3,630	\$ 143,968,800	\$ 481,060,000	1,730	\$ 117,068,700	\$ 366,182,800	2,539	\$ 127,840,600	\$ 406,646,000	7,899	\$ 388,878,100	\$ 1,253,888,800	\$ 50,351	\$ 79,985,100
Montana	1,247	\$ 44,216,600	\$ 175,048,200	484	\$ 27,083,500	\$ 88,344,200	723	\$ 31,797,000	\$ 103,345,000	2,464	\$ 103,107,700	\$ 366,737,500	\$ 43,924	\$ 20,865,600
Nebraska	1,558	\$ 69,182,700	\$ 291,503,000	705	\$ 49,036,500	\$ 166,765,900	1,062	\$ 57,364,700	\$ 204,785,900	3,215	\$ 175,583,900	\$ 663,054,800	\$ 54,016	\$ 38,224,200
Nevada	1,565	\$ 63,904,800	\$ 227,224,300	689	\$ 45,200,500	\$ 95,586,800	947	\$ 46,954,500	\$ 164,719,200	3,201	\$ 156,059,800	\$ 517,530,300	\$ 40,582	\$ 37,280,200
New Hampshire	4,108	\$ 326,602,400	\$ 1,423,244,300	2,256	\$ 219,629,900	\$ 553,479,100	3,586	\$ 255,524,800	\$ 746,319,200	9,950	\$ 799,757,100	\$ 2,722,382,600	\$ 70,698	\$ 203,308,300
New Jersey	2,179	\$ 140,527,200	\$ 364,177,800	1,137	\$ 109,258,600	\$ 289,824,800	1,858	\$ 137,520,800	\$ 399,777,200	5,174	\$ 387,306,600	\$ 1,063,779,800	\$ 74,016	\$ 77,079,000
New Mexico	788	\$ 203,355,000	\$ 59,973,300	242	\$ 118,920,000	\$ 46,535,400	412	\$ 15,593,100	\$ 56,374,600	1,442	\$ 47,820,200	\$ 162,883,300	\$ 37,847	\$ 18,689,400
New York	4,212	\$ 265,213,200	\$ 946,291,100	2,229	\$ 153,297,500	\$ 691,865,600	3,609	\$ 208,323,500	\$ 899,187,400	10,550	\$ 825,874,200	\$ 2,540,344,100	\$ 85,432	\$ 195,795,500
North Carolina	5,573	\$ 259,597,900	\$ 1,032,856,800	3,316	\$ 228,827,700	\$ 720,264,200	4,128	\$ 225,287,700	\$ 760,546,000	13,077	\$ 710,683,300	\$ 2,593,647,000	\$ 54,571	\$ 163,325,900
North Dakota	339	\$ 116,976,000	\$ 24,739,500	110	\$ 6,690,800	\$ 21,634,500	203	\$ 9,267,500	\$ 33,660,800	662	\$ 27,633,900	\$ 80,034,800	\$ 45,653	\$ 4,464,100
Ohio	6,993	\$ 277,197,000	\$ 783,990,100	3,478	\$ 245,885,200	\$ 855,548,000	4,785	\$ 242,371,200	\$ 767,534,600	15,256	\$ 765,453,400	\$ 2,367,072,700	\$ 50,652	\$ 147,139,000
Oklahoma	1,281	\$ 4,331,000	\$ 142,571,300	699	\$ 35,454,400	\$ 133,727,000	822	\$ 36,530,400	\$ 118,306,200	2,702	\$ 115,296,800	\$ 414,604,500	\$ 44,441	\$ 20,414,100
Oregon	3,658	\$ 220,949,000	\$ 792,277,700	2,316	\$ 94,513,200	\$ 399,472,900	2,968	\$ 175,787,700	\$ 512,688,800	8,952	\$ 592,030,000	\$ 1,794,437,400	\$ 59,541	\$ 134,535,400
Pennsylvania	9,166	\$ 333,067,200	\$ 936,046,500	3,835	\$ 214,332,800	\$ 652,490,500	5,980	\$ 267,210,300	\$ 725,255,000	18,891	\$ 940,656,200	\$ 2,666,792,000	\$ 52,165	\$ 118,599,000
Rhode Island	368	\$ 21,645,500	\$ 77,648,100	197	\$ 15,372,300	\$ 51,933,200	261	\$ 16,285,500	\$ 52,266,100	826	\$ 53,303,300	\$ 181,697,400	\$ 62,397	\$ 930,470
South Carolina	3,449	\$ 127,353,700	\$ 533,517,200	1,626	\$ 104,563,400	\$ 367,340,500	2,014	\$ 96,585,700	\$ 335,328,100	6,789	\$ 328,502,800	\$ 1,236,815,800	\$ 47,957	\$ 707,400,000
South Dakota	872	\$ 26,742,400	\$ 79,107,900	395	\$ 26,598,900	\$ 86,800,000	575	\$ 30,028,900	\$ 106,662,700	1,842	\$ 94,860,200	\$ 372,350,600	\$ 52,224	\$ 20,789,600
Tennessee	3,285	\$ 165,697,200	\$ 394,107,500	1,621	\$ 180,334,300	\$ 568,146,300	2,191	\$ 122,555,000	\$ 363,004,500	7,097	\$ 377,284,500	\$ 1,125,230,300	\$ 55,935	\$ 73,726,400
Texas	14,470	\$ 542,779,400	\$ 2,102,667,450	7,152	\$ 520,341,300	\$ 1,786,030,100	10,100	\$ 517,037,700	\$ 1,776,607,500	31,632	\$ 1,580,163,400	\$ 5,593,312,000	\$ 51,652	\$ 330,654,200
Utah	4,257	\$ 15,419,900	\$ 559,417,200	1,979	\$ 123,431,300	\$ 374,914,400	2,657	\$ 132,858,800	\$ 395,500,200	8,926	\$ 402,269,000	\$ 1,329,831,800	\$ 4,616	\$ 92,354,300
Vermont	3,965	\$ 19,202,500	\$ 63,294,700	1,681	\$ 12,051,000	\$ 35,863,000	274	\$ 14,851,900	\$ 46,159,400	828	\$ 46,109,500	\$ 144,677,000	\$ 54,215	\$ 15,696,200
Virginia	3,915	\$ 13,148,900	\$ 520,801,200	1,680	\$ 12,188,500	\$ 36,327,700	2,229	\$ 11,202,800	\$ 396,112,300	7,024	\$ 364,076,200	\$ 1,293,441,200	\$ 40,889	\$ 49,880,800
Washington	3,977	\$ 17,137,500	\$ 565,036,600	1,740	\$ 140,271,900	\$ 394,959,400	2,449	\$ 14,485,200	\$ 133,694,500	8,966	\$ 415,127,200	\$ 1,392,930,500	\$ 57,773	\$ 11,723,500
West Virginia	919	\$ 22,862,200	\$ 79,222,640	319	\$ 18,245,100	\$ 74,880,800	464	\$ 17,801,500	\$ 64,358,000	1,702	\$ 68,900,800	\$ 238,465,200	\$ 38,365	\$ 11,014,300
Wisconsin	2,757	\$ 113,276,400	\$ 436,408,800	1,808	\$ 128,074,700	\$ 455,827,700	2,096	\$ 109,518,900	\$ 389,383,500	6,661	\$ 305,869,000	\$ 1,240,619,000	\$ 52,251	\$ 61,869,400
Wyoming	2,102	\$ 80,798,700	\$ 400,755,800	640	\$ 38,036,400	\$ 131,090,800	930	\$ 42,547,000	\$ 165,424,100	3,672	\$ 161,382,100	\$ 688,670,700	\$ 45,749	\$ 38,988,800
Total	689,523	\$ 759,912,200	\$ 2,784,474,300,200	351,188	\$ 6,529,123,900	\$ 21,002,459,750	521,098	\$ 6,594,898,800	\$ 22,062,741,400	275,893	\$ 21,367,034,000	\$ 70,599,558,900	\$ 2,829,154	\$ 4,689,985,600

John Dunham & Associates, LLC

## STATE RANKINGS - 2021

**Economic Output: Top Ten States**

Total Economic Output, dollars
Texas
California
Florida
Illinois
Massachusetts
Minnesota
New Hampshire
Pennsylvania
New York
Arkansas

Total Economic Output, per capita
New Hampshire
Wyoming
Idaho
Arkansas
Minnesota
Oregon
South Dakota
Massachusetts
Connecticut
Utah

Growth in Economic Output
Wyoming
Arkansas
New Hampshire
Kentucky
Ohio
New Jersey
Idaho
Virginia
Maine
Michigan

**Jobs: Top Ten States**

Total Jobs, number
Texas
California
Florida
Pennsylvania
Ohio
Illinois
North Carolina
Arizona
Michigan
Minnesota

Total Jobs, per capita
New Hampshire
Wyoming
Idaho
Arkansas
Utah
Maine
Montana
Oregon
South Dakota
Minnesota

Growth in Jobs
Wyoming
New Jersey
New Hampshire
Maine
Arkansas
Pennsylvania
Hawaii
Virginia
Massachusetts
Ohio

**Excise Tax: Top Ten States**

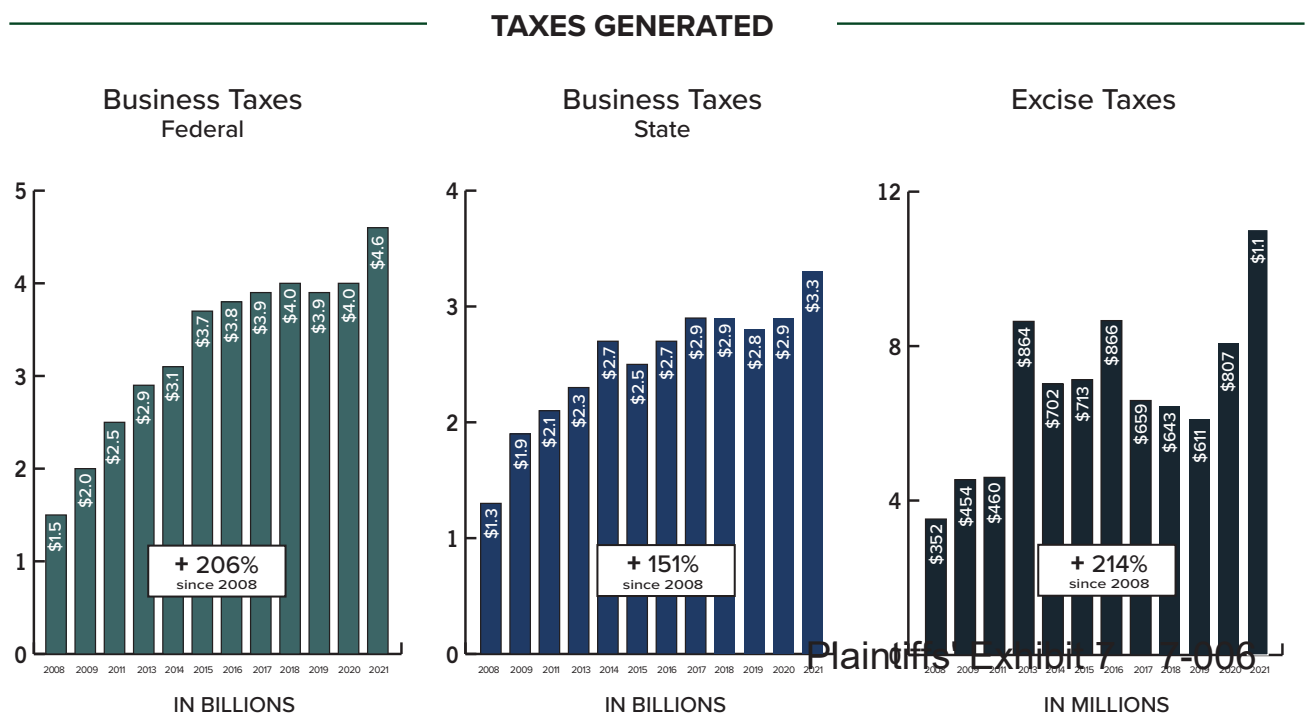
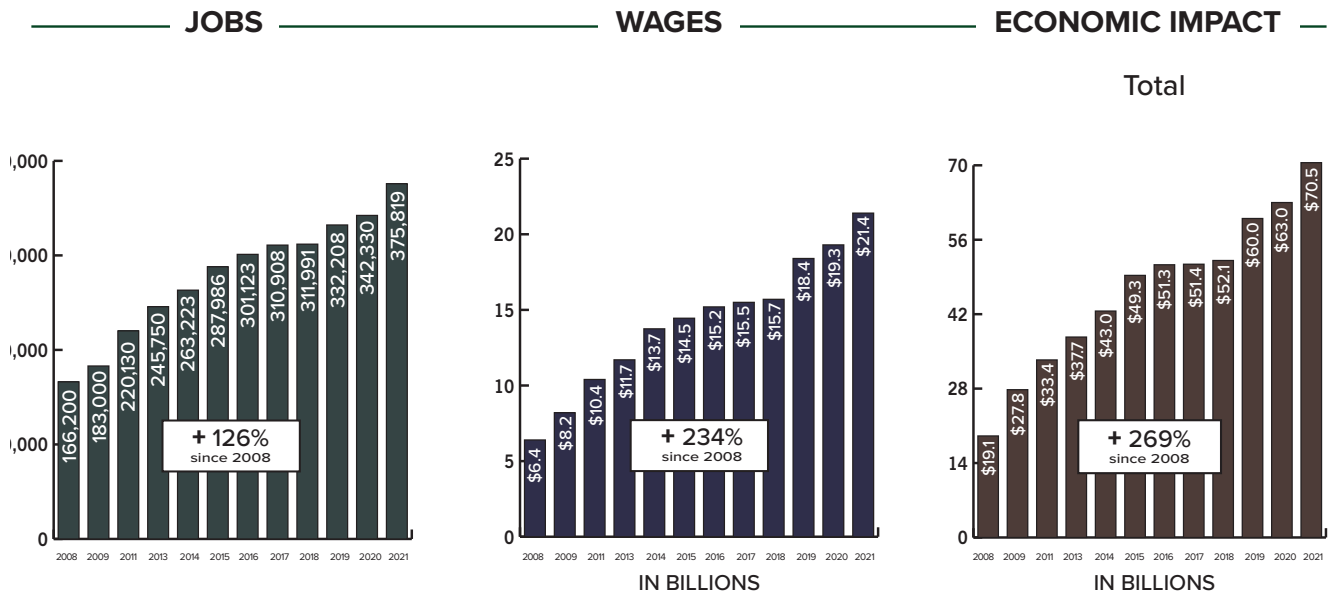
Federal Excise Taxes, number
California
Texas
Florida
Minnesota
New Hampshire
Pennsylvania
Massachusetts
Illinois
Arizona
North Carolina

Federal Excise Taxes, per capita
New Hampshire
Wyoming
Idaho
Arkansas
Minnesota
Oregon
Connecticut
Utah
Massachusetts
Arizona

Growth in Excise Taxes
Wyoming
Arkansas
Hawaii
New Jersey
Kentucky
New Hampshire
Ohio
Maine
Virginia
Pennsylvania

Plaintiffs' Exhibit 7 7-005

## WHAT A GROWING INDUSTRY LOOKS LIKE...





**For any inquiries please contact us at:**  
203-286-4719 x209 | [membership@nssf.org](mailto:membership@nssf.org)



**NSSF**  
The Firearm Industry  
Trade Association

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Item #9101A 3/22

Plaintiffs' Exhibit 7 7-007

**ER-0947**

**Clayton E. Cramer**

36 Sunburst Road  
Horseshoe Bend, ID 83629  
(208) 793-3044  
clayton@claytoncramer.com  
<http://www.claytoncramer.com>

**EDUCATION:**

	Sonoma State University, Rohnert Park, California
June, 1998	M.A. in History
	<i>Master's Thesis:</i> "Concealed Weapon Laws of the Early Republic"
June, 1994	B.A. in History
	<i>Honors: cum laude and With Distinction</i>

**AWARDS:**

1993	Association for Education in Journalism and Mass Communication Ethics Prize First Place, Undergraduate Division
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**TEACHING EXPERIENCE:**

Fall, 2017 – present	<b><i>Adjunct Faculty:</i></b> College of Western Idaho, Nampa, teaching <b>Western Civilization I, U.S. History I.</b>
Fall, 2014 – Spring, 2017	Recovering from stroke
Spring, 2010 – Spring, 2014	<b><i>Adjunct Faculty:</i></b> College of Western Idaho, Nampa, teaching <b>Western Civilization I, U.S. History I.</b>
Fall, 2009 – Summer 2010	<b><i>Adjunct Faculty:</i></b> ITT Technical Institute, Boise, teaching <b>State and Local Government and Introduction to Computers.</b>
Fall, 2003	<b><i>Adjunct Faculty:</i></b> Boise State University, teaching <b>U.S. Constitutional History</b> and at George Fox University (Boise Center), teaching <b>America and the World.</b>

1996      **Teaching Assistant:** Assisted Professor Peter Mellini in his course “Twentieth Century World.” I graded quizzes, exams, and answered weekly written questions from students. I also prepared and lectured about the rise of totalitarianism in the period between the world wars.

**BOOKS:**

*Lock, Stock, and Barrel: The Origins of America Gun Culture*  
Praeger Press, 2018

*Social Conservatism in An Age of Revolution: Legislating Christian Morality in Revolutionary America*  
CreateSpace, 2016

*Historical Evidence Concerning Climate Change: Archaeological and Historical Evidence That Man Is Not the Cause*  
CreateSpace, 2016

*My Brother Ron: A Personal and Social History of the Deinstitutionalization of the Mentally Ill*  
CreateSpace, 2012

*Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie*  
Nelson Current, 2006

*Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform*  
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#### CONFERENCES & EXPERT TESTIMONY:

Ohio State Senate Judiciary Committee, March 22, 1995.

Michigan House of Representatives Judiciary Committee, December 5, 1995

American Society of Criminology, San Diego, Cal., November, 1997. “Fear And Loathing In Whitehall: Bolshevism And The Firearms Act Of 1920.”

American Society of Criminology, Chicago, Ill., November, 2002. “The Duty to be Armed in Colonial America.”

Assisted in research and writing of Respondent's Brief and Academics for the Second Amendment and Claremont Institute amicus briefs for *D.C. v. Heller* (2008).

Panelist on "Up in Arms: The Second Amendment in the Modern Republic" University of Connecticut School of Law, November 15, 2013.

#### WORKS CITED IN COURT DECISIONS:

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"What Did 'Bear Arms' Mean in the Second Amendment?," cited in *D.C. v. Heller* (2008). In addition, significant parts of Justice Scalia's opinion are derived from amicus briefs that I helped to research and write.

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*Concealed Weapon Laws of the Early Republic*, cited in *Senna v. Florimont*, 958 A.2d 427, 433 (N.J. 2008).

"Mental Illness and the Second Amendment," cited in *In Rec EC* (N.J.App. 2015).

A comprehensive and up to date list can be found at <http://claytoncramer.com/scholarly/journals.htm#citations>.

**LANGUAGES:**

Very basic reading competence in German.

