

## **EXHIBIT 71**

# Armed with AR-15s, extremist and militia groups anticipate civil unrest

Hannah Allam

## The radicals' rifle

### Armed groups on the right and left exploit the AR-15 as both tool and symbol

DURHAM, N.C. — The five friends had spent the morning stalking through the trees and crossing a creek in military formation.

Now, after a quick lunch, it was time to shoot.

The first one up borrowed a trainer's rifle, peered through the scope at the target 35 yards away and pulled the trigger. "Hit!" an instructor called.

It was the first time that D, a nonbinary community organizer, had fired an AR-15.

The weight of the moment hit them later, once the adrenaline faded, as D described feeling simultaneously empowered by a new self-defense skill and burdened by a fear that made it seem reasonable, even prudent, to buy a semiautomatic rifle.

"I never wanted to be here," said D, voice trembling and eyes brimming with tears, speaking on the condition that only their first initial be used due to security concerns. "Because someone's going to shoot up a drag show?"

## American Icon

A series examining the AR-15, a weapon with a singular hold on a divided nation

## More stories

## About the terminology

Colt acquired the AR-15 patent and trademark from Armalite in 1959. The patent expired, leaving many companies to produce their own weapons, commonly called AR-style rifles. While Colt still holds the trademark, "AR-15" has become a ubiquitous term for a popular style of gas-operated,

magazine-fed semiautomatic rifles. For this reason, we refer to the rifle broadly as the AR-15 in this series.

Until last year, D contributed to far-left activism by serving as a street medic in the thick of racial justice demonstrations. The decision to take up arms came gradually, D said, in tandem with a rise in right-wing attacks on LGBTQ people. By June, D owned a handgun, and in early fall they began training with other leftists and saving up for a rifle.

Now, D's reluctant embrace of the AR-15 adds one more foot soldier to the volatile mix of armed movements that have proliferated over the past decade, a predominantly right-wing mobilization whose violence has fueled far-left "community defense" organizing in response.

Confrontations have erupted in [Texas](#), Oregon and elsewhere in recent months as leftists with long guns protect LGBTQ gatherings from armed right-wing agitators who baselessly smear trans people and drag-show artists as "groomers" and pedophiles. Such scenes look ominous to extremism analysts who warn of an [elevated risk](#) of political violence from vigilantes who wield the AR-15 as both tool and symbol.

Militants say they favor the AR-15 for all the same reasons mainstream enthusiasts do — it's easy to handle, affordable and customizable — but they also exploit the fear surrounding the weapon.

"It's just a tool, an inanimate object, but it is polarizing, and it'll make people treat you differently," said Cody, 26, a member of an anti-government militia group near Norfolk, who spoke on the condition that his full name be withheld for security reasons. "It will make people treat you differently if you are armed with an AR-15."

Cody, 26, a member of an anti-government militia group in southeastern Virginia, cleans an AR-15 rifle in his home in September. "It will make people treat you differently if you are armed with an AR-15," said Cody, shown here displaying his collection.

The AR-15's image as an instrument of domestic terror has been crystallized in recent years by its use in a string of hate-filled mass shootings. AR-15-wielding extremists targeted elderly congregants at a Pittsburgh synagogue in 2018, the deadliest anti-Jewish attack in U.S. history; Jewish families on the last day of Passover in Poway, Calif., in 2019; and, last year, Black customers at a supermarket in Buffalo, to name a few.

Other far-right factions throughout the country have shown up with AR-15s to intimidate voters and local officials, harass Muslims outside of mosques, and stand as self-appointed guards at pro-Donald Trump rallies. Anti-government militias also have brandished AR-15s in armed standoffs with federal agents, such as the one in 2014 led by rancher Cliven Bundy in Bunkerville, Nev. "Boogaloo" extremists, part of a right-leaning movement calling for violent revolution, have made the AR-15 a core part of their look, sometimes adorning their weapons with coded symbols.

"It is one of several ways they are articulating that what they are doing is warfare," said Kathleen Belew, a historian at Northwestern University and author of ["Bring the War Home: The White Power Movement and Paramilitary America."](#) "The AR-15 remains the emblematic cultural weapon."

