

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, et al.,)
)
 Plaintiffs,)
)
 vs.) **Case No. 3:23-cv-209-SPM**
)
 KWAME RAOUL, et al.,)
)
 Defendants.)

DANE HARREL, et al.,)
)
 Plaintiffs,)
)
 vs.) **Case No. 3:23-cv-141-SPM**
)
 KWAME RAOUL, et al.,)
)
 Defendants.)

JEREMY W. LANGLEY, et al.,)
)
 Plaintiffs,)
)
 vs.) **Case No. 3:23-cv-192-SPM**
)
 BRENDAN KELLY, et al.,)
)
 Defendants.)



STATEMENT PURSUANT TO 28 USC 1746

1. My name is Scott Pulaski, I am over 21 years of age, under no legal disabilities, and make this sworn statement either under personal knowledge, or for historical matters, based upon my knowledge, training and education on the subject, including books relied on by others in the field that are accepted as authoritative.
2. I am an owner of a firearms store, licensed by both the State of Illinois, and the BATF, with a Type 07 Federal Firearms License and a Class II SOT, allowing me to deal in and manufacture firearms, including those regulated under the National Firearms Act. I have been in this business many years, and operate what is likely the largest such store in Madison County.
3. I have studied firearms most of my life.
4. I have also collected, shot and studied firearms for years before owning a firearms dealer.
5. I have taught many firearms related classes, including teaching firearm self defense and concealed carry.
6. I am familiar with firearms generally, as well as the following models and kinds of firearms, as well as the magazines or other ammunition feeding devices they use:
 - A. Beretta M 9 Pistol, and
 - B. Beretta CX4 Storm rifle, and
 - C. Remington Model 870, including the DM variant and the Tac14 variant, and
 - D. The Soviet AK47,
 - E. The SKS rifle, including those with detachable magazines,
 - F. The Walther K43, also known as the G43,
 - G. The U.S. military issue M16 series,

- H. The Colt AR15 series
- I. The Check vz52 and vx58,
- J. The m1 Garand,
- K. The Beretta BM59,
- L. The Browning Model 1919 series, including semiautomatic copies,
- M. The Japanese Type 3 machinegun
- N. M1 and M2 carbine.
- O. the AR7
- P. the AR17 and
- Q. the AR24

7. I am also familiar with a brand of Vodka sold under the AK47 name, usually in a glass container more or less in the shape of an AK47 rifle.
8. That is it objectively impossible to determine whether a given magazine, feed strip, or other ammunition feeding device is for a rifle, shotgun, handgun or something else, simply by looking at the device.
9. For instance, the magazine for a Beretta M9 pistol is identical and interchangeable with that of the Beretta CX4 rifle. Likewise, many rifles use Glock pistol magazines, including the Kel-Tec, and Ruger sells rifles that use the same magazines as Glock pistol and Ruger pistols. A magazine that fits an AR15 or AK47 rifle will also fit a pistol of similar design, as well as firearms not classified as rifle, shotgun or pistol, such as the federal AOW category or other category.
10. The Remington 870 DM shotgun uses the same magazine as the non-shoulder fired Remington 870 Tac 14 DM.