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**“DON’T KNOW MUCH ABOUT HISTORY ”  
THE CURRENT CRISIS IN SECOND AMENDMENT SCHOLARSHIP**

*by Saul Cornell\**

I. INTRODUCTION

Second Amendment scholarship is in the midst of a crisis. The two dominant interpretations of the Second Amendment, the individual rights and collective rights models, no longer seem capable of accounting for the complexity of the historical evidence about the meaning of the right to bear arms.<sup>1</sup> To explain the historical meaning of the Second Amendment a new more sophisticated paradigm is required.<sup>2</sup> Before sketching what a new paradigm for the Second Amendment might resemble, it is worth taking some time to explore how we arrived at the current crisis.<sup>3</sup>

Sanford Levinson’s provocative think piece *The Embarrassing Second Amendment*, inaugurated a new era in Second Amendment scholarship.<sup>4</sup> Prior to Levinson’s entry into the debate, Second Amendment scholarship was a marginal topic among serious legal academics.<sup>5</sup> Writing about the Second Amendment before Levinson was dominated by activists, not scholars.<sup>6</sup> In the two decades since Levinson’s article first appeared, the subject of the Second Amendment has attracted considerable attention within the legal academy, with law reviews from Akron to Yale rushing to publish scholarship on this once neglected topic.<sup>7</sup> Much, but certainly not all, of this literature supported the individual rights point

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<sup>1</sup> See generally SAUL CORNELL ED., *WHOSE RIGHT TO BEAR ARMS DID THE SECOND AMENDMENT PROTECT?* (2000) (introducing historical studies related to the Second Amendment’s origin and meaning).

<sup>2</sup> *Id.*

<sup>3</sup> Second Amendment scholarship is a classic example of Thomas Kuhn’s theory of paradigm change. See generally THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1962) (explaining the historical evolution of science in terms of shifting models or paradigms).

<sup>4</sup> See Sanford Levinson, *The Embarrassing Second Amendment*, 99 YALE L.J. 637 (1989). For an excellent overview of the twists and turns in recent Second Amendment scholarship, see Carl T. Bogus, *The History and Politics of Second Amendment Scholarship*, 76 CHI.-KENT L. REV. 3 (2000).

<sup>5</sup> See Andrew McClurg, *The Rhetoric of Gun Control*, 42 AM. U.L. REV. 53, 61 (1992).

<sup>6</sup> The two most influential activist authors were STEPHEN P. HALBROOK, *THAT EVERY MAN BE ARMED* (1984) and Don B. Kates, *Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 MICH. L. REV. 204 (1983).

<sup>7</sup> See Anthony J. Dennis, *Clearing Smoke from the Right to Bear Arms and the Second Amendment*, 29 AKRON L. REV. 57 (1995); Robert J. Cottrol & Raymond T. Diamond, *The Fifth Auxiliary Right*, 104 YALE L.J. 995 (1995).

of view.<sup>8</sup> Most of this scholarship, however, was cast in the model of law office history with a strongly originalist bent.<sup>9</sup> Proponents of the new individual rights view of the Second Amendment managed to create an illusion of consensus within the academy and proclaimed their view the new “Standard Model of the Second Amendment.”<sup>10</sup> Having anointed themselves victors, the supporters of this approach went even further, declaring that no serious scholar could continue to accept the collective rights point of view.<sup>11</sup> Thus, Nelson Lund claimed, “At least as an intellectual matter, the debate about the states’ rights versus individual right interpretations seems now over.”<sup>12</sup> In reality there is considerable division within the legal academy about how to understand the Second Amendment.<sup>13</sup>

<sup>8</sup> According to Robert Spitzer, between 1912 and 1959 there were 11 articles published in law journals all supporting the militia interpretation. Between 1959 and 1989 there were 36 articles favoring the militia interpretation and 30 articles supporting the individual rights view. Individual rights scholarship overtook collective rights scholarship in the decade after Levinson’s pivotal article. If one applies a one scholar one vote rule, the difference between the two camps evaporates. Together Halbrook and Kates account for at least dozen articles in this period. See Robert J. Spitzer, *Lost and Found: Researching the Second Amendment*, 76 CHI.-KENT L. REV. 349 (2000).

<sup>9</sup> The literature challenging originalism is enormous. For a particularly forceful statement, see Mark Tushnet, *Interdisciplinary Legal Scholarship: The Case of History in Law*, 71 CHI.-KENT L. REV. 914 (1996). As Tushnet notes, “there are of course standard objections to originalism, the most potent of which is that it is, quite literally, irrational.” *Id.* at 914. For discussions of the problems with Second Amendment originalism, see Michael C. Dorf, *What Does the Second Amendment Mean Today*, 76 CHI.-KENT L. REV. 291 (2000) and Daniel Farber, *Disarmed by Time: The Second Amendment and the Failure of Originalism*, 76 CHI.-KENT L. REV. 167 (2000). A detailed philosophical discussion of originalism may be found in KEITH E. WHITTINGTON, *CONSTITUTIONAL INTERPRETATION: TEXTUAL MEANING, ORIGINAL INTENT, AND JUDICIAL REVIEW* (1999), which provides little historical guidance on this issue of how one should weight different intents. For a useful sampling of other writings on this topic, see JACK N. RAKOVE, *INTERPRETING THE CONSTITUTION: THE DEBATE OVER ORIGINAL INTENT* (1990). For a critique of law office history, see Alfred H. Kelly, *Clio and the Court: An Illicit Love Affair*, SUP. CT. REV. 119 (1965). On originalism as a form of “forensic history,” see John P. Reid, *Law and History*, 27 LOY. L.A. L. REV. 193 (1993). On the need for legal scholarship to remain current with historical scholarship, see Martin S. Flaherty, *History Lite in Modern American Constitutionalism*, 95 COLUM. L. REV. 523 (1995). On the notion of standards for Originalists, see H. Jefferson Powell, *Rules for Originalists*, 73 VA. L. REV. 659 (1987).

<sup>10</sup> On the term Standard Model, see Glenn Harlan Reynolds, *A Critical Guide to the Second Amendment*, 62 TENN. L. REV. 461, 463 (1995).

<sup>11</sup> For other exaggerated claims about consensus, see Randy E. Barnett & Don B. Kates, *Under Fire: The New Consensus on the Second Amendment*, 45 EMORY L.J. 1139, 1141 (1996); see also Joyce Lee Malcolm, *The Second Amendment: Symposium*, 10 SETON HALL CONST. L.J. 829, 876 (2000).

<sup>12</sup> Nelson Lund, *Outsider Voices on Guns and the Constitution*, 17 CONST. COM. 701, 708 (2000).

<sup>13</sup> In addition to the essays of Dorf and Farber cited above, one would include the following other examples of writing opposing the Standard Model: Carl T. Bogus, *The Hidden History of the Second Amendment*, 31 U.C. DAVIS L. REV. 309 (1998); Stephen J. Heyman, *Natural Rights and the Second Amendment*, 76 CHI.-KENT L. REV. 237 (2000); H. Richard Uviller & William G. Merkel, *The Second Amendment in Context: The Case of the Vanishing Predicate*, 76 CHI.-KENT L. REV. 403 (2000). If one also includes the 52 signatories to the Historians and Lawyers amicus brief in *U.S. v. Emerson*, the notion of a consensus seems even more problematic. Among the prominent legal scholars who signed the brief were: Bruce Ackerman, Jack Balkin, Erwin Chemerinsky, Norman Dorsen, and Frank Michaelman. Among the historians signing the brief were: Joyce

Much of the recent scholarship on the Second Amendment has attacked the Standard Model and defended the collective rights interpretation.<sup>14</sup> Even within the ranks of supporters of the individual rights view there now appears to be a serious division between ideologues who have refused to engage recent scholarship challenging their views and those scholars who have responded to recent writing in a thoughtful manner, recasting the individual rights interpretation in ways more compatible with recent historical scholarship.<sup>15</sup>

Although there are historians and lawyers on both sides of this issue, there is a clear disciplinary division in the debate. Although a number of legal scholars have been won over to the individual rights view, most early American historians reject this interpretation.<sup>16</sup> Perhaps the most vociferous critic of the new scholarship is Robert Shalhope, a scholar whose work is often cited by proponents of the Standard Model.<sup>17</sup> In Shalhope's view the writers associated with the Standard Model have distorted the past to suit their policy goals.<sup>18</sup> Standard Modelers, Shalhope observed, "displayed little if any interest in the political culture that spawned the Second Amendment; those that did displayed an appalling ignorance of this intellectual climate. The result was, of course, an incredibly anachronistic presentation of the Second Amendment."<sup>19</sup> While Shalhope's most recent writing on the Second Amendment continues to argue that the Amendment was an individual right, he argues that such a right was far more limited in nature than the expansive right championed by Standard Modelers.<sup>20</sup>

The stakes in the current debate over the meaning of the Second Amendment extend far beyond the halls of the academy.<sup>21</sup> Although the collective rights view enshrined in *United States v. Miller* continues to be the controlling precedent, the recent decision in *United States v. Emerson* demonstrates the importance of academic scholarship on the Second Amendment.<sup>22</sup> Although judges are usually shy about using law review literature

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Appleby, Edward Countryman, Hendrik Hartog, Stanley Katz, and Michael Zuckerman.

<sup>14</sup> See *id.*

<sup>15</sup> The dogmatic responses of Malcolm and Lund share little with the measured and thoughtful revisions of the individual rights theory in other recent work. Compare Robert E. Shalhope, *To Keep and Bear Arms in the Early Republic*, 16 CONST. COM. 269 (1999) and Sanford Levinson, *Historians and the Second Amendment*, (Paper presented at the University of Arizona Law School Conference, "Guns, Crime, and Punishment in America" on Jan. 26 and 27, 2001). For a summary of Levinson's argument, see Bernard E. Harcourt, *Guns, Crime, and Punishment in America*, ARIZ. L. REV. 43 (2001); Calvin R. Massey, *Guns, Extremists, and the Constitution*, 57 WASH. & LEE L. REV. 1095 (2000).

<sup>16</sup> See Bogus, *supra* note 4.

<sup>17</sup> See Shalhope, *supra* note 15.

<sup>18</sup> *Id.* at 281.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> See *United States v. Emerson*, 270 F.3d 203 (5th Cir. 2001).

<sup>22</sup> The controlling case for interpreting the Second Amendment remains *United States v. Miller*, 307 U.S. 174 (1939), which has generally been interpreted to endorse the view that the Amendment only protects the right of the militia to bear arms. For efforts to reinterpret *Miller* by individual rights theorists, see Eugene Volokh, et al., *The Second Amendment as a Teaching Tool in*



as the primary basis for rendering their decisions, *Emerson* is a sobering reminder of the potential for legal scholarship to influence the course of public policy and jurisprudence.<sup>23</sup> In the view of Judge Alex Kosinski, that decision was based “almost exclusively” on law review articles.<sup>24</sup> While Judge Cummings’ reliance on problematic law office history was bad enough, the Appeals Court decision in *Emerson* represented an even more disturbing lack of historical sophistication.<sup>25</sup> Two of the judges held that the Second Amendment protected an individual right, but concluded that the federal gun law prohibiting individuals under a domestic violence restraining order from being in possession of a firearm was not a violation of Emerson’s Second Amendment rights.<sup>26</sup> Had the judges made such an argument in philosophical terms, their decision would have been novel, but entirely logical. Rather than follow this more honest path, the judges cloaked their decision in a set of historical arguments that more closely resembled an alternative history science fiction fantasy than an accurate rendering of the past.<sup>27</sup> The majority decision of the Appeals Court made little use of the academic law review literature and instead quoted extensively from a remarkable text supplied to the court by the Second Amendment Foundation, *The Origin of the Second Amendment*, a self-published collection of primary sources from the Founding era culled together by a park ranger and gun enthusiast from Michigan.<sup>28</sup>

Before offering some insight into what a new paradigm for the Second Amendment might resemble, it is important to expose some of the historical errors that have by dint of frequent repetition come to be regarded as historical truth in this contentious debate.<sup>29</sup>

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*Constitutional Law Classes*, 48 J. LEGAL EDUC. 591 (1998). For a critique of Volokh, see Dorf, *supra* note 10, at 297-99.

<sup>23</sup> See *United States v. Emerson*, 270 F.3d 203 (5th Cir. 2001).

<sup>24</sup> *United States v. Emerson*, 46 F. Supp.2d 598 (N.D. Tex. 1999). The relationship between recent scholarship and the *Emerson* decision is discussed in Judge Alex Kosinski’s, *Who Gives a Hoot About Legal Scholarship*, 37 HOUS. L. REV. 295 (2000).

<sup>25</sup> See *United States v. Emerson*, 270 F.3d 203 (5th Cir. 2001).

<sup>26</sup> *Id.*

<sup>27</sup> For a useful introduction to the genre of alternative history science fiction, see Karen Hellekson, *Toward a Taxonomy of the Alternate History Genre*, 41 EXTRAPOLATION 248 (2000).

<sup>28</sup> See DAVID E. YOUNG, *THE ORIGIN HISTORY OF THE SECOND AMENDMENT* (1991). For a remarkable Interview with the author, see Michael V. Palletier, *Origins of the Second Amendment*, at <http://www.KeepandBearArms.com/information/XCIBViewItem.asp?ID=2722> (last visited June 5, 2002). While checking the references in footnote 2 on page 226 of Young I found multiple errors which suggests that the court erred in treating this work as an authoritative scholarly edition. The standard reference work for scholarly editing is MARY-JO KLINE, *A GUIDE TO DOCUMENTARY EDITING* (1998).

<sup>29</sup> See Saul Cornell, *Commonplace or Anachronism: The Standard Model, the Second Amendment, and the Problem of History in Contemporary Constitutional Theory*, 16 CONST. COM. 221 (1999); see also Jack N. Rakove, *Highest State of Originalism*, 76 CHI.-KENT L. REV. 103 (2000).

## II. STANDARD MODEL, STANDARD ERRORS “A RIGHT OF THE PEOPLE”

The first problematic assertion of the Standard Model is that the phrase “right of the people” was synonymous with individual rights in the Founding era.<sup>30</sup> This view is concisely stated by Glenn Harlan Reynolds, who argues that “The text’s support is seen as straightforward: the language used, after all, is ‘right of the people,’ a term that appears in other parts of the Bill of Rights that are universally interpreted as protecting individual rights. Thus, any argument that the right protected is not one enforceable by individuals is undermined by the text.”<sup>31</sup> Had Reynolds taken the time to immerse himself in the constitutional texts and language of the period, he would have encountered many examples in which the phrase “right of the people” did not mean an individual right. Consider the language of the Pennsylvania Constitution which asserts “the people of this state have the sole, exclusive, and inherent right of governing and regulating the internal police of the same.”<sup>32</sup> Here is one obvious example of how the phrase “right of the people” was used to protect a collective, not individual, right. Additional evidence for such a reading of the phrase “right of the people” may be found in the work of Richard Primus and Jack Rakove.<sup>33</sup> Primus correctly observes that the Founding generation held that “some rights were held to belong to ‘the people as a collective body rather than to people as individuals.’”<sup>34</sup>

Reynolds is not the only gun rights advocate to approach the phrase “right of the people” in an anachronistic fashion.<sup>35</sup> The prolific gun rights advocate Don Kates adopts a similar ahistorical reading of the Bill of Rights.<sup>36</sup> According to Kates, the claim that the phrase “right of the people” does not mean an individual right requires that the “following set of propositions must be accepted: (1) when the first Congress drafted the Bill of Rights it used ‘right of the people’ in the first amendment to denote a right of individuals (assembly); (2) then, some sixteen words later, it used the same phrase in the second amendment to denote a right belonging exclusively to the states.”<sup>37</sup> Upon closer historical examination even this apparent truism appears to be false. “Assembly,” Primus

<sup>30</sup> See, e.g., Roger I. Roots, *The Approaching Death of the Collective Rights Theory of the Second Amendment*, 39 DUQ. L. REV. 71, 73 (2000).

<sup>31</sup> Reynolds, *supra* note 10.

<sup>32</sup> PA. CONST. of 1776, Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania, § III.

<sup>33</sup> See RICHARD A. PRIMUS, *THE AMERICAN LANGUAGE OF RIGHTS* 86-87 (1999); see also Rakove, *supra* note 29.

<sup>34</sup> See PRIMUS, *supra* note 33, at 86-87.

<sup>35</sup> See Sanford Levinson, *Is the Second Amendment Finally Becoming Recognized as Part of the Constitution? Voices from the Courts*, 1998 BYU L. REV. 127 (1998) and Don B. Kates, Jr., *Handgun Prohibitions and the Original Meaning of the Second Amendment*, 82 MICH. L. REV. 204, 218 (1983).

<sup>36</sup> Kates, *supra* note 35, at 218.

<sup>37</sup> *Id.*

reminds us, is an “activity of the people plural.”<sup>38</sup> Similarly, the right to keep and bear arms was a right of the people in their collective capacity.<sup>39</sup>

Individual rights theorists are probably correct to stress that the traditional formulation of the collective rights argument as a right of the states is misleading.<sup>40</sup> A right of the people is not identical to a right of the states.<sup>41</sup> A more accurate way to paraphrase the right protected by the original Second Amendment might be to describe it as a right of the people acting through their state governments to form well-regulated militias.

### III. “A WELL REGULATED MILITIA”

Glenn Reynolds asserts that a well-regulated militia was “one that was well-trained and equipped; not one that was ‘well-regulated’ in the modern sense of being subjected to numerous government prohibitions and restrictions.”<sup>42</sup> Reynolds’ claim about the meaning of this disputed term also rests on a false universalism and mythical consensus that never existed in the Founding era. To find evidence contradicting his assertion, one need only examine the relevant clause of the Articles of Confederation: “Every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.”<sup>43</sup> Contrary to Reynolds’ claim, well-regulated and disciplined were not always synonymous.<sup>44</sup> Nelson Lund shares Reynolds’ mistaken view about the meaning of the term “well-regulated.”<sup>45</sup> Thus, Lund writes that this term “does not imply heavy regulation, or more regulation. When one thinks about it, one should easily recognize what would have been much more immediately apparent to any eighteenth-century reader: that something can only be well-regulated when it is not overly regulated or inappropriately regulated.”<sup>46</sup> Here again, Lund has smuggled in a false notion of consensus that few serious historians of the Founding era would accept.<sup>47</sup> It is interesting that Lund would

<sup>38</sup> PRIMUS, *supra* note 33.

<sup>39</sup> See PRIMUS, *supra* note 33. Akhil Amar compares the militia right in the Founding era to the jury, another collective incarnation of the people, in *THE BILL OF RIGHTS: CREATION AND RECONSTRUCTION*, 48 (1998).

<sup>40</sup> See Levinson, *supra* note 35 and Kates, *supra* note 35.

<sup>41</sup> On this point, the explicit argument of the text and the implicit understandings of Federalists and Anti-federalists may have diverged.

<sup>42</sup> Reynolds, *supra* note 10, at 474.

<sup>43</sup> ARTICLES OF CONFEDERATION, at <http://www.yale.edu/lawweb/avalon/artconf.htm> (last visited June 5, 2002).

<sup>44</sup> Cf. Reynolds, *supra* note 10.

<sup>45</sup> See Nelson Lund, *The Ends of Second Amendment Jurisprudence: Firearms Disabilities and Domestic Violence Restraining Orders*, 4 TEX. REV. OF L. & POL. 157 (1999).

<sup>46</sup> *Id.*

<sup>47</sup> For a useful overview of recent historical scholarship on the Revolutionary era that stresses ideological diversity, see LINDA K. KERBER, *The Revolutionary Generation: Ideology, Politics, and*



invoke the notion of how a typical 18<sup>th</sup> century reader would have understood this phrase. The subject of reconstructing the distinctive patterns of eighteenth century readers has attracted considerable scholarly attention from serious historians and literary scholars.<sup>48</sup> Unfortunately, Lund has not immersed himself in recent scholarship in either history or literary studies. His facile and anachronistic reading ignores the important insights to be gained from the innovative body of scholarship on early American reading practices.<sup>49</sup> Instead, Lund simply reads his own ideological preferences into the Second Amendment, conflating the ideas of today's Federalist Society, with the ideology of the Federalists who crafted the Second Amendment in the first Congress.<sup>50</sup>

Another problem with the simplistic formulation of the concept of regulation favored by Reynolds and Lund is that it does not explain how discipline could be achieved without extensive regulation.<sup>51</sup> Had either scholar taken the time to explore the laws governing the militia, they would have realized that government enjoyed a wide latitude to legislate on matters relating to arms.<sup>52</sup> Government had a right to inspect weapons in one's home or alternatively to require individuals to turn in their government issued weapons for inspection at government arsenals.<sup>53</sup> Indeed, Lund has articulated an amusing Goldilocks's principle regarding the meaning of the term "well-regulated."<sup>54</sup> According to Lund, the Founders intended this phrase to mean not over-regulated, not under-regulated, but just the right amount of regulation.<sup>55</sup> Such a claim is hard to reconcile with Hamilton's discussion of the militia in Federalist #29: "To acquire the degree of perfection which would entitle them to the character of a well-regulated militia, would be a real grievance to the people."<sup>56</sup> Hamilton went on to note that given popular aversion to the rigors of military discipline, the Federal government would be well advised to abandon the general militia and instead form a select militia.<sup>57</sup> Essentially, Hamilton did not think it possible to have too much regulation.<sup>58</sup> The danger posed by overly severe military

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*Culture in the Early Republic*, in *THE NEW AMERICAN HISTORY* (Eric Foner ed., 1997).

<sup>48</sup> For an overview of recent historical work on reader response and its relevance to constitutional history, see SAUL CORNELL, *THE OTHER FOUNDERS: ANTI-FEDERALISM AND THE DISSENTING TRADITION IN AMERICA 1788-1828* (1999).

<sup>49</sup> *Id.*

<sup>50</sup> See Lund, *supra* note 45; see also <http://www.fed-soc.org/Publications/journalistsguide/mediaguide.htm#> (last visited June 5, 2002). For a discussion of the Federalist Society, see Chris Mooney, *Losers: Bush's Ally, the Federalist Society, Resurrects the Views of the Vanquished in the Constitutional Debate — the Anti-Federalists* (April 25, 2001) at <http://www.prospect.org/webfeatures/2001/04/mooney-c-04-25.html> (last visited June 25, 2001).

<sup>51</sup> See Reynolds, *supra* note 10, and Lund, *supra* note 45.

<sup>52</sup> See *THE PERPETUAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS* 240 (1789), and *THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION VOL II* (1976) *microform* Supp. pp. 1361-1373.

<sup>53</sup> *Id.*

<sup>54</sup> See Lund, *supra* note 45.

<sup>55</sup> *Id.*

<sup>56</sup> *THE FEDERALIST* 184 (Jacob E. Cook ed., 1961).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*



discipline was not something most Federalists feared, but rather was a concern of the Anti-Federalists.<sup>59</sup> This fear was captured by an Old Whig who warned that, “They can subject all the militia to strict military laws, and punish the disobedient with death, or otherwise, as they shall think right: by which they can march the militia back and forward from one end of the continent to the other, at their discretion; these powers, if they should ever fall into bad hands, may be abused to the worst purposes.”<sup>60</sup>

Another meaning of “well-regulated” that neither Reynolds nor Lund pays much attention to is suggested by the actions of the insurgents in Shays’s rebellion who called themselves Regulators.<sup>61</sup> Although the rogue militia units that supported Shays believed themselves to be regulated, they shared little with the well-regulated militia that the Founders idealized.<sup>62</sup> A careful exegesis of the historical meanings attached to the term “well-regulated” suggests that the Standard Model’s efforts to define it exclusively in terms of a mild form of military discipline rests on a highly selective reading of the evidence.<sup>63</sup>

#### IV. CONGRESSIONAL DEBATES AND COUNTER-FACTUAL SPECULATIONS

Substantial attention has been devoted to the changes that Madison’s original language regarding the right to bear arms underwent in Congress.<sup>64</sup> The Standard Model’s treatment of this evidence is also marred by a selective use of evidence and questionable anachronistic readings of texts. Madison’s original suggestion that the right to bear arms be placed in the body of the Constitution in Article I, Section 9 has been invoked by several supporters of the Standard Model as definitive proof of the individual rights character of this right.<sup>65</sup> In the view of Glenn Reynolds, “If he had thought the Second Amendment would alter the military and/or militia provisions of the Constitution he would have interlineated it in Article I, Section 8, near or after clauses 15 and 16. Instead, he planned to insert the right to arms with freedom of religion, the press and other personal rights in Section 9 following the rights against bills of attainder and ex post facto laws.”<sup>66</sup> This view is endorsed by L.A. Powe, who asserts that this decision is clear proof that Madison understood this provision to be an individual right.<sup>67</sup> “If the collective rights theory were correct,” Powe asserts, “then

<sup>59</sup> See 2 HERBERT J. STORING, *THE COMPLETE ANTI-FEDERALIST* 36 (1981).

<sup>60</sup> *Id.*

<sup>61</sup> See Reynolds, *supra* note 10, and Lund, *supra* note 45.

<sup>62</sup> See ROBERT GROSS, *IN DEBT TO SHAYS: THE BICENTENNIAL OF AN AGRARIAN REBELLION* (1993).

<sup>63</sup> *Id.*

<sup>64</sup> See Reynolds, *supra* note 10, at 467-71.

<sup>65</sup> *Id.* at 473.

<sup>66</sup> *Id.*

<sup>67</sup> See L.A. Powe, *Guns, Words and Constitutional Interpretation*, 38 WM. & MARY L. REV. 1311, 1338-39 (1997). The notion that Madison’s original intent might trump that of the final form of the amendment that emerged out of the give and take of the debate in the First Congress is one of the strangest elements of the Standard Model’s variant on originalism.

Madison should have placed his 'Second Amendment' either in Article I Section 8, with the militia clauses, or in Article IV, Section 4, the Guarantee Clause."<sup>68</sup> Once again supporters of the Standard Model fail to adequately contextualize the text they quote. Madison's decision to place the right to bear arms in Article I, Section 9, followed the common practice in virtually all of the individual state constitutions of separating the statement of the right to bear arms from the organization of the militia.<sup>69</sup> The original placement of the right to bear arms does little to clarify whether he thought this was an individual or a collective right. Supporters of the Standard Model have ignored a much more important piece of evidence about how Madison understood the connection between the right to bear arms and other fundamental rights. Madison originally proposed an amendment that read: "No State shall infringe the right of trial by Jury in criminal cases, nor the rights of conscience, nor the freedom of speech, or of the press."<sup>70</sup> It is important to recall that in 1788-89 Madison viewed the individual states, not the federal government, as the greatest threat to liberty.<sup>71</sup> In a letter to Jefferson describing his views about the efficacy of a written bill of rights, Madison reminded Jefferson that "repeated violations of these parchment barriers have been committed by overbearing majorities in every State."<sup>72</sup> "There is," Madison warned, "more danger for those powers being abused by the State Governments than by the Government of the United States."<sup>73</sup> If Madison's primary concern was protecting an individual right to bear arms, then the right should have been listed as one of those fundamental rights that the states could not violate. Given the penchant of Standard Modelers to pose counter-factual questions, one wonders why they have not asked this one. Such a fear, it is worth noting, was not an abstract concern.<sup>74</sup> States such as Pennsylvania had disarmed their citizens during the Confederation period.<sup>75</sup> If Madison were concerned about an individual right to bear arms similar in nature to freedom of the press, then one must ponder why he omitted such a right from his proposal. Once again, the use of counter-factual speculation by Standard Modelers only cuts in one direction—in support of an individual right.

It is important for scholars to acknowledge the limits of the documentary record available to us. This fact casts doubt on Nelson Lund's claims about congressional intent in revising Madison's original language.

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<sup>68</sup> *Id.*

<sup>69</sup> Virginia Declaration of Rights, Massachusetts, and Pennsylvania Constitutions are all available at the Yale Law School's Avalon project, <http://www.yale.com> (last visited June 5, 2002).

<sup>70</sup> Charles F. Hobson, *The Negative on State Laws: James Madison, the Constitution, and the Crisis of Republican Government*, 36 WM. & MARY Q. 215, 234 (1979).

<sup>71</sup> For Madison's thinking about the Bill of Rights, see Paul Finkelman, *James Madison and the Bill of Rights*, SUP. CT. REV. 301 (1990); Jack N. Rakove, *The Madisonian Moment*, 55 U. CHI. L. REV. 473 (1988); Jack N. Rakove, *The Madisonian Theory of Rights*, WM. & MARY L. REV. 245 (1990).

<sup>72</sup> THE MIND OF THE FOUNDERS: SOURCES OF THE POLITICAL THOUGHT OF JAMES MADISON, 157 (Marvin Meyers ed., 1981).

<sup>73</sup> *Id.* at 173.

<sup>74</sup> See Cornell, *supra* note 29.

<sup>75</sup> *Id.*

All the major changes made during the congressional process increased the clarity with which the Second Amendment protects an individual right, not a right of the states to maintain military organizations. The conscientious objector clause was dropped. The reference to a “well armed militia” was eliminated. The description of the militia as an entity “composed of the body of the people” was omitted. Each of these phrases could have suggested that the right to keep and bear arms was somehow restricted to the context of military service. Although Madison meant to imply no such thing, the fact that each of these potentially misleading phrases was deliberately removed from the text confirms that Congress knew exactly what it was doing when it proposed for ratification the unambiguous text that is now part of the Constitution.<sup>76</sup>

While Congress may have known exactly what it was doing, it is impossible for Lund or any other modern scholar to make a similar claim. Records for the Senate’s deliberations do not exist. Unless Lund has conducted a seance or studied past life regression with actress Shirley McLaine, his claims are speculative at best. Upon closer examination his interpretation is worse than speculative; it is profoundly ahistorical. Lund assumes that the First Congress shared with modern scholarship a dichotomous view of the meaning of the right to bear arms, as either an individual right or a collective right.<sup>77</sup> Rather than prove this claim, Lund simply assumes it to be true. Such an argument is entirely circular. Consider the deletion of the phrase describing the militia as “composed of the body of the people.” Individual rights theorists argue that the deletion of this phrase was merely stylistic.<sup>78</sup> Everyone assumed that such a militia would be drawn from the entire population.<sup>79</sup> An alternative and more plausible reading has been suggested by Jack Rakove, who has argued that this change actually strengthened the power of Congress to define who the militia would be in the future.<sup>80</sup> A similar counter-factual sleight of hand is evident in the following comments by Joyce Lee Malcolm: “Had the right to be armed an exclusively, or even primarily, collective aspect Senators would have approved the amendment to add ‘for the common defense.’ Congress had the opportunity to incorporate into the language of the amendment the meanings the collectivist school has tried so hard to read into it.”<sup>81</sup> It is not collective rights theorists, but Malcolm, who has read back contemporary concerns into the eighteenth century texts. Nor is it surprising that Malcolm, a specialist on 17<sup>th</sup> century English history, would fail to adequately situate this debate within its late 18<sup>th</sup> century

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<sup>76</sup> Lund, *supra* note 45, at 181-82.

<sup>77</sup> *Id.*

<sup>78</sup> See Malcolm, *supra* note 11.

<sup>79</sup> *Id.*

<sup>80</sup> See Rakove, *supra* note 29.

<sup>81</sup> Malcolm, *supra* note 11.



American context.<sup>82</sup> A much more plausible reading of this change is suggested by the work of Don Higginbotham, the leading military historian of the Revolutionary era.<sup>83</sup> Higginbotham demonstrates convincingly that the main issue for both Federalists and Anti-Federalists in the Second Amendment debate was not individual rights, but federalism.<sup>84</sup> It was the allocation of military power in the new republic that was at the core of the debate over the militia.<sup>85</sup> To declare that the militia was to be used for the common defense would have troubled Virginia Anti-Federalists who would have wanted to preserve the ability of their state to use the militia to put down rebellion, a particularly troubling prospect to southerners fearful of the danger posed by the threat of slave insurrections.<sup>86</sup>

Lund's claims about the significance of the Congressional debate over the conscientious objector provision also distorts the historical record by wrenching the debate out of context.<sup>87</sup> Rather than support the Standard Model's contention that Congress sought to clarify the individual rights nature of the text, the deletion of the conscientious objector clause suggests just the opposite.<sup>88</sup> Gerry objected to the way in which the clause about conscientious objection status might allow the new government to disarm the militia of the states: "I am apprehensive, sir, that this clause would give an opportunity to the people in power to destroy the constitution itself. They can declare who are those religiously scrupulous, and prevent them from bearing arms."<sup>89</sup> Although Gerry might have used this occasion to express concern that an individual right to own guns was in danger, he showed no interest in this issue.<sup>90</sup> His concern was focused squarely on the threat to the militia.<sup>91</sup> "Whenever government means to invade the rights and liberties of the people, they always attempt to destroy the militia."<sup>92</sup> Rather than support the Standard Model's claim, Gerry's exclusive focus on the potential of the conscientious objector clause to be used to destroy the militia provides strong evidence that the primary issue under consideration was the militia.<sup>93</sup> Given the Standard Modelers' fondness for counterfactual

<sup>82</sup> See JOYCE LEE MALCOLM, *THE ENGLISH PEOPLE AND THE CROWN'S CAUSE, 1642-1646*, (1977) (unpublished Ph. D. dissertation, Brandeis University). While Malcolm often derides supporters of the collective rights view for their ties to gun control, she has been less than forthcoming about her own connections to the NRA. See, e.g., JOYCE LEE MALCOLM, *DISARMED: THE LOSS OF THE RIGHT TO BEAR ARMS IN RESTORATION ENGLAND* (1981). Malcolm's work was republished by the NRA Institute for Legislative Action.

<sup>83</sup> See Don Higginbotham, *The Federalized Militia Debate: A Neglected Aspect of Second Amendment Scholarship*, 55 WM. & MARY Q. 39 (1998).

<sup>84</sup> *Id.*

<sup>85</sup> See Bogus, *supra* note 13, at 407.

<sup>86</sup> *Id.* at 357.

<sup>87</sup> See Lund, *supra* note 45.

<sup>88</sup> Heyman, *supra* note 13, at 275.

<sup>89</sup> *CREATING THE BILL OF RIGHTS 182* (Charlene Bickford et al., eds., 1991).

<sup>90</sup> See H. Richard Uviller & William G. Merkel, *The Second Amendment in Context: The Case of the Vanishing Predicate*, 76 CHI.-KENT L. REV. 403, 501 (2000).

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

questions, one wonders why they did not pose the following one: why didn't Gerry make at least passing mention of the potential for the conscientious objector exclusion to provide a pretext to deprive individuals of a right to own weapons for personal defense?<sup>94</sup> Appealing as counter-factual speculations may be, they are notoriously difficult to evaluate and provide an exceedingly weak foundation for constitutional arguments.<sup>95</sup> Jefferson Powell's wise caution that "Arguments from silence are unreliable and often completely ahistorical," has been violated repeatedly by supporters of the Standard Model.<sup>96</sup> In most cases we simply do not know why an author opted to make one claim and not another.<sup>97</sup> At the very minimum, one would expect those choosing to dabble in counter-factual speculation to do so in an even-handed and balanced fashion.<sup>98</sup> Had supporters of the Standard Model approached their subject with greater scholarly rigor, they might have posed at least some of the sorts of counter-factual questions that point toward the collective rights understanding of the Amendment.<sup>99</sup> In every instance Standard Modelers have used counter-factual speculation to cloak the obvious fact that there are relatively few examples of anyone discussing the right to bear arms as an individual right in the 18<sup>th</sup> century.<sup>100</sup>

#### V. "PRIVATE ARMS"

Another favorite text of Standard Modelers is a hastily assembled newspaper essay defending the Bill of Rights prepared by Federalist Tench Coxe.<sup>101</sup> The gun rights advocate Stephen Halbrook claims that Coxe's essay was widely reprinted and, moreover, he argues that a search of the literature of the time reveals that no writer disputed or contradicted Coxe's analysis.<sup>102</sup> Actually, if one scans Halbrook's notes, it appears that Coxe's essay appeared a total of three times.<sup>103</sup> In 1790 there were 84 newspapers in America, which means that Coxe's essay was ignored by more than 95% of the press.<sup>104</sup> It is hard to see how this sort of evidence could prove that Coxe's essay was representative of widely held views or that it reached a particularly wide audience. Nor can one infer much from the fact that no one bothered to refute Coxe. The absence of a

<sup>94</sup> See *CREATING THE BILL OF RIGHTS*, *supra* note 89, at 182.

<sup>95</sup> See Powell, *supra* note 9, at 671.

<sup>96</sup> *Id.*

<sup>97</sup> *Id.* at 672.

<sup>98</sup> *Id.*

<sup>99</sup> See *CREATING THE BILL OF RIGHTS*, *supra* note 89, at 182.

<sup>100</sup> See Dorf, *supra* note 9.

<sup>101</sup> See Stephen P. Halbrook & David B. Kopel, *Tench Coxe and the Right to Keep and Bear Arms 1787-1823*, 7 WM. & MARY BILL RTS. J. 347 (1999).

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> Information on early American newspapers can be found in *THE ATLAS OF EARLY AMERICAN HISTORY* (Lester Cappon ed., 1978).

rebuttal might just as easily signify indifference as acceptance. The most reasonable conclusion to draw is that Coxe's essay was simply not very influential.<sup>105</sup> Additional support for the idea that this essay was not intended to be a definitive commentary on the meaning of the Bill of Rights is provided by a letter Coxe wrote to Madison describing his effort.<sup>106</sup> In a letter to Madison, Coxe described his effort in the following way: "I have therefore taken an hour from my present engagement" and "thrown together a few remarks upon the first part of the Resolutions."<sup>107</sup> Given Coxe's own description of his remarks as "thrown together," it is difficult to understand the importance that has been assigned to them by Standard Modelers.<sup>108</sup> In his essay Coxe does affirm "the right of the people to keep and bear their private arms."<sup>109</sup> While it is possible to read this statement as an expression of an individual rights point of view, Coxe's invocation of the right of the people within the context of resisting tyranny is more plausibly read as a reiteration of the necessity of a citizen militia composed of the sturdy yeomanry than it is of some sort of expansive individual right comparable to freedom of speech.<sup>110</sup> Eighteenth century members of the militia were expected, and in many instances, required, to provide their own weapons.<sup>111</sup> Individual ownership of weapons within the context of militia service is not the same thing as an individual right to own weapons for personal defense.<sup>112</sup> Still, individual rights theorists and some revisionist statements of the collective rights thesis have correctly drawn attention to the fact that the Founders expected that a large segment of the population would bear arms as part of the militia.<sup>113</sup> Of course, as Carl Bogus and others have argued, the text of the Constitution gives Congress the power to decide who is part of the well-regulated militia protected by the Second Amendment.<sup>114</sup> Ultimately it is up to Congress to decide who may bear arms as part of the well-regulated militia.