11. U.S. M1 carbine magazines will fit rifle, pistol and other versions of said carbine interchangeably.
12. Other models of firearms I can think of off hand, which use magazines that can be and commonly are used in both rifles and pistols, as well as “other” firearms, are AK47 type magazines, AR15 type magazines, Luger magazines, 1911 magazines, Smith and Wesson 59 magazines, Ruger 10-22 magazines, Soviet PPS43 type magazines, Uzi type magazines, and Thompson model 1928 type magazines.
13. As to the named firearms in the Illinois ban, as I previously stated, I am familiar with both the AK, or Soviet Avtomat Kalashnikov series of rifles, which is a 1947 Soviet designed select fire shoulder fired weapon, that under federal law would be a machinegun. According to official Soviet propaganda, the firearm was designed by a wounded former Soviet army tank mechanic named Mikhail T. Kalashnikov. The firearm, and its actual derivatives, use an M1 Garand style gas and bolt system, a Remington Model 8 safety/selector, and are made from either machined or stamped steel components,
14. The SKS was designed by Sergey Gavrilovich Simonov, a Soviet weapons designer, and unlike the AK47 based designs, was actually designed in 1944, and first used in prototype form in the Ukraine by Belorussian troops in the Soviet Army also in 1944. The SKS operating system has nothing in common with the AK47, and instead, although some claim it to be a scaled down PTRS 14.5mm anti tank rifle, in fact it is a near complete copy of the Walther G43, aka K43 rifle of World War II, except the SKS usually comes with a fixed magazine, and in a 7.63x39mm Soviet Short chambering, as opposed to the 7.92x57mm Mauser chambering, and detachable magazine of the G43. An fixed

magazine SKS can be made into a detachable magazine SKS by simply taking out the trigger group and magazine, and replacing only the trigger group.

15. The G43 itself, is a product improved Tokarev gas system, lifted from the SVT series of rifles used by the Soviet Union, in 7.62x54R caliber.
16. The SKS is not, under any circumstances, a copy, close, derivative or based on an AK of any kind.
17. Neither is the Check vz58 or the German StG44 rifles, which also use completely different operating systems than the AK47, and were designed independently of the AK47.
18. Based strictly on the terms of the statute, I am unable to discern what is meant by “all AK types”. For instance, would this include a .22 rifle made to look like an AK47? If an SKS is treated as an AK type, despite obviously not being one, I am unsure whether an M1 Garand, or a Ruger Mini 30, would also be so classified, as they use the same bolt and operating system style, despite being completely different firearms
19. As back the ban, it also generally prohibits *inter alia* “all AR Type”, and states this includes the AR15, the Armalite M15 .22LR Carbine, the Beretta AR70 and the Rock River Arms AR47.
20. An AR15 is a patented model number of a rifle only made by Colt, that uses a direct impingement gas system, copied out of a Swedish AG42 rifle, also used by the French M1949 series of rifle, including the M49/56, except that the AR15 uses a rotary bolt. The AR15 also uses magazines designed for it, sometimes called STANAG magazines, that have become industry standard in the caliber.

21. The Armalite M15 .22LR Carbine is designed to LOOK LIKE, an early prototype AR15, circa about 1964, by is in a different caliber, has no gas system, and completely different operating system, and uses different magazines.
22. The Beretta AR70 has nothing in common with the AR15, except caliber, and while the AR15 is made from machined aluminum, the AR70 is made from largely stamped steel. No parts between the two interchange.
23. There is no such gun as the Rock River Arms AR47, but if that is intended to refer to the LAR-47, again, there are substantial differences, including caliber, magazine used and the general appearance.
24. In sum, there is no objective way that a person can determine whether or not a given magazine is a “handgun” magazine or a “rifle” magazine under the Act, as they are identical.
25. There is no objective way that a person can determine that any ammunition feeding device is for a rifle, shotgun, pistol or other firearm, without knowing its design history, possibly going back well over a century, and without knowing about every single firearm ever made that might use that assumption feeding device.
26. Likewise, there are no objective standards to determine whether a given firearm is an AK type, an AR type, or something else. In fact, even the listed examples are often times not within the parameters of what even most firearms experts would consider to be an AK type, like the SKS, of an AR type.
27. That I have read the Plaintiff’s Motion for Partial Summary Judgment as to Counts IV and VI, and to the best of my knowledge, the facts set forth in this sworn statement, and

in that motion, are true and correct. The photographs depicted show what they are labeled as correctly, and the descriptions contained in the motion are accurate.

28. If I were to testify in open court, I would testify consistently with this affidavit.

29. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 05/18/23



Scott Pulaski