When Coxe's remarks are set within the context of his general discussion

<sup>105</sup> Joyce Lee Malcolm also mistakenly interprets the absence of a rebuttal as a sign of broad acceptance. See Malcolm, *supra* note 11.

<sup>106</sup> See CREATING THE BILL OF RIGHTS, *supra* note 89.

<sup>107</sup> *Id.* at 252-53.

<sup>108</sup> Coxe's essay is central to the arguments of Halbrook and Kopel, *supra* note 101, and Kates, *supra* note 6, at 224.

<sup>109</sup> *Id.*

<sup>110</sup> See Williams, *infra* note 114.

<sup>111</sup> See Chuck Dougherty, *The Minutemen, the National Guard and the Private Militia Movement: Will the Real Militia Please Stand Up?*, 28 J. MARSHALL L. REV. 959, 963 (1995).

<sup>112</sup> For a critique of the Standard Model's reading of Coxe's statement, see GARRY WILLS, A NECESSARY EVIL: A HISTORY OF AMERICAN DISTRUST OF GOVERNMENT 214-15, 257 (1999).

<sup>113</sup> See, e.g., David Yassky, *Symposium: The Second Amendment, Panelist*, 10 SETON HALL CONST. L. J. 821, 822 (2000).

<sup>114</sup> See Bogus, *supra* note 4. The revisionist view of the collective rights view, described by individual rights theorists as the sophisticated version (which presumably exists in contrast to an unsophisticated version—although I am unaware of anyone claiming to be a supporter of the unsophisticated collective rights view), is best represented by David C. Williams, *Civic Republicanism and the Citizen Militia*, 101 YALE L.J. 551 (1991), and David C. Williams, *The Unitary Second Amendment*, 73 N.Y.U. L. REV. 822 (1998). The power of Congress to decide the composition of the militia is discussed in Bogus, *supra* note 13.



of the Bill of Rights, the individual rights gloss of his text seems even more problematic. A careful reading of Coxe's essay reveals an understanding of the Bill of Rights that is far more republican than liberal in spirit. Coxe explicitly described "the republican spirit" of Madison's draft of the Bill of Rights.<sup>115</sup> While defending "the creed of liberty," Coxe underscored that government existed to pursue the public good.<sup>116</sup> Interestingly, in discussing the core freedoms that would eventually constitute the First Amendment, Coxe chose to describe them as "political rights," not individual or personal rights.<sup>117</sup> Although Coxe's republican language is not incompatible with liberal ideas about individual rights, it certainly does not bear the weight placed upon it by supporters of the Standard Model.<sup>118</sup>

#### IV. A RIGHT TO BEAR QUILLS, OR KILL BEARS: THE CURIOUS CASE OF PENNSYLVANIA

One of the most remarkable features of recent writing about the Second Amendment is the degree to which supporters of the individual rights view have drawn on evidence from Pennsylvania to support their claims.<sup>119</sup> When properly contextualized, the texts most often cited to prove the existence of an expansive individual right actually demonstrate quite the opposite: the example of Pennsylvania provides proof of an expansive conception of the right of the state to regulate and limit access to firearms.<sup>120</sup> Shortly after adopting their state constitution, which affirmed that "the people have a right to bear arms for the defense of themselves and the state," Pennsylvanians passed a series of Test Acts which imposed severe penalties on citizens who refused to take an oath of allegiance to the state.<sup>121</sup> Individuals who refused to take the oath were disarmed.<sup>122</sup>

The Pennsylvania Constitution did affirm, "That every member of society hath a right to be protected in the enjoyment of liberty and property, and therefore is bound to contribute his proportion toward the expense of protection,

<sup>115</sup> Trench Coxe, *A PENNSYLVANIAN*, New York Packet, June 23, 1789.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> [Trench Coxe] *A Pennsylvanian*, "Remarks on the First Part of the Amendments . . ." New York Packet, June 23, 1789. Robert Shalhope, *supra* note 15, wisely cautions against the dangers of over-stating the corporate nature of republicanism. By contrast, the Standard Model's reading of Coxe over-emphasizes the liberal individualist character of this text.

<sup>119</sup> Among the essays that draw heavily on Pennsylvania to support the individual rights view are: David T. Hardy, *The Second Amendment and the Historiography of the Bill of Rights*, 4 J.L. & POL'Y 1 (1987); Reynolds, *supra* note 10, at 63; Thomas Macafee & Michael J. Quinlan, *Bringing Forward the Right to Keep and Bear Arms*, 75 N.C. L. REV. 781 (1997), and Nelson Lund, *The Past and Future of the Individuals Right to Bear Arms*, 31 GA. L. REV. 1 (1997).

<sup>120</sup> See Cornell, *supra* note 29, at 246.

<sup>121</sup> *Id.* at 228.

<sup>122</sup> For information on the Test Act, see Cornell, *supra* note 29, at 246.



and yield his personal service when necessary, or an equivalent thereto.”<sup>123</sup> The text then goes on to declare that “nor can any man who is consciously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.”<sup>124</sup> While such a view might seem illogical to modern gun rights advocates, it makes perfect sense given the limited view of self defense under 18<sup>th</sup> century law.<sup>125</sup> It is important to recall that in the eighteenth-century the notion of self defense did not entitle citizens to use deadly force against attackers in most cases.<sup>126</sup> One was required to retreat to the wall before one might kill an attacker. Standard Model scholarship has smuggled a modern conception of the right of self defense, further obscuring the original meaning of the right to bear arms.<sup>127</sup>

The Pennsylvanians who drafted the Test Act did not accept similar limits on freedom of press or freedom of religion.<sup>128</sup> While there was a broad consensus that prior restraint of the press was unacceptable, prior restraints on gun ownership, including large scale disarmament of parts of the civilian population, presented no constitutional problem to Pennsylvanians.<sup>129</sup> The Constitutionalist party that framed the Pennsylvania constitution and passed the Test Act accepted that the state could disarm peaceful citizens when the good of the community required such action.<sup>130</sup> Such actions were compatible with the notion of self defense expressed in the state constitution.<sup>131</sup> Contrary to the claims of Standard Modelers, Pennsylvania’s Constitutionals recognized a fundamental difference between guns and words.<sup>132</sup> Prior restraints on gun ownership were not unconstitutional.<sup>133</sup>

It is interesting to note that the Test Acts stripped citizens of the right to sit on juries.<sup>134</sup> As historian Douglas Arnold noted, the act was also more than a war time emergency measure, but rather an effort by Pennsylvania’s Constitutionalist party to restrictively define citizenship to those capable of displaying the requisite virtue.<sup>135</sup> In the case of Pennsylvania, the right to bear arms was neither an individual right nor a collective right in the sense with which

<sup>123</sup> PA. CONSTITUTION of 1776, Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania § III.

<sup>124</sup> *Id.*

<sup>125</sup> See RICHARD MAXWELL BROWN, NO DUTY TO RETREAT: VIOLENCE AND VALUES IN AMERICAN HISTORY AND SOCIETY (1991).

<sup>126</sup> *Id.* at 3-5.

<sup>127</sup> For a discussion of this, see Heyman, *supra* note 13.

<sup>128</sup> See Cornell, *supra* note 29, at 230.

<sup>129</sup> *Id.* It is important to distinguish between political speech and other forms of speech. Pennsylvanians accorded political speech enormous latitude while restricting other forms of speech such as artistic speech in ways that might include forms of prior restraint.

<sup>130</sup> For more on the political struggle over the Test Acts, see DOUGLAS M. ARNOLD, A REPUBLICAN REVOLUTION: IDEOLOGY AND POLITICS IN PENNSYLVANIA 1776-1790 (1989).

<sup>131</sup> Compare BROWN, *supra* note 125, with ARNOLD, *supra* note 130.

<sup>132</sup> See Cornell, *supra* note 29, at 229.

<sup>133</sup> *Id.*

<sup>134</sup> See ARNOLD, *supra* note 130, at 108.

<sup>135</sup> *Id.*

these terms are most often used in modern constitutional debate over the meaning of the Second Amendment.<sup>136</sup> It would be more accurate to describe it as a civic right, one that was limited to those members of the polity who were deemed capable of exercising it in a virtuous manner. Freedom of religion or freedom of the press were genuinely rights of individuals and were treated differently than were civic rights such as militia service, or the right to sit on juries.<sup>137</sup> The Test Acts stripped citizens of certain civic rights, but did not deprive them of fundamental individual rights.<sup>138</sup> Pennsylvania Anti-Federalists, the group who supported the Test Acts, accepted a level of gun regulation that far exceeds anything modern gun control groups have advocated.<sup>139</sup> The actions of Pennsylvania Anti-Federalists serve as an important reminder about the dangers of treating the Founding generation as though they were modern civil libertarians or the forebearers of today's gun rights activists.<sup>140</sup> It also provides an additional cautionary reminder for those who would endorse a narrow originalist approach to constitutional interpretation.<sup>141</sup> Although the irony would not be appreciated by many modern gun rights advocates, the proposals of modern gun control advocates, registration, mandatory safety training, and bans on specific classes of weapons pale in comparison to the large scale efforts to disarm the civilian population endorsed by Pennsylvanians.<sup>142</sup> Indeed, the comprehensive hand gun bans advocated by the most ardent gun control activists seem tame by comparison, since they would not prohibit most long guns.<sup>143</sup> Nor would such proposals require a political litmus to own weapons, something which Pennsylvanians accepted as a legitimate exercise of the state's police powers.<sup>144</sup> The history of gun laws enacted by the Founding generation offers important insights into how the right to bear arms was understood at the time the Second Amendment was ratified.<sup>145</sup> The notion that guns could not be extensively regulated turns out to be a modern myth, one that has been aggressively spread by supporters of the Standard Model.<sup>146</sup> Thus, Robert Cottrol confidently declares that "for much of American History there were few regulations concerning firearms ownership."<sup>147</sup> Such a view is contradicted by the work of William Novak who has convincingly demonstrated that state and local governments used their police powers extensively to regulate the storage of arms

<sup>136</sup> For a modern discussion claiming that both the individual right and collective right approaches are inadequate, see David Yassky, *The Second Amendment: Structure, History, and Constitutional Change*, 99 MICH. L. REV. 588 (2000).

<sup>137</sup> See Arnold, *supra* note 130.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> See JOSH SUGARMAN, *EVERY HANDGUN IS AIMED AT YOU: THE CASE FOR BANNING HANDGUNS* (2001).

<sup>144</sup> *Id.*

<sup>145</sup> See Cornell, *supra* note 29, at 229.

<sup>146</sup> Robert Cottrol, *Second Amendment*, in *THE OXFORD COMPANION TO THE SUPREME COURT* 763 (Kermit Hall ed., 1992).

<sup>147</sup> *Id.*

and gunpowder.<sup>148</sup> The laws enacted by individual state governments regulating gun ownership and storage, including compulsory militia musters, and periodic gun censuses, make the comparison with other individual rights such as freedom of conscience or freedom of the press seem far fetched.<sup>149</sup> Government not only regulated guns and ammunition; it kept close tabs on who had guns and the condition of those weapons.<sup>150</sup> The state also retained the right to compel citizens to submit to formal arms training and exclude individuals and groups from service in the militia when individuals or groups were viewed as a threat to society.<sup>151</sup>

Standard Modelers have often invoked Pennsylvania's Anti-Federalist Minority to prove that the right to bear arms was intended to be an individual right.<sup>152</sup> In a foundational text for the Standard Model, gun rights proponent Don Kates declares that "the individual right nature of the Pennsylvania right to arms proposal is unmistakable."<sup>153</sup> The relevant amendment proposed by Pennsylvanians reads as follows:

That the people have a right to bear arms for the defense of themselves and their own state, or the United States, or for the purposes of killing game; and no law should be passed for disarming the people or any of them, unless for crimes committed, or real danger of public injury from individuals; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military shall be kept under strict subordination to and be governed by the civil powers.<sup>154</sup>

This provision has also been used to prove that the phrase "bear arms" did not have an exclusively military connotation.<sup>155</sup> In the view of Nelson Lund, "Contrary to a popular misconception, the military connotations frequently associated with the term 'bear arms' do not mean that the term invariably implies a military context. This was made perfectly clear in one of the earliest proposals for a bill of rights, which was drafted by the Anti-Federalist minority at the Pennsylvania ratifying convention."<sup>156</sup> The "popular misconception" Professor Lund alludes to is Garry Wills's discussion of the military connotation of the term "bear arms."<sup>157</sup> Rather than survey 18<sup>th</sup> century legal usage in a systematic

<sup>148</sup> See WILLIAM J. NOVAK, *THE PEOPLE'S WELFARE* 57 (1996).

<sup>149</sup> *Id.* On the regulation of the militia, see MARK PITCAVAGE, *AN EQUITABLE BURDEN: THE DECLINE OF THE STATE MILITIAS, 1783-1858* (Ph.D. dissertation, Ohio State University, 1995).

<sup>150</sup> *Id.*

<sup>151</sup> See Cornell, *supra* note 29, at 230.

<sup>152</sup> See, e.g., Kates, *supra* note 6, at 222.

<sup>153</sup> *Id.*

<sup>154</sup> SAMUEL BRYAN, *The Address and Reasons of Dissent of the Minority, in THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION* 623-24 (Merrill Jensen ed., 1976).

<sup>155</sup> See Lund, *supra* note 45, at 168-69.

<sup>156</sup> *Id.*

<sup>157</sup> See Garry Wills, *To Keep and Bear Arms*, N.Y. Rev. of Books (Sept. 21, 1995) (book review).



fashion, Lund's argument relies on the isolated example of the Dissent of the Minority.<sup>158</sup> The use of phrase in this document, which as Wills notes was hastily assembled, hardly challenges the notion that standard usage carried with it a clear military meaning.<sup>159</sup>

The Dissent of the Minority does present a different challenge to the collective rights thesis.<sup>160</sup> At least in Pennsylvania, there appears to have been a recognition of a right to hunt.<sup>161</sup> Recognizing this type of individual right does not mean that the right was understood to be somehow comparable to the right of free speech.<sup>162</sup> The provision affirming a right to hunt proposed in the Dissent acknowledged that this right might be limited as to time and place.<sup>163</sup> Hunting was obviously subject to extensive regulation, including some types of prior restraints, restrictions that would never have been permissible for speech.<sup>164</sup>

Another problem with the Standard Model is the claim that the term defense of "themselves" was synonymous with an individual right.<sup>165</sup> It is important to recall that there were no organized police forces in eighteenth-century America and that the militia was often called on to serve as an agent of law enforcement.<sup>166</sup> The Test Act empowered the militia to disarm citizens who refused to take the loyalty oath.<sup>167</sup> Thus, in addition to serving as a military force, the militia in Pennsylvania also functioned as a police force.<sup>168</sup> Given this fact, it is far from obvious that the meaning of the phrase "defense of themselves" should be interpreted as a statement of individual rights.<sup>169</sup>

The affirmation of the right to hunt, a provision not emulated by any other state ratification convention, does suggest a nonmilitary context for the right to keep arms.<sup>170</sup> The Dissent of the Minority fused two separate rights protected by their state constitution—a right to bear arms and a right to hunt bears.<sup>171</sup> Neither right was an expansive individual right comparable to freedom of conscience or freedom of the press.<sup>172</sup> Wills may be correct that the conjunction of these two different rights was accidental, a product of haste and

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See also Lund, *supra* note 45. Lund also confuses the phrase bear a gun with bearing arms.

<sup>158</sup> See Lund, *supra* note 45.

<sup>159</sup> According to legal scholar David Yassky, congressional documents from the Founding era use this term in a military context on thirty other occasions. Supporters of the opposing view that bearing arms did not have a military meaning have only adduced the one example of the Dissent of the Minority to prove their case that the term did not have an exclusively military connotation. See Yassky, *supra* note 136. For a similar conclusion, see Dorf, *supra* note 9, at 315.

<sup>160</sup> See Yassky, *supra* note 136.

<sup>161</sup> See Cornell, *supra* note 29.

<sup>162</sup> See Cornell, *supra* note 29, at 229.

<sup>163</sup> *Id.*

<sup>164</sup> See Cornell, *supra* note 29, at 230.

<sup>165</sup> See Wills, *supra* note 157, at 66.

<sup>166</sup> See LAWRENCE M. FRIEDMAN, CRIME AND PUNISHMENT IN AMERICAN HISTORY 67-68 (1993).

<sup>167</sup> *Id.* at 253.

<sup>168</sup> *Id.*

<sup>169</sup> See Cornell, *supra* note 29.

<sup>170</sup> See ARNOLD, *supra* note 130, at 109.

<sup>171</sup> See Cornell, *supra* note 29, at 230.

<sup>172</sup> *Id.*

poor drafting.<sup>173</sup> Still, once published, this mistake established the possibility of re-conceptualizing the meaning of bearing arms, a process that did occur slowly over the subsequent decades.<sup>174</sup>

#### V. FROM BEARING ARMS TO HUNTING BEARS: THE CHANGING MEANING OF THE RIGHT TO BEAR ARMS

“For the historian,” the eminent scholar Herbert Butterfield noted, “the only absolute is change.”<sup>175</sup> Writing about the Second Amendment has presented a static image of the Amendment.<sup>176</sup> The notion that the Second Amendment, in contrast to virtually every other feature of American constitutional life, remained fixed and unchanging over the course of American history seems patently absurd.<sup>177</sup> Yet, this is precisely how legal scholarship on the Second Amendment has portrayed the meaning of the right to bear arms.<sup>178</sup> There is considerable evidence that this was not the case.<sup>179</sup> Within two decades of the adoption of the Second Amendment, the meaning of the right to bear arms underwent some remarkable changes in state constitutional law.<sup>180</sup>

Contrary to the myth of an unchanging constitutional right, a profound transformation in the history of the right to bear arms occurred in the early Jacksonian era when several state constitutions abandoned the distinctive eighteenth-century language protecting “the right of the people to keep and bear arms in defense of themselves,” and adopted the more unambiguously individual right, that “every citizen has a right to bear arms, in defense of himself and the

<sup>173</sup> See Wills, *supra* note 157.

<sup>174</sup> See Cornell, *infra* note 175, at 675-78.

<sup>175</sup> HERBERT BUTTERFIELD, *THE WHIG INTERPRETATION OF HISTORY* 58 (1951).

<sup>176</sup> Two exceptions to this pattern are worth noting. Akhil Amar argues that the 14th Amendment transformed the meaning of the Second Amendment. See Amar, *supra* note 39. Amar’s approach to Reconstruction, “refined incorporation,” has been challenged by a number of scholars. See Daniel J. Hulsebosch, *Civics 2000*, 97 MICH. L. REV. 1520, 1546 (1999); Bret Boyce, *Originalism and the Fourteenth Amendment*, 33 WAKE FOREST L. REV. 909 (1998) and Jack N. Rakove, *Two Foxes in the Forest of History*, 11 YALE J.L. & HUMAN. 191 (1999). For a different, less monolithic reading of the meaning of the 14th Amendment, see WILLIAM E. NELSON, *THE FOURTEENTH AMENDMENT* (1998). Another model of the evolution of the Second Amendment is explored by David Yassky, *The Second Amendment*, 99 MICH. L. REV. 588 (2000). Yassky follows Amar’s Yale colleague Bruce Ackerman. See BRUCE ACKERMAN, *WE THE PEOPLE: TRANSFORMATIONS* (1998). He highlights the transformation wrought by the New Deal on the Second Amendment. Yassky’s analysis is open to many of the criticisms made of Ackerman’s work. See Richard A. Posner, *Past Dependency and Pragmatism*, 67 U. CHI. L. REV. 573, 596 (2000), and Larry Kramer, *What’s a Constitution for Anyway?*, 46 CASE W. RES. L. REV. 885 (1996). Neither Amar nor Yassky devotes much attention to the important changes in the interpretation of the right to bear arms in the early Republic.

<sup>177</sup> *Id.*

<sup>178</sup> See Kates, *supra* note 6, at 222.

<sup>179</sup> See Yassky, *supra* note 176.

<sup>180</sup> See discussion below at pages 676-677.

State.”<sup>181</sup> The shift in constitutional discourse evidenced in state constitutions written after the War of 1812 is profound.<sup>182</sup> Consider the following state constitutional provisions pertaining to the right to keep and bear arms enacted between 1776 and 1820:

1776 Virginia: That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that Standing Armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

1780 Massachusetts: The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

1792 Kentucky: That the right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

1817 Mississippi: Every citizen has a right to bear arms, in defence of himself and the State.

1819 Maine: Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

1820 Missouri: That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State cannot be questioned.<sup>183</sup>

There was no uniform pattern of constitutional change across America in the period between 1776 and 1820.<sup>184</sup> While the 1817 Mississippi state constitutional convention adopted a more liberal individualistic language, the Maine and Missouri Constitutions chose the older, more republican, formulation which clearly persisted well into the nineteenth century.<sup>185</sup> The Missouri

<sup>181</sup> Eugene Volokh, *The Commonplace Second Amendment*, 73 N.Y.U. L. REV. 793, 794 (1998).

<sup>182</sup> For an argument that the War of 1812 marked a watershed in the evolution of the transition from republicanism to liberalism, see STEVEN WATTS, *THE REPUBLIC REBORN: WAR AND THE MAKING OF LIBERAL AMERICA 1790-1820* (1987). The literature on the debates over the relative importance of republican and liberal ideas in American life is enormous.

<sup>183</sup> For a complete list of state provisions on the right to bear arms, see Eugene Volokh, *State Constitutional Right to Keep and Bear Arms Provisions*, at <http://www.law.ucla.edu/faculty/volokh/2amteach/sources.htm> (last visited June 5, 2002).

<sup>184</sup> See *id.*

<sup>185</sup> *Id.*



Constitution is fascinating because it asserted that the right to assemble was designed to promote the common good, an explicitly republican formulation, and it directly juxtaposed the right of assembly with the right to keep and bear arms.<sup>186</sup>

The clear change in the language of state constitution provisions regarding the right to bear arms eluded the Fifth Circuit Court's majority opinion in *Emerson*.<sup>187</sup> The court's confusion over the facts and basic chronology of the history of the right to bear arms is embarrassing:

However, there are numerous instances of the phrase "bear arms" being used to describe a civilian's carrying of arms. Early constitutional provisions or declarations of rights in at least some ten different states speak of the right of the "people" [or "citizen" or "citizens"] "to bear arms in defense of themselves [or "himself"] and the state," or equivalent words, thus indisputably reflecting that under common usage "bear arms" was in no sense restricted to bearing arms in military service.<sup>188</sup>

Actually, there is almost no evidence from the 18<sup>th</sup> century to prove that the phrase "bear arms" was used in a non-military context. The only example to actually support the Court's claim, the Dissent of the Minority, hardly supports the individual rights interpretation advanced by the Court.<sup>189</sup> The majority opinion of the Fifth Circuit conflated the language used by the 18<sup>th</sup> century with the new language adopted in the 19<sup>th</sup> century.<sup>190</sup> It is difficult to know if the Fifth Circuit's decision is based on profound ignorance of history, or on deliberate misrepresentation motivated by the judges' ideological preferences. In either case, the decision in *Emerson* represents a new nadir in the use and abuse of history by federal courts.

The meaning of the right to bear arms under state constitution law clearly changed during the first few decades of the nineteenth century, and this change itself provides one of the most serious challenges to both the individual and collective rights paradigms.<sup>191</sup> Individual rights supporters conveniently elide this change, while supporters of the collective rights view simply ignore the change all together.<sup>192</sup> Appreciating the changing meaning of the right to bear arms is an important first step toward fashioning a new paradigm for understanding the Second Amendment.<sup>193</sup>

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<sup>186</sup> *Id.*

<sup>187</sup> See *United States v. Emerson*, 270 F.3d 203 (5th Cir. 2001).

<sup>188</sup> *Id.*

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> See Massey, *supra* note 15.

<sup>192</sup> For a static and somewhat anachronistic discussion of state constitutional provisions on the right to bear arms, see Eugene Volokh, *supra* note 183. The important shift between the Eighteenth and Nineteenth century in the language of state constitutional provisions regarding the right to bear arms is elided in Massey, *supra* note 15. This error was reproduced in the decision of the U.S. Court of Appeals for the Fifth Circuit in *Emerson*, 270 F.3d 203 (5th Cir. 2001).

<sup>193</sup> *Id.*

## VI. NEITHER INDIVIDUAL NOR COLLECTIVE: A NEW PARADIGM FOR THE SECOND AMENDMENT

In another foundational text for the Standard Model, activist Stephen Halbrook sets up a sharp dichotomy between a collective/states rights interpretation and the individual rights view:

In recent years it has been suggested that the Second Amendment protects the 'collective' right of states to maintain militias, while it does not protect the right of 'the people' to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis.<sup>194</sup>

It is difficult to reconcile this claim with the early American historian Don Higginbotham's assertion that "if people believed passionately in gun ownership as an individual right, they rarely said so."<sup>195</sup> Higginbotham concludes that such claims amount to little more than a handful of references.<sup>196</sup> How can these two contradictory claims be reconciled? It is important to look closely at Halbrook's language, which sets modern legal terminology, collective rights, against the eighteenth-century terminology, "rights of the people."<sup>197</sup> Halbrook's argument rests on a serious anachronism. The right to bear arms was usually defined as a right of the people during the Founding era.<sup>198</sup> The key question for historians is how that term should be translated into modern parlance. Was such a right an individual right, a collective right, or something in between? The time has probably come to abandon both the collective and individual rights models and create a new translation for this phrase that more accurately captures the dominant understanding (or understandings) of this term during the Founding generation.<sup>199</sup>

<sup>194</sup> Halbrook, *supra* note 6, at 83. A similar claim has been repeated by Halbrook in an essay he co-authored, see Halbrook and Kopel, *supra* note 101.

<sup>195</sup> Don Higginbotham, *The Second Amendment in Historical Context*, 16 CONST. COMMENTARY 263, 265 (1999). The few examples from the 18<sup>th</sup> century that suggest a more individualistic reading are largely drawn from texts such as failed amendments or pamphlets and newspaper essays by dissenting groups such as Pennsylvania's Anti-Federalist Minority. On this point, see Rakove, *supra* note 29. While completely dismissing such voices seems problematic, it seems even more questionable to take them as dispositive.

<sup>196</sup> See *id.*

<sup>197</sup> Compare Halbrook, *supra* note 6, at 83, with Higginbotham, *supra* note 195, at 265.

<sup>198</sup> See Halbrook, *supra* note 6, at 83.

<sup>199</sup> The notion of translation has become a hot topic in constitutional interpretation. See Lawrence Lessig, *Fidelity and Constraint*, 65 FORDHAM L. REV. 1365 (1997); see also Steven G. Calabresi, *The Tradition of the Written Constitution: A Comment on Professor Lessig's Theory of Translation*, 65 FORDHAM L. REV. 1435 (1997), and Sanford Levinson, *Translation: Who Needs it?*, 65 FORDHAM L. REV. 1457 (1997). My use of the term here is slightly different. Translation here is not normative, but hermeneutic. Before we decide if it is the job of judges to translate the text of

Perhaps the most accurate way to describe the dominant understanding of the right to bear arms in the Founding era is as a civic right.<sup>200</sup> Such a right was not something that all persons could claim, but was limited to those members of the polity who were deemed capable of exercising it in a virtuous manner.<sup>201</sup> Freedom of religion, freedom of the press, trial by jury were genuinely rights belonging to individuals and were treated differently than were civic rights such as militia service, or the right to sit on juries.<sup>202</sup> The distinction between an individual right and a civic right is important and has been obscured by recent scholarship.<sup>203</sup> The important differences between these two types of rights is evident in the Pennsylvania Test Acts which stripped citizens of certain civic rights, such as the right to bear arms or sit on juries, but did not deprive them of fundamental individual rights such as the right of freedom of conscience or the right to publish their sentiments on public matters.<sup>204</sup>

A useful model for approaching the constitutional thought of the Founding Era has been elaborated by the political scientist Rogers M. Smith, who has identified three different conceptions of citizenship and rights in the Founding era.<sup>205</sup> According to Smith, three discursive traditions dominated early American constitutional thought.<sup>206</sup> A liberal individualist idea that each person enjoyed basic rights existed along side a republican conception of citizenship that held that only those capable of displaying the requisite civic virtue were entitled to the full panoply of rights.<sup>207</sup> Finally, Smith argues that the Founding generation also held an ascriptive theory of citizenship that restricted the full enjoyment of rights to persons based on race, gender, and in some cases, ethnic identity.<sup>208</sup> The Second Amendment owed far more to the republican and ascriptive understanding of rights than it did to a liberal individualistic conception of rights which was relatively weak at the Founding.<sup>209</sup> Of course, gun rights advocates might reasonably claim that, given that the dominant trend in modern American constitutional law is toward a more liberal and less republican and ascriptive conception of rights, we should rethink the issue of gun rights in terms of the modern rights revolution wrought in the last few decades.<sup>210</sup> Arguing that we ought to reinterpret the Second Amendment in more

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the Constitution, we have to have a reasonable translation. To understand the meaning of 18<sup>th</sup> century terms we must find a language to describe them that does not distort their meaning. The phrase "right of the people" fits neither our notion of an individual right nor our idea of a collective right. In this sense the term civic right is preferable as an approximation of what the 18<sup>th</sup> century meant by a right of the people.

<sup>200</sup> See discussion *infra* p. 680.

<sup>201</sup> *Id.*

<sup>202</sup> See ARNOLD, *supra* note 130.

<sup>203</sup> For a discussion of the Test Acts, see Comell, *supra* note 29, at 229.

<sup>204</sup> *Id.*

<sup>205</sup> See ROGERS M. SMITH, CIVIC IDEALS: CONFLICTING VISIONS OF CITIZENSHIP IN U.S. HISTORY (1997).

<sup>206</sup> *Id.* at 2-3.

<sup>207</sup> *Id.* at 36.

<sup>208</sup> *Id.* at 153.

<sup>209</sup> *Id.* at 147-49.

<sup>210</sup> *Id.*



libertarian terms is quite different than insisting that such a meaning was always part of the Second Amendment. Rather than argue in the historically naive originalist terms that have dominated writing about the Second Amendment, it would be more intellectually and politically honest to argue that it is time to include gun owners among the groups whose rights have been expanded in the wake of the rights revolution.<sup>211</sup>

Although gun rights advocates have sought to wrap themselves in the Second Amendment, the original understanding of the Second Amendment is actually inimical to much that they hold dear.<sup>212</sup> Ironically, a restoration of the original meaning of the Second Amendment might be their worst nightmare.<sup>213</sup> Consider the evidence from Pennsylvania whose state constitution and Anti-Federalists writings are among the most frequently cited texts by Standard Modelers.<sup>214</sup> The Anti-Federalists who authored the Dissent of the Minority and supported the Test Acts accepted a level of gun regulation that far exceeds anything modern gun control groups have advocated.<sup>215</sup>

## VII. CONCLUSION

The notion that the right to bear arms is a civic, not an individual right, suggests that courts need to find a new set of analytical tools to evaluate gun laws. The notion of strict scrutiny makes little sense for a civic right. Exactly what sort of laws and what standards of constitutional scrutiny would be appropriate for a civic right ought to serve as a spur to some creative constitutional theorizing. Viewing the Second Amendment as a civic right would not give the state a completely unfettered hand in enacting any gun law it wants. One might argue that under such a conception the nightmare scenario so often conjured up by gun rights advocates would be averted; complete unilateral domestic disarmament would be beyond the power of government. Perhaps if robbed of the potent rhetoric that casts every effort at gun control as the first step in a nefarious gun grabbing prohibitionist agenda, more effective legislation could be enacted. Treating guns like words, as some Standard Modelers suggest, makes little constitutional sense. While some modern law professors have trouble telling the difference between guns and words, the same was not the case for the Founders. Appreciating the wisdom of the Founders in this regard need not mean we ought to slavishly follow their example as part of some ahistorical and static originalist vision of the Constitution. To find a constitutional solution to the problem posed by guns in our society, we will need to move beyond the legacy bequeathed to us by the Founders who inhabited a world far different from our own.

<sup>211</sup> Of course, the rights revolution is not without critics. See MARY ANN GLENDON, *RIGHTS TALK* (1991).

<sup>212</sup> See Cornell *supra* note 29.

<sup>213</sup> *Id.*

<sup>214</sup> See Cornell, *supra* note 29, at 229.

<sup>215</sup> See ARNOLD, *supra* note 130.

Converts to the gun rights cause have invoked the authority of the sixties band The Monkees, proclaiming "I'm A Believer" and accepting the truth of the Standard Model's individual rights view of the Second Amendment.<sup>216</sup> A better musical choice and a more accurate description of recent scholarship is provided by Sam Cooke's old standard, "Wonderful World." Unfortunately, Second Amendment scholars "Don't Know Much About History."

In his influential and provocative article, *The Embarrassing Second Amendment*, Sanford Levinson took legal scholars to task for ignoring the topic of the Second Amendment.<sup>217</sup> Since the publication of Levinson's essay, there has been an explosion of interest in this once neglected part of the Bill of Rights.<sup>218</sup> If there is a cause for embarrassment now it is not from neglect, but rather from the opposite-- too much scholarship with too little historical grounding.<sup>219</sup> The historical foundation for much of this new scholarship rests not on solid and well researched history, but rather on little more than the intellectual equivalent of smoke and mirrors.<sup>220</sup> The creation of a Standard Model was an artifact of the idiosyncratic structure of legal publication, not a reflection of genuine consensus among scholars knowledgeable about the history of the Second Amendment.<sup>221</sup> No similar consensus existed among historians working in the period and it is noteworthy that all of the experts in early American history who have entered this debate, even the one historian most closely associated with an individual rights view of the amendment, have attacked the Standard Model.<sup>222</sup> One can hope that a new, more sophisticated and historically grounded interpretation of the Second Amendment may emerge as this debate moves forward.

<sup>216</sup> See Powe, *supra* note 67, at 1401.

<sup>217</sup> See Levinson, *supra* note 4, at 639.

<sup>218</sup> See Spitzer *supra* note 8.

<sup>219</sup> See Cornell, *supra* note 29.

<sup>220</sup> *Id.* This charge would also include the work of Michael A. Bellesiles whose book *ARMING AMERICA: THE ORIGINS OF NATIONAL GUN CULTURE* (2000) has been effectively discredited. For a discussion of the flaws in *ARMING AMERICA* see *Historians and Guns*, 59 WM & MARY Q. 203, 203-240 (2002).

<sup>221</sup> On this point, see Spitzer, *supra* note 8.

<sup>222</sup> See Shalhope, *supra* note 15. For additional evidence of historical opposition to the Standard Model, see the discussion in *supra* note 13.





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## Cherry-picked history and ideology-driven outcomes: Bruen's originalist distortions

*saul-cornell*

10–12 minutes

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### SYMPOSIUM

on Jun 27, 2022 at 5:05 pm



This article is part of a [symposium](#) on the court's [decision](#) in [New York State Rifle & Pistol Association v. Bruen](#).

*Saul Cornell is the Paul and Diane Guenther chair in American history at Fordham University and adjunct professor of law at Fordham Law School.*

The majority opinion in *New York State Rifle & Pistol Association v. Bruen* invokes the authority of history but presents a version of the past that is little more than an ideological fantasy, much of [it invented by gun-rights advocates](#) and their libertarian allies in the legal academy with the express purpose of bolstering litigation such as *Bruen*. Rather than applying a history, text, and tradition approach, it would be more accurate to characterize Justice Clarence Thomas' decision as an illustration of the current Supreme Court's new interpretive model: "[Fiction, Fantasy, and Mythology](#)." Indeed, the distortion of the historical record, misreading of evidence, and dismissal of facts that don't fit the gun-rights narrative favored by Thomas are genuinely breathtaking in scope. Thomas has taken [law-office history](#) to a new low, even for the Supreme Court, a body whose special brand of "[law chambers history](#)" has prompted multiple critiques and been a source of

Cherry-picked history and ideology-driven outcomes: Bruen's originalist... [about:reader?url=https%3A%2F%2Fwww.scotusblog.com%2F2022%...](https://www.scotusblog.com/2022/01/20/2023-01-20-12-31-PM)

amusement for generations of scholars and court watchers.

It is particularly noteworthy that Justice Stephen Breyer called out his colleagues for engaging in the most rank form of law-office history in his dissent. Although it has become common, almost routine, for scholars to catalog the embarrassing quality of the current Supreme Court's uses of history, it is unusual to see a sitting justice level this charge against others on the court in a published opinion. It is hard to dispute Breyer's negative characterization of his colleagues' tendentious, error-filled, and highly selective culling of evidence to vindicate their gun-rights agenda. [Bruen does mark a new low for the court](#). Indeed, it seems appropriate that Thomas saw fit to quote [Dred Scott](#), the court's worst decision in history, approvingly. Thomas not only treats the case as good legal authority but suggests the author of the most reviled opinion in American law captured the meaning of the Second Amendment better than any other judicial pronouncement in American history.

To describe the Thomas version of the past as a caricature understates the case. In the Bizzaro constitutional universe inhabited by Thomas, Shakespeare's England was filled with pistol-packin' peasants, a notion that most English historians would find bonkers. The characterization of early American firearms regulation is equally flawed, and Thomas rests his dismissal of antebellum enforcement of gun laws on an as yet unpublished and [error-filled account by one of his former clerks](#) — even as he dismisses the many counter-examples provided by New York as a slender reed upon which to rest their case.

Perhaps the most egregious distortion of the historical record occurs in the majority's false claims about regulation during Reconstruction. Evidence of robust regulation of guns in public featured prominently in the briefs filed in the case, but the majority either dismisses contrary evidence as unrepresentative or simply ignores evidence it finds inconvenient. Here is what Thomas says about Texas, a state whose robust gun laws, he reluctantly concedes, undeniably support New York's approach to public safety. "We acknowledge," Thomas wrote, "that the Texas cases support New York's proper-cause requirement, which one can analogize to Texas' 'reasonable grounds' standard. But the Texas statute, and the rationales set forth in [English](#) and [Duke](#), are outliers."

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The originalist methodology applied by Thomas has one set of rules that apply to interpreting legal texts that support gun rights, and another more demanding set of standards that apply to those that undermine them. [The Thomas version of originalism](#) might be summarized as follows: No amount of evidence is enough to support gun control, but no iota of evidence is too little to legitimate gun-rights claims. If one of the goals of originalism was to limit judicial discretion (a value few originalists continue to espouse now that they have a supermajority on the court), then the Thomas rule does the opposite. It provides a license to cherry-pick evidence with reckless abandon if the materials support the ideological agenda of the Federalist Society.

Texas, it is worth stressing, was hardly alone in embracing a robust view of state police-power authority over regulation of arms in public. Georgia's 1868 arms-bearing provision declared that: "The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne." The reconstructed southern states and newly admitted western states all drafted new arms-bearing provisions in their state constitutions, casting aside the Founding-era focus on militias, substituting new language more individualistic in focus. Justice Samuel Alito recognized this fact in [McDonald v. City of Chicago](#) but stopped reading the text of these provisions in mid-sentence because all these provisions went on to affirm the sweeping police-power authority of the states to regulate arms in public. In [District of Columbia v. Heller](#), Justice Antonin Scalia read the Second Amendment backward, and in *McDonald*, Alito stopped reading the text mid-sentence. If anyone had any doubts that the new originalism was [the Federalist Society's latest intellectual scam](#), then these two approaches to reading constitutional texts ought to dispel any lingering doubts. In the hands of this court, originalism is a constitutional "Etch A Sketch," in which judges can erase texts at will and read them backward if necessary.

Twelve million Americans during the Reconstruction period were living under state constitutional arms-bearing provisions that reflected this new regulatory paradigm, a model that forged an indissoluble link between the right to regulate and the right to bear arms. For Thomas, twelve million is too little to be consequential. The court's right-wing originalist supermajority, including Thomas,

Even more galling, assuming that historical accuracy is still a value for the court's originalist ideologues, is the absence of any attention to local gun regulation, which increased dramatically during Reconstruction. Contrary to the patently false claims made by Thomas, states and localities acted on the language in the new state arms-bearing provisions, including enacting permit schemes based on a specified need for self-defense, precisely the type of regulatory regime at issue in *Bruen*. Thomas treats New York's law as if it emerged out of nowhere in the early 20th century, but the truth is that a host of localities had enacted similar laws starting in the 1870s, which means that New York's law was firmly rooted in Reconstruction-era conceptions of the scope of permissible regulation under the Second Amendment.

Many of these laws, excavated from obscure sources, were presented to the court in a remarkable [appendix](#) to a brief submitted by Air Force historian Patrick Charles. This evidence contradicts Thomas' facile claims that Texas-style gun control was an anomaly. Nor does Thomas acknowledge the evidence presented in the [historians and law professors' brief submitted in \*Bruen\*](#). It discussed the spread of permit schemes in California and other parts of the nation after the Civil War. By the last decade of the 19th century, [more than half the population of the state living in its cities and towns](#) were living under these types of restrictions. Again, in the surreal originalist universe inhabited by Thomas and his colleagues, if 50% of a state lived under New York-style restrictions, this also fails to reach a sufficient threshold to provide historical evidence supporting gun regulation.

Nor were these restrictive public-carry regimes an exclusively western development. In [1873](#), Jersey City prohibited carrying dangerous weapons without a permit, which the city's municipal court could grant to people "from the nature of their profession, business or occupation, or from peculiar circumstances." Jersey City was hardly one of the "cattle towns" of the Old West, another body of evidence that Thomas simply discounts because it is inconsistent with his ideological agenda. The map below graphically underscores how wrong Thomas got the history in *Bruen*. It shows that millions of Americans were living under restrictive public-carry

Cherry-picked history and ideology-driven outcomes: Bruen's originalist... [about:reader?url=https%3A%2F%2Fwww.scotusblog.com%2F2022%...](https://www.scotusblog.com/2022/06/cherry-picked-history-and-ideology-driven-outcomes-bruens-originalist-distortions/)

laws similar in scope to the New York law at issue in *Bruen* for decades before the Sullivan Act.

Distorting the past to further his ideological agenda has become a trademark feature of Thomas. What is more disheartening is that the court's newest originalists, Justices Neil Gorsuch and Amy Coney Barrett, signed on to this historical charade. Despite protestations that they are not ideological warriors and political hacks, Gorsuch and Barrett missed an opportunity to prove that originalism can be applied in a rigorous and neutral manner. Apparently, that claim continues to be a promise as yet unfilled.



Graphic courtesy of Hastings Constitutional Law Quarterly, Saul Cornell, "History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in *NYSRPA v. Bruen*?" (June, 2022).

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SYMPOSIUM ESSAY

The Right to Regulate Arms in the  
Era of the Fourteenth Amendment:  
The Emergence of Good Cause  
Permit Schemes in Post-Civil War  
America

Saul Cornell\*

Under the framework developed in *District of Columbia v. Heller* and refined in *McDonald v. City of Chicago* the outcome of firearms litigation often hinges on demonstrating that there is a clear historical genealogy or analogue to modern gun laws. If a regulation is grounded in history it provides a strong foundation for upholding the challenged statutes and ordinances.<sup>1</sup> The Ninth Circuit took note of this fact when it highlighted the need for a detailed examination of the history of state statutes and local ordinances in *Young v. Hawaii*, describing this material as “the best evidence we have of the American understanding

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<sup>1</sup> *District of Columbia v. Heller*, 554 U.S. 570, 591, 595 (2008); *McDonald v. City of Chicago*, 561 U.S. 742, 767-68 (2010).



of the interface between the right to keep and bear arms and the police power.”<sup>2</sup>

Discussions of Founding era history and the English roots of Anglo-American gun regulation have dominated much of the existing scholarship and jurisprudence.<sup>3</sup> The role of Reconstruction-era law has figured less prominently in these debates, but this period is vital to understanding the history, text, and tradition model that *Heller* demands.<sup>4</sup> Indeed, in *McDonald v. City of Chicago*, Justice Alito refined and elaborated *Heller*’s history, text, and tradition model for evaluating the constitutionality of gun regulation.<sup>5</sup> Extending the focus of analysis

<sup>2</sup> *Young v. Hawaii*, 992 F.3d 765, 824 (9th Cir. 2021).

<sup>3</sup> Although there is widespread agreement that history, text, and tradition are important to *Heller*’s framework, there is less agreement about whether this approach precludes other standard modes of constitutional analysis entirely. See JOSEPH BLOCHER & DARRELL A. H. MILLER, *THE POSITIVE SECOND AMENDMENT: RIGHTS, REGULATION, AND THE FUTURE OF HELLER* 100-17 (2018).

<sup>4</sup> On the expansion of regulation during Reconstruction, see PATRICK J. CHARLES, *ARMED IN AMERICA: A HISTORY OF GUN RIGHTS FROM COLONIAL MILITIAS TO CONCEALED CARRY* (2018); Saul Cornell & Justin Florence, *The Right to Bear Arms in the Era of the Fourteenth Amendment: Gun Rights or Gun Regulation*, 50 SANTA CLARA L. REV. 1043, 1068-69 (2010).

<sup>5</sup> See *McDonald*, 561 U.S. at 767-68. For Justice Kavanaugh’s view on the model, see *Heller v. District of Columbia* (*Heller II*), 670 F.3d 1244, 1271 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) (“In my view, *Heller* and *McDonald* leave little doubt that courts are to assess gun bans and regulations based on text, history, and tradition, not by a balancing test such as strict or intermediate scrutiny.”). For Justice Gorsuch’s view, see *Peruta v. California*, 137 S. Ct. 1995, 1998 (2017) (Mem.) (Thomas, J., joined by Gorsuch, J., dissenting from denial of certiorari) (noting positively that a Ninth Circuit panel decision “pointed to a wealth of cases and secondary sources from England, the founding era, the antebellum period, and Reconstruction”). On the likely increasing relevance of history given the recent Court appointees, see *N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York*, 140 S. Ct. 1525, 1540-41 (2020) (Alito, J., dissenting) (per curiam) (arguing that the fact that the City “point[ed] to no evidence of laws in force around the time of adoption of the Second Amendment that prevented gun owners from practicing outside city limits” was “sufficient to show that the New York City ordinance [was] unconstitutional”) and Joseph S. Hartunian, *Gun Safety in the Age of Kavanaugh*, 117 MICH. L. REV. ONLINE 104, 115-16 (2019). Chief Justice Roberts also gestured toward a historical approach in the *Heller* oral argument: “[W]e are talking about lineal descendants of the arms but presumably there are lineal descendants of the restrictions as well.” Transcript of Oral Argument at 77, *District of Columbia v. Heller*, 554 U.S. 570 (2008) (No. 07-290). For Justice Barrett’s view, see *Kanter v. Barr*, 919 F.3d 437, 451-52 (7th Cir. 2019) (Barrett, J., dissenting) (“There are competing ways of approaching the constitutionality of gun dispossession laws. Some maintain that there are certain groups of people — for example, violent felons — who fall entirely outside the Second Amendment’s scope. . . . Others maintain that all people have the right to keep and bear arms but that history and tradition support Congress’s power to strip certain groups of that right. . . . These approaches will typically yield the same result; one uses history and tradition to identify the scope of the right, and the other uses that

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beyond the Founding era, Alito took note of developments in American law up to and including Reconstruction. Building on *McDonald's* analysis, the Seventh Circuit decision in *Ezell v. City of Chicago* explained the relevance of Reconstruction-era practices to *Heller's* historical framework: “*McDonald* confirms that when state- or local-government action is challenged, the focus of the original-meaning inquiry is carried forward in time; the Second Amendment’s scope as a limitation on the States depends on how the right was understood when the Fourteenth Amendment was ratified.”<sup>6</sup>

Despite these judicial pointers, scholarship on the history of firearms regulation during Reconstruction has lagged far behind studies of early American gun regulation.<sup>7</sup> This essay collects and analyzes evidence about Reconstruction-era firearms regulation and summarizes these findings.<sup>8</sup> Reconstruction ushered in one of the most intense periods of gun regulation in American history. The Republicans who framed and enacted the Fourteenth Amendment were eager to protect the Second Amendment rights of recently freed persons, including an individual right of self-defense. But Republicans were equally committed to enacting strong racially neutral gun regulations, aimed at reducing interpersonal violence and preserving the peace, a task vital to the success of Reconstruction.<sup>9</sup> Scores of new regulations were enacted and one of the main goals of these laws was to limit the public carry of weapons. These laws were not driven by racial animus, as some gun rights advocates have erroneously claimed, but sought to protect vulnerable populations in the South, including former slaves and Republicans eager to further the aims of Reconstruction.<sup>10</sup>

One area of regulation that has not received sufficient attention is municipal ordinances. During the Reconstruction Era, localities enacted some of the most sweeping laws in American history and pioneered new

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same body of evidence to identify the scope of the legislature’s power to take it away. In my view, the latter is the better way to approach the problem.”).

<sup>6</sup> *Ezell v. City of Chicago*, 651 F.3d 684, 702 (7th Cir. 2011).

<sup>7</sup> See *supra* note 4.

<sup>8</sup> See *infra* Tables 1, 2.

<sup>9</sup> It is vital to distinguish between the racially motivated Black codes enacted by Confederate sympathizers and the racially neutral laws enacted by Republicans to protect free persons and Republicans from terrorist violence. See Carole Emberton, *The Limits of Incorporation: Violence, Gun Rights, and Gun Regulation in the Reconstruction South*, 17 STAN. L. & POL’Y REV. 611, 621-22 (2006).

<sup>10</sup> For the most recent example of the gun control is racist canard, see Justin Aimonetti & Christian Talley, Essay, *Race, Ramos, and the Second Amendment Standard of Review*, 107 VA. L. REV. ONLINE 193, 194 (2021).

approaches to gun regulation.<sup>11</sup> The most important and influential type of these new ordinances were good cause permit schemes. Indeed, by the end of Reconstruction, these discretionary good cause permitting schemes had not only proliferated in number but were in the process of becoming the dominant model of gun regulation in America. In states such as California, more than half the population lived under such schemes by the end of the nineteenth century.<sup>12</sup> Similarly, four of the nation's largest cities at the dawn of the new century, including New York, St. Louis, Buffalo and San Francisco, also embraced this form of gun regulation.<sup>13</sup>

Justice Alito's important insights in *McDonald* have not received enough attention in recent Second Amendment scholarship and jurisprudence. The changes in the language of state constitutional texts between the Founding era and the era of Reconstruction merits closer scrutiny.<sup>14</sup> Understanding this transformation requires analyzing the changing fears driving American constitutional thinking about the right to bear arms. For Reconstruction-era lawyers and judges schooled in common law modes of legal analysis, one of the most important interpretive tools was the mischief rule — the legal principle that the meaning of a legal text was shaped by an understanding of the state of the common law prior to its enactment and the mischief that the common law had failed to address and remediate.<sup>15</sup> By the era of

<sup>11</sup> For an important exception to this lack of attention to local laws, see generally Joseph Blocher, *Firearm Localism*, 123 YALE L.J. 82 (2013) (comparing urban and rural firearm municipal ordinances).

<sup>12</sup> See *infra* Table 3 and related text.

<sup>13</sup> An Act to Revise the Charter of the City of Buffalo, ch. 105, tit. 7, § 209, 1891 N.Y. Laws 129, 176-77 (Mar. 27, 1891); *Prohibiting the Carrying of Concealed Deadly Weapons*, Sept. 17, 1880, in GENERAL ORDERS OF THE BOARD OF SUPERVISORS PROVIDING REGULATIONS FOR THE GOVERNMENT OF THE CITY AND COUNTY OF SAN FRANCISCO 7-8 (1884); EVERETT W. 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 491-92 (1871); ELLIOTT F. SHEPARD & EBENEZER B. SHAFER, ORDINANCES OF THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, IN FORCE JANUARY 1, 1881, at 214-15 (1881). For population data, see Table 13. *Population of the 100 Largest Urban Places: 1900*, U.S. BUREAU OF THE CENSUS (June 15, 1998), <https://www2.census.gov/library/working-papers/1998/demo/pop-twps0027/tab13.txt> [<https://perma.cc/TQ2K-3PMP>].

<sup>14</sup> See *McDonald v. City of Chicago*, 561 U.S. 742, 767-68 (2010).

<sup>15</sup> The interpretation and application of the mischief rule raises a host of jurisprudential issues. See Samuel L. Bray, *The Mischief Rule*, 109 GEO. L.J. 967, 967 (2021). To reconstruct the original meaning of the law at the time of the Fourteenth Amendment, one must reconstruct how the rule was understood in the eighteenth century and in the era of Reconstruction. The mischief rule was articulated in Heydon's

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Reconstruction, gun violence had emerged as a serious problem in American life and legislators responded to this development by enacting scores of new laws.

Founding era fears about the federal government's threat to state militias, Alito noted, had largely abated by the time of the Civil War. One of the most important consequences of this shift was the adoption of state arms bearing provisions that were more self-consciously individualistic.<sup>16</sup> What has not drawn much scholarly or judicial notice, though, is the profound change in the structure and language that accompanied the rise of a more individualistic formulation of the right to bear arms after the Civil War.

The inclusion of more individualistic language was only part of the change in the language of these texts. States also included provisions expressly affirming the right to regulate arms. In fact, state after state cast aside the eighteenth century's dominant formulation of arms-bearing, dropping references to the dangers of standing armies and the necessity of civilian control of the military. In place of these ancient fears of tyrannical Stuart monarchs and standing armies, a new fear permeated these texts: gun violence. To borrow a key concept from the common law: a new mischief had emerged, one that required a different remedy. The constitutional danger nineteenth century America faced, one that intensified after the Civil War, was not "lobster-back" redcoats facing off against minutemen, but interpersonal gun violence and the collective terrorist violence perpetuated by groups such as the Ku Klux Klan.<sup>17</sup> In response to these new threats to the peace and safety of the republic, a novel formulation of the right to bear arms emerged in state constitutional law — a new model that forged an indissoluble bond between the right to regulate arms and the right to bear arms.<sup>18</sup>

Powered by this new constitutional framework, uniting arms bearing and regulation into a single principle, states and localities took up the challenge of framing policies that both protected the right to bear arms

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Case [1584] 76 Eng. Rep. 637, and elaborated on in 1 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 61 (1765). For the rule in post-Civil War constitutional thought, see JOEL PRENTISS BISHOP, COMMENTARIES ON THE WRITTEN LAWS AND THEIR INTERPRETATION 206 (1882).

<sup>16</sup> Actually, a more self-consciously individualistic language to describe the right to bear arms, one expressly tied to self-defense, emerged during the Jacksonian era — much earlier than Alito credits. See SAUL CORNELL, A WELL-REGULATED MILITIA: THE FOUNDING FATHERS AND THE ORIGINS OF GUN CONTROL IN AMERICA 142-4 (2006).

<sup>17</sup> See RANDOLPH ROTH, AMERICAN HOMICIDE 350-54 (2009); ERIC FONER, THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION 116-17 (2019).

<sup>18</sup> See *infra* notes 37–40.

and the public's right to enjoy the peace by enacting dozens of new laws regulating nearly every aspect of the right to keep and bear arms.<sup>19</sup> Laws regulating the sale of arms; prohibitions on possessing arms in churches, schools, and polling places; bans on concealed carry; general bans on public carry; and new discretionary permit schemes that limited the right of armed travel to situations in which citizens had a good cause to fear attack were among the most important laws adopted during this period.<sup>20</sup>

#### I. RECONSTRUCTION AND THE RIGHT TO BEAR ARMS

Although scholars have long recognized that Reconstruction, the period after the Civil War, ushered in profound changes in American law, the impacts of those changes on gun regulation and conceptions of the right to bear arms have not been subjected to rigorous historical analysis.<sup>21</sup> The Civil War had a profound impact on gun violence in America. The trauma of the war and the enormous increase in the production of guns necessary to supply two opposing armies intensified the problem posed by firearms violence and gave a new impetus to regulation.<sup>22</sup> A false historical narrative has warped much of the modern debate over the meaning of the right to keep and bear arms in the era of Fourteenth Amendment. According to this erroneous account, Reconstruction-era Republicans opposed gun regulation because it was inherently racist and aimed at disarming Blacks.<sup>23</sup> Confederate

<sup>19</sup> See Cornell & Florence, *supra* note 4, at 1069.

<sup>20</sup> See *infra* note 36.

<sup>21</sup> For discussions of the continuing problems with legal scholarship on the right to bear arms and its penchant for anachronistic claims, see generally Saul Cornell, "Half Cocked": The Persistence of Anachronism and Presentism in the Academic Debate Over the Second Amendment, 106 J. CRIM. L. & CRIMINOLOGY 203 (2016) and Martin S. Flaherty, *Can The Quill Be Mightier Than the Uzi?: History "Lite," "Law Office," and Worse Meets the Second Amendment*, 37 CARDOZO L. REV. 663 (2015).

<sup>22</sup> See ROTH, *supra* note 17.

<sup>23</sup> Several authors, including prominent gun rights activists, have argued that gun control was part of a racist agenda to strip freed persons of color of their rights, an erroneous conclusion that conflates the Black Codes with the Republican-enacted racially neutral gun regulations aimed at demilitarizing the South and pacifying the public sphere so African Americans could vote and organize to protect their rights. For a discussion of the vital importance of this distinction to evaluating Reconstruction-era laws, see discussion *infra* note 50. For a sampling of ideologically slanted scholarship on this topic, see generally STEPHEN P. HALBROOK, FREEDMEN, THE FOURTEENTH AMENDMENT, AND THE RIGHT TO BEAR ARMS, 1866-1876 (1998); Robert J. Cottrol & Raymond T. Diamond, "Never Intended to Be Applied to the White Population": Firearms Regulation and Racial Disparity — The Redeemed South's Legacy to a National Jurisprudence?, 70 CHI.-KENT L. REV. 1307, 1310, 1318 (1995) (The authors ignore laws

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sympathizers in the Reconstruction South did attempt to use gun regulations in a racially targeted fashion, as part of the infamous Black Codes, hoping to facilitate the return of white rule. Although eager to dismantle these racist laws disarming Blacks, Republicans also used government power proactively to rebuild the militia system and pass a range of racially neutral gun control measures aimed at promoting public safety.<sup>24</sup> Rather than oppose an expansion of gun regulation, Reconstruction-era Republicans (including those responsible for framing and ratifying the Fourteenth Amendment) aimed to use racially neutral gun laws, including those designed to demilitarize the public sphere, to restore order and empower freed people to participate in civic life, most importantly elections.<sup>25</sup> Republicans were committed to a vision of government that would protect the rights of recently freed slaves and promote the ideal of a well-regulated society.<sup>26</sup>

Nothing better illustrates the linkage between gun regulation, the right to bear arms and the protection of free persons than General Daniel Sickles' General Orders.<sup>27</sup> In General Order No. 1 Sickles declared that "[t]he constitutional rights of all loyal and well-disposed inhabitants to bear arms will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons, nor to authorize any person to enter with arms on the premises of another against his consent."<sup>28</sup> It is worth noting that

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enacted by legislatures dominated by Republicans aimed at protecting Blacks in the Reconstruction South.); Clayton E. Cramer, *The Racist Roots of Gun Control*, 4 KAN. J.L. & PUB. POL'Y 17, 18 (1995).

<sup>24</sup> See Darrell A. H. Miller, *Peruta, The Home-Bound Second Amendment, and Fractal Originalism*, 127 HARV. L. REV. F. 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).

<sup>25</sup> See WILLIAM J. NOVAK, *THE PEOPLE'S WELFARE: LAW AND REGULATION IN NINETEENTH-CENTURY AMERICA* 51-53 (1996).

<sup>26</sup> See generally RONALD M. LABBÉ & JONATHAN LURIE, *THE SLAUGHTERHOUSE CASES: REGULATION, RECONSTRUCTION, AND THE FOURTEENTH AMENDMENT* (2003) (discussing the origins of the Fourteenth Amendment).

<sup>27</sup> For a gun rights reading of Order No. 1 that ignores its strong support for racially neutral limits on public carry, see Clayton E. Cramer, Nicholas J. Johnson & George A. Mocsary, *This Right Is Not Allowed by Governments that are Afraid of the People: The Public Meaning of the Second Amendment when the Fourteenth Amendment Was Ratified*, 17 GEO. MASON L. REV. 823, 854, 857 (2010). General Order No. 7 is not mentioned at all. For a similar one-sided reading of the evidence, see Cottrol & Diamond, *supra* note 23.

<sup>28</sup> 1 WALTER L. FLEMING, *DOCUMENTARY HISTORY OF RECONSTRUCTION: POLITICAL, MILITARY, SOCIAL, RELIGIOUS, EDUCATIONAL & INDUSTRIAL 1865 TO THE PRESENT TIME* 207-208, 211 (1906) (reprinting General Order No. 1 and General Order No. 7).



General No. 1 not only affirmed a right to bear arms, but reasserted the right to regulate arms, including bans on concealed carry and limits on the ability to travel armed on private property. Moreover, gun rights advocates ignore General Order No. 7 issued by Sickles several months later. Addressing the problem of promiscuous public carry, a practice that led to the disruption of civil society, Sickles issued another order prohibiting “[o]rganizations of white or colored persons bearing arms, or in-tend[ing] to be armed.”<sup>29</sup> Order No. 7 prohibited drilling, parading, and patrolling with arms, limiting public carry to those enrolled in the military forces of the United States.<sup>30</sup> Sickles followed up with General Order No.10, a measure that banned all public carry and made concealed carry “an aggravation of the offense.”<sup>31</sup>

Other laws aimed at limiting arms in polling places, schools, and other important public venues where people gathered were also enacted by Reconstruction era governments.<sup>32</sup> During the colonial period, some legislatures passed laws requiring settlers to bring arms to church, but during Reconstruction laws were passed banning firearms in churches, schools, and other public places in which people gathered in significant numbers.<sup>33</sup> The aim of these laws was to preserve the peace and enable civil society to function in the South. These were not restrictions on guns in sensitive places but were an effort to eliminate guns from public places essential for civic life to flourish. For example, one law from Texas prohibited guns in multiple public venues:

If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for

<sup>29</sup> See Miller, *supra* note 24, at 241.

<sup>30</sup> EDWARD MCPHERSON, THE POLITICAL HISTORY OF THE UNITED STATES OF AMERICA DURING THE PERIOD OF RECONSTRUCTION, (FROM APRIL 15, 1865, TO JULY 15, 1870) 204 (1875) <https://quod.lib.umich.edu/m/moa/abz4761.0001.001/216?xc=1&g=moagrp&q1=General+Sickles&view=image&size=100> [https://perma.cc/M53U-STLW].

<sup>31</sup> *Id.*

<sup>32</sup> See, e.g., 1890 Okla. Laws 495, art. 47, sec. 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.”).

<sup>33</sup> For a good illustration of the colonial policy, see AN ACT FOR THE BETTER SECURITY OF THE INHABITANTS BY OBLIGING THE MALE WHITE PERSONS TO CARRY FIRE ARMS TO PLACES OF PUBLIC WORSHIP (1770), *reprinted in* GEORGIA COLONIAL LAWS 471 (1932). For a good example of the restrictive approach taken during Reconstruction, see REVISED STATUTES OF THE STATE OF MISSOURI 224 (John A. Hockaday ed., 1879).

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educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, 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 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.<sup>34</sup>

Many of the new constitutions adopted after the Civil War in Southern states, and the newly admitted Western states, reflected this approach to firearms regulation, entrenching it in the same provisions affirming the right to bear arms.<sup>35</sup> In keeping with the vision of law embodied in these new constitutional provisions, Republicans enacted dozens of new laws to reduce gun violence and promote public safety.<sup>36</sup>

The first state constitutions enacted after the American Revolution typically separated the right of the people to regulate their internal police from specific statements about the right to bear arms. Comparing the language of the Revolutionary era Pennsylvania Constitution 1776 and 1868 Texas Constitution side by side is instructive.<sup>37</sup> The Founding era formulation of the right to bear arms was distinct from the right of the people to regulate their internal police. The Reconstruction era formulation not only omits references to the dangers of standing armies and the need for civilian control of the military but merges the right to

<sup>34</sup> AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS (1871), *reprinted in* 2 A DIGEST OF THE LAWS OF TEXAS: CONTAINING LAWS IN FORCE, AND THE REPEALED LAWS ON WHICH RIGHTS REST FROM 1862 TO 1872, at 1322 (George Washington Paschal ed., Washington D.C., 1873).

<sup>35</sup> See *infra* Table 1.

<sup>36</sup> See Mark Anthony Frassetto, *The Law and Politics of Firearms Regulation in Reconstruction Texas*, 4 TEX. A&M L. REV. 95, 113-17 (2016); Brennan Gardner Rivas, *An Unequal Right to Bear Arms: State Weapons Laws and White Supremacy in Texas, 1836-1900*, 121 SW. HIST. Q. 284, 294 (2020).

<sup>37</sup> PA. CONST. of 1776 amends. III, XIII; TEX. CONST. of 1868, art. I, § 13.

regulate arms and the right to bear them into a single constitutional principle.<sup>38</sup> The Reconstruction-era constitutional solution cast aside the eighteenth-century language that was steeped in fears of standing armies and substituted in its place new language affirming the state's police power authority to regulate arms, particularly in public.

Pennsylvania Constitution (1776)	Texas Constitution (1868)
<p>“That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.”</p> <p>“That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.”<sup>39</sup></p>	<p>“Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the Legislature may prescribe.”<sup>40</sup></p>

The constitutional danger Americans faced during and after Reconstruction was unregulated firearms, particularly the danger posed by public carry. The debates in the Texas constitutional convention illustrate the centrality of this concern. The proliferation of weapons and the absence of regulation was a palpable fear in the convention that drafted the Texas Constitution — so much so that the convention passed a resolution prohibiting weapons in the convention hall.<sup>41</sup> One delegate reminded the convention's members that the constitutional

<sup>38</sup> See, e.g., UTAH CONST. of 1896, art. I, § 6.

<sup>39</sup> PA. CONST. of 1776 amends. III, XIII.

<sup>40</sup> TEX. CONST. of 1868, art. I, § 13. For similarly expansive constitutional provisions enacted after the Civil War, see *infra* Table 1.

<sup>41</sup> 1 CONSTITUTIONAL CONVENTION, JOURNAL OF THE RECONSTRUCTION CONVENTION, WHICH MET AT AUSTIN, TEXAS, JUNE 1, 1868 (Austin, TX, Tracy, Siemering & Co. 1870) at 248 [hereinafter RECONSTRUCTION CONVENTION] (“The convention do order that no person shall hereafter be allowed in this hall, who carries belted on his person, revolvers or other offensive weapons.”).

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right to bear arms ought not be confused with the pernicious practice of habitually arming.<sup>42</sup> The right, he cautioned, ought not “be construed as giving any countenance to the evil practice of carrying private or concealed weapons about the person.”<sup>43</sup>

Table One. Post-Civil War State Constitutional Arms Bearing Provisions about Regulation

Date	State	Provision
1868	Georgia	GA. CONST. of 1868, art. I, § 14: [T]he right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe by law the manner in which arms may be borne.
1868	W. Texas	W. TEX. CONST. of 1868, Art. I, § 13: Every person shall have the right to keep and bear arms, in the lawful defence of himself or the government, under such regulations as the Legislature may prescribe.
1869	Texas	TEX. CONST. of 1869, art. I § 13: Every person shall have the right to keep and bear arms, in the lawful defense of himself or the State, under such regulations as the Legislature may prescribe.
1870	Tennessee	TENN. CONST. of 1870, art. I, § 26: That the citizens of this State have a right to keep and to bear arms for their common defense. But the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

<sup>42</sup> Modern gun rights advocates have erroneously argued that antebellum law established a constitutional right of permissive open carry. In fact, the cases cited for this proposition, including those cited by *Heller*, do not support such an expansive and unregulated right; rather, they support a notion of purposive carry, not permissive carry. On this confusion, see Saul A. Cornell, *The Police Power and the Authority to Regulate Firearms in Early America*, BRENNAN CTR. FOR JUST., June 2021, at 1, 8, [https://www.brennancenter.org/sites/default/files/2021-06/Cornell\\_final.pdf](https://www.brennancenter.org/sites/default/files/2021-06/Cornell_final.pdf) [<https://perma.cc/VG35-5FBX>].

<sup>43</sup> RECONSTRUCTION CONVENTION, *supra* note 41, at 152.

1875	Missouri	MO. CONST. of 1875, art. II, § 17: That the right of no citizen to keep and bear arms in defense of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.
1875	North Carolina	N.C. CONST. of 1875, art. I, § 24. 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; and as standing armies in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapon, or prevent the legislature from enacting penal statutes against said practice.
1876	Colorado	COLO. CONST. of 1876, art. II, § 13: 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 thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.
1876	Texas	TEX. CONST. of 1876, art. I, § 23: Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.
1877	Georgia	GA. CONST. of 1877, art. I, § 22: The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

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1879	Louisiana	LA. CONST. of 1879, art. III: 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.
1885	Florida	FLA. CONST. of 1885, art. I, § 20: The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.
1889	Idaho	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.
1889	Montana	MONT. CONST. of 1889, art. III, § 13: The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.
1890	Mississippi	MISS. CONST. of 1890, art. III, § 12: The right of every citizen to keep and bear arms in defense of his home, person or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.
1891	Kentucky	KY. CONST. of 1891, § 1(7): The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.
1896	Utah	UTAH CONST. of 1896, art. I, § 6: The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.



The new focus on regulation was entirely consistent with the Fourteenth Amendment's emphasis on the protection of rights.<sup>44</sup> The author of Section One of the Fourteenth Amendment, John Bingham, reassured voters in Ohio that after the adoption of this Amendment, states would continue to bear the primary responsibility for "local administration and personal security."<sup>45</sup> As long as state and local laws were racially neutral and favored no person over any other, the people themselves, acting through their representatives, were free to enact whatever reasonable measures were necessary to promote public safety and secure the common good.<sup>46</sup>

The formulation of the right to bear arms adopted in post-Civil War state constitutions drew on antebellum jurisprudence and constitutional theory's robust view of state police power, including the right to regulate firearms. These post-war constitutional texts explicitly recognized broad legislative authority to regulate the right to bear arms. It would be difficult to understate the significance of this change: across the nation, state legislatures took advantage of the new formulation of the right to bear arms included in state constitutions and enacted a staggering range of new laws to regulate arms, especially public carry. Indeed, the number of laws enacted skyrocketed, as did the number of states passing such laws.<sup>47</sup> States fulfilled their role as laboratories of democracy by implementing a range of regulations aimed at curbing the problem of gun violence: limiting the sale of firearms, taxing particular types of weapons perceived to pose threats to public safety, imposing limits on the access of minors to weapons, and restricting the public places one might carry arms.<sup>48</sup> Texas banned "[a]ny 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 purpose 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."<sup>49</sup> The law aimed to preserve the peace and prevent the

<sup>44</sup> See Cornell & Florence, *supra* note 4, at 1056-58.

<sup>45</sup> *Id.* at 1058 (quoting John Bingham's Sept. 2, 1867, speech to the voters of Ohio).

<sup>46</sup> For a discussion of how the courts wrestled with the meaning of the Fourteenth Amendment, see WILLIAM E. NELSON, *THE FOURTEENTH AMENDMENT: FROM POLITICAL PRINCIPLE TO JUDICIAL DOCTRINE* 148-51 (1998).

<sup>47</sup> See *infra* Tables 2 & 3 for examples. On the expansion of regulation after the Civil War, see Robert J. Spitzer, *Gun Law History in the United States and Second Amendment Rights*, 80 L. & CONTEMP. PROBS. 55, 59-61 (2017).

<sup>48</sup> *Id.*

<sup>49</sup> An Act to Regulate the Keeping and Bearing of Deadly Weapons, Apr. 12, 1871, reprinted in 2 A DIGEST OF THE LAWS OF TEXAS: CONTAINING THE LAWS IN FORCE, AND

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intimidation of free persons, the exact opposite of the claims of gun rights advocates who have insisted that gun control during Reconstruction was tainted by an insidious racist agenda.<sup>50</sup>

In the post-war period the number of laws limiting public carry increased dramatically, a trend that continued into the first decades of the twentieth century. There was broad agreement among courts and constitutional commentators that laws banning concealed weapons posed no constitutional issues. Some states went further and enacted more sweeping limits on open carry.<sup>51</sup> Rather than oppose limits on public carry, the dominant paradigm for firearms regulation in the era of the Fourteenth Amendment supported robust regulation of public carry, provided the laws were racially neutral and contained appropriate exceptions for specified good cause needs for self-defense.<sup>52</sup>

## II. STATE REGULATION OF PUBLIC CARRY IN THE ERA OF THE FOURTEENTH AMENDMENT: A BRIEF OVERVIEW

Table 2. Examples of State Firearms Laws Passed Between 1865 and 1900 Impacting Public Carry

State	Year	Category	Source	Statutory Text
Texas	1866	Carry on the lands of others	Act of Nov. 6, 1866, ch. 92, § 1, 1866 Tex. Gen. Laws 90.	That it shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined . . . or imprison[ed] . . . or both . . .

THE REPEALED LAWS ON WHICH RIGHTS REST FROM 1864 TO 1872, at 1322 (George Washington Paschal, ed., Washington, D.C., 1873).

<sup>50</sup> Gun rights advocates have simply ignored the most recent scholarship on gun control and race relations during Reconstruction, including the rich new literature on gun regulation, enforcement, and Reconstruction in Texas. For more, see the discussion in Frassetto, *supra* note 36, at 102-04, and Rivas, *supra* note 36, at 287.

<sup>51</sup> For a good illustrations of state concealed carry statutes, see Act of Mar. 22, 1871, ch. 1888, § 1-2, 5, 1871 Ky. Acts 89, 89-90; Act of May 3, 1893, ch. 1180, § 1, 1893 R.I. Pub. Laws 231, 231-32.

<sup>52</sup> For an illustrative set of examples, see Table 2.

Indiana	1875	Brandishing	Act of Mar. 13, 1875, ch. 17, § 1, 1875 Ind. Acts 62.	[I]f 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 . . . Provided, 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.
Mississippi	1878	Prohibitions on Persons Deemed Irresponsible	Act of Feb. 28, 1878, ch. 46, § 4, 1878 Miss. Laws 175, 176.	[A]ny student of any university, college or school, who shall carry concealed, in whole or in part, any [pistol or other concealable deadly weapon], or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor . . . .
Missouri	1879	Sensitive Places (courts, church, schools, colleges)	Act of Apr. 30, 1879, § 1, 1879 Mo. Laws 90, 90.	Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty, to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.

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Arkansas	1881	Prohibitions on Pistols, (exception for military weapons)	Act of Apr. 1, 1881, no. 96, § 3, 1881 Ark. Acts 191, 192.	Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any person [sic] . . . any pistol, of any kind whatever, except such 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 any such arms or cartridges for sale, shall be guilty of a misdemeanor.
Nevada	1881	Penalty for carry while intoxicated	Act of Jan. 28, 1881, ch. 7, § 1, 1881 Nev. Stat. 19, 19-20.	Any person in this State, whether under the influence of liquor or otherwise, who shall, except in necessary self-defense, maliciously, wantonly or negligently discharge or cause to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, shall be deemed guilty of a misdemeanor. . . .
Vermont	1884	Prohibitions on Certain Types of Weapons (spring loaded traps)	Act of Nov. 25, 1884, no. 76, § 1, 1884 Vt. Pub. Acts 74, 74-75.	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 . . . 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.
Maryland	1890	Sensitive Times (Sabbath)	Act of Apr. 3, 1890, ch. 273, § 1, 1890 Md. Laws 297, 297.	No person whatsoever shall hunt with dog or gun on the Lord's day, commonly called "Sunday," nor shall profane the Lord's day by gunning, hunting, fowling, or by shooting or exploding any gun, pistol or firearm of any kind, or by any other unlawful recreation or pastime. . . .

Florida	1899	Sensitive Places (Trains)	Act of May 29, 1899, ch. 4701, § 1, 1899 Fla. Laws 93, 93.	That it shall be unlawful for any person to discharge any gun, pistol, or other fire-arm, except in self defense, while on any passenger train in this State; or to recklessly handle any fire-arm or other weapon in the presence of any other person or persons on any train carrying passengers in this State.
Indiana	1875	Sell, barter, or give a pistol to a minor	Act of Feb. 27, 1875, ch. 40, § 1, 1875 Ind. Acts 59, 59	That it shall be unlawful for any person to sell, barter, or give to any other person, under the age of twenty-one years, any pistol, dirk, or bowie-knife, slung-shot, knucks, or other deadly weapon that can be worn, or carried, concealed upon or about the person, or to sell, barter, or give to any person, under the age of twenty-one years, any cartridges manufactured and designed for use in a pistol.

Federal territories enacted a variety of limits on armed travel in public, which suggests that the new, more robust vision for regulation was not limited to state and municipal law.<sup>53</sup> New Mexico adopted a broad prohibition on public carry: “[I]t shall be unlawful for any person to carry deadly weapons, either concealed or otherwise, on or about their persons within any of the settlements of this Territory . . . .”<sup>54</sup> This provision was not unique. Idaho adopted a similar law, prohibiting “any person . . . to carry, exhibit or flourish any . . . pistol, gun or other

<sup>53</sup> Territories had considerable latitude to enact laws consistent with their police power authority, but unlike states or localities, they were obligated to abide by the Second Amendment, even prior to the adoption of the Fourteenth Amendment. On the limits imposed by the Constitution on governments created in the territories, see JOSEPH STORY, 3 COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1319 (1833) (“What shall be the form of government established in the territories depends exclusively upon the discretion of congress. Having a right to erect a territorial government, they may confer on it such powers, legislative, judicial, and executive, as they may deem best. They may confer upon it general legislative powers, subject only to the laws and constitution of the United States.”) Thus, territorial laws would have had to be consistent with Second Amendment irrespective of any interpretation of the Fourteenth Amendment and the issue of incorporation.

<sup>54</sup> Act of Jan. 29, 1869, ch. 32, § 1-2, 1869 N.M. Laws 72, 72-73.

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deadly weapons, within the limits or confines of any city, town or village or in any public assembly of Idaho Territory.”<sup>55</sup>

The broad latitude legislatures and municipalities exercised over firearms regulation was widely acknowledged by the major constitutional commentators of the period as well. John Norton Pomeroy, one of the era’s most distinguished constitutional authorities, observed that the right to keep and bear arms posed no barrier to government authority to regulate or limit persons from “carry[ing] dangerous or concealed weapons.”<sup>56</sup> Pomeroy’s observation is borne out by the legislation on public carry presented below in Table 3.<sup>57</sup>

### III. LOCAL REGULATION AND THE RISE OF PERMIT SCHEMES IN THE ERA OF THE FOURTEENTH AMENDMENT

Gun regulation in the era of the Fourteenth Amendment was not limited to state-level interventions; there was also an enormous growth in the number of local ordinances. Developments at the local level have drawn relatively little scholarly or judicial notice but this was one of the areas in which government was most active.<sup>58</sup> A local ordinance adopted by Huntsville, Missouri offers a glimpse of the sweeping scope of such regulations.<sup>59</sup> It contained multiple provisions, including:

- A ban on concealed carry in public;
- A ban on public carry in public places where people assembled for religious, “educational, literary, or social purposes”;
- A ban on carry in courthouses;
- A ban on carry into a “public assemblage of persons met for any lawful purpose” except militia-related activities;

<sup>55</sup> Act of Feb. 4, 1889, § 1, 1888 Idaho Laws 23, 23; *see also* Act of Jan. 11, 1865, § 1, 1864 Mont. Laws 355 (preventing the carrying of concealed deadly weapons in the cities and towns of the territory); Act of Dec. 2, 1875, ch. 52, § 1, 1876 Wyo. Sess. Laws 352. (“That hereafter it shall be unlawful for any resident of any city, town or village, or for any one not a resident of any city, town or village, in said Territory, but a sojourner therein, to bear upon his person, concealed or openly, any firearm or other deadly weapon, within the limits of any city, town or village.”).

<sup>56</sup> JOHN NORTON POMEROY, AN INTRODUCTION TO THE CONSTITUTIONAL LAW OF THE UNITED STATES: ESPECIALLY DESIGNED FOR STUDENTS, GENERAL AND PROFESSIONAL 152-53 (1868).

<sup>57</sup> *See infra* Table 3.

<sup>58</sup> The most notable exception to this lack of attention to the importance of local regulation in American firearms law is Joseph Blocher, *Firearm Localism*, 123 YALE L.J. 82 (2013).

<sup>59</sup> Huntsville, Mo., Rev. Ordinance in Relation to Carrying Deadly Weapons (July 17, 1894).



- A ban on open public carry and public display of a weapon in a rude or threatening manner;
- A ban on carry while intoxicated;
- An exception for travelers passing through town.

Finally, the ordinance also included an affirmative defense exception for good cause, i.e., a specific threat to “home, person or property.”<sup>60</sup>

The most common types of local regulations were bans on concealed carry. Evanston, Illinois’s ordinance was typical: “It shall be unlawful for any person within the limits of the city of Evanston to carry or wear under his clothes or concealed about his person, any pistol, colt or slung shot.”<sup>61</sup> Residents in the ten most populous cities in America at the end of the nineteenth century all lived under some form of restrictive public carry regime: permit schemes, complete bans on concealed carry, or some type of total ban with a specified threat and self-defense exception.<sup>62</sup> In some parts of the country a majority of the population were living under a model of gun regulation that limited public carry. The case of California is instructive in this regard since most of its inhabitants were subject to one of these types of limits on public carry.<sup>63</sup> Table 3 lists the municipalities in the state that enacted permit laws after the Civil War.

Table 3. Municipalities with Permit Schemes in Post-Civil War California<sup>64</sup>

Location	Year Permit ordinance enacted	Population in 1900
Sacramento	1876	17,897
Napa	1880	16,451
San Francisco	1880	342,782
Santa Barbara	1881	18,934

<sup>60</sup> *Id.*

<sup>61</sup> Evanston, Ill., Rev. Ordinances, ch. 29, § 531 (1893).

<sup>62</sup> Copies of these ordinances may be found in the appendix to Brief for Patrick J. Charles as Amicus Curiae Supporting Neither Party app. at 2-11, *N.Y. State Rifle & Pistol Ass’n v. Bruen*, No. 20-843 (U.S. docketed Dec. 23, 2020) 2021 WL 3145961. Population statistics may be found in Campbell Gibson, *Population of the 100 Largest Cities and Other Urban Places in the United States: 1790 to 1990*, (U.S. Census Bureau, Working Paper No. POP-WP027).

<sup>63</sup> See sources cited *supra* note 62.

<sup>64</sup> *Id.*

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Alameda	1882	180,197
St. Helena	1884	1,582
Fresno	1885	37,862
Lompoc	1888	972
Marysville	1889	3,497
Oakland	1890	66,960
Monterey	1892	19,380

Within a decade of the end of Reconstruction about half the population of the state of California was living under good cause discretionary permit schemes such as those listed in Table Three. The list of municipalities adopting such regulations included tiny towns such as Lompoc, and the state's largest city, San Francisco.<sup>65</sup> Gun violence in California in this period was a complex problem, but the range of municipalities adopting good cause permit schemes, large heterogeneous urban areas and smaller towns, suggest that these policies enjoyed broad popular support and were understood at the time to be consistent with California's constitution.<sup>66</sup>

Good cause permitting schemes were not the only type of restrictions adopted to deal with the problem of gun violence in post-Civil War California. Other localities, most notably Los Angeles and San Jose, adopted more restrictive laws limiting the ability to carry arms in public. The law enacted by Los Angeles was sweeping in scope, prohibiting public carry "concealed or otherwise."

[N]o 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

<sup>65</sup> Brief for Patrick J. Charles as Amicus Curiae Supporting Neither Party app., *supra* note 62, at 2-11.

<sup>66</sup> On the problem of gun violence in California during this period, see CLARE V. MCKENNA, RACE AND HOMICIDE IN NINETEENTH-CENTURY CALIFORNIA 11-12, 103 (2007). Race was certainly an important factor in many places in California, but the range of communities enacting limits on public carry of some kind, permit laws, bans on concealed weapons, or broader bans, militates against imputing nefarious racial motives to all the legislation enacted to reduce gun violence. Moreover, racial minorities were often the victims of homicides and assaults in these communities and had a vested interest in reducing the levels of gun violence.

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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.<sup>67</sup>

If one adds together the population figures for the jurisdictions in California with either a good cause permit scheme in place or a more restrictive ban on public carry, such as the one in place in Los Angeles, the numbers demonstrate that the majority of Californians were living under a legal regime that curtailed the right to travel armed in public within populace areas. In short, the example of California offers strong evidence that some type of limit on armed travel in populated areas had become an accepted feature of American law by the end of the nineteenth century. Indeed, limits on the public carry of dangerous weapons are one of the most enduring features of American law, operating continuously in some form from the colonial era through Reconstruction and up until the rise of modern gun control laws in the twentieth century.<sup>68</sup>

The early history of good cause permit schemes has not figured prominently in post-*Heller* scholarship and jurisprudence because local ordinances have been difficult to identify and collect. But, starting with Reconstruction good cause permit ordinances emerged as the ascendent model in firearms regulation. By the end of the nineteenth century this approach to firearms regulation had become the dominant paradigm in America and had largely supplanted the common law inspired surety-based models of enforcing the peace that predominated before the Civil War.<sup>69</sup> The older surety model reflected the realities of life in early

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<sup>67</sup> William M. Caswell, *Ordinances of the City of Los Angeles*, § 36, in REVISED CHARTER AND COMPILED ORDINANCES AND RESOLUTIONS OF THE CITY OF LOS ANGELES 85 (1878).

<sup>68</sup> An Act for the Punishing of Criminal Offenders, 1694 Mass. Laws 12, no. 6 (“Further it is Enacted by the authority aforesaid, That every Justice of the Peace in the County where the Offence is committed, may cause to be staid and arrested all Affrayers, Rioters, Disturbers, or Breakers of the Peace, and such as shall ride or go armed Offensively before any of their Majesties Justices, or other Their Officers or Ministers doing their Office or elsewhere.”). On New York’s 1911 Sullivan law, see BLOCHER & MILLER, *supra* note 3, at 42.

<sup>69</sup> This community-based model of policing originated in England and continued in America until the rise of modern police forces in the nineteenth century. Any justice of the peace could detain, disarm, and if necessary, bind an individual to the peace by imposing a surety, a peace bond. Under the common law in America the conservation of the peace remained central to the legal system. As conservators of the peace, justices

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modern England and colonial America. This approach to preserving the peace was well-suited to a pre-industrial society in which members of the local gentry elite could count on the mechanisms of deference and a web of patron-client relationships to help them maintain social order.<sup>70</sup> As America modernized, urbanized, and became a more diverse and highly mobile society over the course of the nineteenth century, these traditional mechanisms of law enforcement, including sureties, were slowly replaced by a criminal justice system that did not rely on informal mechanisms to maintain order. In a society in which the bonds of community had weakened, binding an individual to the peace was no longer an effective means to preserve social order.<sup>71</sup> Professional police forces, courts, and administrative agencies were better suited to maintaining order and peace in the new urban world of nineteenth-century America where people living in close proximity were less likely to be knit together in the bonds of community.<sup>72</sup> Thus, by end of the nineteenth century, permit schemes that took advantage of these new institutions and the tools provided by professional police forces had largely replaced the traditional common law mechanisms of sureties, or

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of the peace, sheriffs, and constables maintained their broad common law authority. Additionally, any member of the community who felt threatened could have a justice of the peace impose a surety, a peace or good behavior bond, as a measure to conserve the peace. On sureties in England, see STEVE HINDLE, *THE STATE AND SOCIAL CHANGE IN EARLY MODERN ENGLAND, 1550-1640*, at 100 (2000). For an informative study of the transfer of English criminal justice to the colonies, see generally, Alfred L. Brophy, “*For the Preservation of the King’s Peace and Justice*”: *Community and English Law in Sussex County, Pennsylvania, 1682–1696*, 40 AM. J. LEGAL HIST. 167 (1996). Gun rights advocates have erroneously argued that peace bonds required an individual to come forward to start this process, but this claim ignores the role of the justice of the peace as conservators of the peace. See David B. Kopel and George A. Mocsary, *Errors of Omission: Words Missing from the Ninth Circuit’s Young v. Hawaii*, U. ILL. L. REV. ONLINE 172, 184 (2021). This error has been repeated by other gun rights advocates. See also Robert Leider, *Constitutional Liquidation, Surety Laws, and the Right to Bear Arms* 13 (March 2021) (unpublished manuscript), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3697761](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3697761) [<https://perma.cc/RV6P-RS88>]. Leider’s flawed analysis of gun regulation rests on anachronistic interpretations of the historical evidence and ignores the relevant scholarship in the history of criminal law, the result is a presentist and distorted account of the enforcement of prohibitions on armed travel in pre-Civil War Massachusetts. For a general account of the history of criminal law in this period, see ELIZABETH DALE, *CRIMINAL JUSTICE IN THE UNITED STATES, 1789-1939* (2011). On the norms governing antebellum Massachusetts, see Mary E. Vogel, *The Social Origins of Plea Bargaining: Conflict and the Law in the Process of State Formation, 1830-1860* 33 L. & SOC’Y REV. 161, 163 (1999).

<sup>70</sup> See McPherson, *supra* note 30.

<sup>71</sup> See ERIC H. MONKKONEN, *AMERICA BECOMES URBAN: THE DEVELOPMENT OF U.S. CITIES & TOWNS, 1780-1980*, at 98-108 (1988).

<sup>72</sup> *Id.*

peace bonds, as the dominant method for dealing with the dangers posed by gun violence.<sup>73</sup>

IV. LIMITS ON ARMED TRAVEL IN PUBLIC DURING THE ERA OF THE  
FOURTEENTH AMENDMENT: HISTORY, TEXT, AND TRADITION AND THE  
GOOD CAUSE PERMIT MODEL

A comprehensive and scholarly review of the nation's laws on public carry published in the last decade of the nineteenth century noted that bans on concealed weapons and more general prohibitions on armed carry were permissible, provided they included a good cause exception for specified threats.<sup>74</sup> John Forrest Dillon's overview of American firearms law and the constitutional right to keep and bear arms endorsed this view. Drawing on recent cases, including *Andrews v. State*, he concluded, "[E]very good citizen is bound to yield his preference as to the means [of self-defense] to be used, to the demands of the public good."<sup>75</sup> Dillon acknowledged that the police power was not without limit in this area. Contrary to the claims of modern gun rights advocates, Dillon did not believe that there was a fundamental right to carry arms in public openly. Nor did he believe that the right to bear arms trumped state and municipal police power authority to regulate such behavior, taking it entirely out of the hand of the people's representatives. He did, however, recognize that American law acknowledged the continuing validity of affirmative defenses for necessity in cases of specified threats and reasonable self-defense.<sup>76</sup> Dillon concluded that as far as the right to carry went, states might regulate this practice and prohibit it entirely as long as the common law self-defense exception was recognized. "Every state," Dillon wrote, "has power to regulate the bearing of arms in such manner as it may see fit, or to restrain it altogether."<sup>77</sup> In those cases in which a state sought the more stringent form of regulation, Dillon argued that the common law would offer those who needed to travel armed an affirmative defense. Dillon's survey of American law was not the only commentary to come to this conclusion. Another comprehensive overview of American law published in the last decade of the nineteenth century reached the same judgment. The survey of American law and public carry was published

<sup>73</sup> See *supra* notes 17–19 and accompanying text.

<sup>74</sup> See John Forrest Dillon, *The Right to Keep and Bear Arms for Public and Private Defense*, 1 CENT. L.J. 295, 296 (1874).

<sup>75</sup> *Andrews v. State*, 50 Tenn. 165, 188 (1871).

<sup>76</sup> Dillon, *supra* note 74, at 296.

<sup>77</sup> *Id.*

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in *The American and English Encyclopedia of Law*, an influential and popular legal reference work that became a fixture on bookshelves in law offices across the nation. It noted that “[t]he statutes of some of the States have made it an offence to carry weapons concealed about the body, while others prohibit the simple carrying of weapons, whether they are concealed or not. Such statutes have been held not to conflict with the constitutional right of the people of the United States to keep and bear arms.”<sup>78</sup>

Although there has been considerable discussion of the implications of *Heller*’s understanding of the right to keep and bear arms, *McDonald*’s focus on constitutional change, especially the changes wrought by Reconstruction, have not received nearly as much attention. Yet, *McDonald* makes Reconstruction’s history vital to understanding the scope of permissible regulation today.<sup>79</sup> Read together these two landmark decisions make clear that when state and local regulation are at issue it is the era of the Fourteenth Amendment that is the most important time-period for understanding what is presumptively lawful under *Heller*’s framework. Until now, this crucial period of firearms regulation has been largely neglected by post-*Heller* scholarship. This history is critical to fashioning a post-*Heller* firearms jurisprudence consistent with *McDonald*. Then, as now, states and localities function as America’s laboratories of democracy, experimenting with different forms of regulation. This function is hardwired into our federal system. Unfortunately, this rich and diverse part of our legal history has been largely invisible in post-*Heller* scholarship and jurisprudence. Scholars and courts need to reckon with this history more fully before evaluating the constitutionality of gun laws. Rather than acting as a high-water mark for gun rights, Reconstruction ushered in a period of expansive regulation. Courts, legislators, and commentators during this period recognized that the robust power to regulate firearms, particularly in public, was not only constitutional, but essential to preserve ordered liberty. The key innovation in this period, a development that became the dominant model of firearms regulation in America, good cause permit schemes continue to function as an important part of efforts to address the problem of gun violence. These ordinances were first enacted by municipalities but were soon emulated by states. In short, this model is deeply rooted in history, text, and tradition. As such, these

<sup>78</sup> 3 THE AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW 408 (John Houston Merrill ed., 1887). This influential reference work was considered to be an essential part of a basic reference library for lawyers. See *American and English Encyclopedia of Law*, Vol. 29, 42 CENT. L.J. 397, 400 (1896) (book review).

<sup>79</sup> See sources cited *supra* note 5.



laws are indisputably presumptively lawful under *Heller*'s framework. Modern judges attempting to construct a post-*Heller* firearms jurisprudence that is sensitive to history, text, and tradition need to recognize that discretionary good cause permit schemes are firmly rooted in America's long history of gun regulation. If originalist judges wish to remain true to *Heller*'s model such laws are undeniably constitutional.