Two armed groups — one on the far right, one on the far left — agreed to allow a Washington Post reporter and photographer to document training sessions on two weekends last fall, on the condition that identifying details be withheld. The gatherings were a rare look at how militants on opposing extremes of American society are arming in anticipation of unrest, and overlap in the belief that civilians with rifles — and specifically, AR-15s — provide an important check on federal powers.

There is no parallel, however, when it comes to the use of violence by the extreme right and left. FBI and Homeland Security officials [repeatedly have called](#) far-right extremists the most urgent domestic terrorism concern; the [White House strategy document](#) on domestic terrorism specifies that white supremacists and violent militia groups "are assessed as presenting the most persistent and lethal threats."

By comparison, attacks by militant leftists are almost never deadly, [according to attack records](#), and typically involve "melee violence" at protests rather than the premeditated mass shootings or standoffs carried out by the far right. Far-left violence in the past decade, according to a report by George Washington University's Program on Extremism, "pales in comparison" with other categories of extremism, though [the report warns](#) that "ongoing trends in American society could lead to increased frequency and lethality."

Experts say there is no firm count of armed extremist groups in the United States on the left or the right.

These groups "repeatedly form, splinter into separate units and dissolve, as members' interests wax and wane," [writes](#) militia researcher Amy Cooter of Middlebury University's Center on Terrorism, Extremism and Counterterrorism.

More concerning, analysts say, is that the violent rhetoric of once-fringe movements has now seeped into the Republican mainstream, with extremists exploiting white-grievance politics and anti-LGBTQ bigotry at all levels of political office. In 2022, according to an [Anti-Defamation League report](#), more than 100 candidates who expressed extremist views ran in local, state legislative and congressional races, including at least a dozen with documented connections to far-right militant groups.

An armed leftist group stands guard against right-wing activists who were protesting outside an all-ages drag show in January at BuzzBrew's Kitchen in Dallas. (Photos by Mark Felix for The Washington Post)

After federal prosecutions of extremist groups involved in the Jan. 6, 2021, U.S. Capitol attack, several far-right factions dissolved or went underground, saying they were unsure of how far the crackdown

would extend. The Armed Conflict Location & Event Data Project, a global conflict monitoring group, says at least 56 far-right, militia-style groups were active in 2022, a decrease from 83 in 2021, and 159 in 2020.

Militant leftists, a tiny fraction of armed movements that have been documented nationwide, likewise are impossible to count because of the fluidity of groups and the secrecy involved in the organizing, analysts say. Even among other racial justice activists, armed antifascists have been viewed skeptically for years; groups sometimes were asked to leave by Black Lives Matter protesters who insisted on gun-free events.

The picture has changed since, with wider tolerance from other leftists and liberals whose faith in state protection has eroded after law enforcement failed to prevent the Capitol attack or stop the mass shooting of schoolchildren in Uvalde, Tex. For months during the unrest of 2020, Americans watched racial justice demonstrations in the Pacific Northwest in which the police either [intervened with violence](#) or left protesters feeling vulnerable to attack by right-wing provocateurs.

The scenes prompted wider interest in the militant left, with more visibility for independent local networks, some of them organizing under “John Brown Gun Club,” named after the militant abolitionist who was executed in 1859.

“We deserve to be able to defend ourselves, and whether that is against the state or against other folks that would come at us, it’s defense,” said a 33-year-old anarchist organizer who spoke on the condition that they be quoted using only their gun-club nickname, “Paper.” The activist, who identifies as queer, owns two AR-15s and offers firearms training for marginalized communities, including the cohort with D in North Carolina.

D said that at this stage in life — a 40-something parent with a professional job — they never expected to be in the woods learning how to cross a creek in a simulated ambush.

“I view these tools and this training for situations when it is life and limb,” D said. “And I don’t view that as remote.”

A few weeks after that prediction, on a Saturday night just before Thanksgiving, a gunman with an AR-15 opened fire inside an LGBTQ nightclub in Colorado Springs, killing five people and wounding 18 others.

The bloodshed only reinforced D’s decision to get an AR-15, though they were reluctant to just go out and buy one. Instead, D said, they eased into the idea by building their own rifle, ordering the components in stages starting in late fall.

“I’m picking up the lower receiver from my gun dealer later this week,” they texted.

The next month, on the same evening as a drag performance that far-right groups had tried to stop, a

mysterious attack on electrical substations in Moore County, N.C., [knocked out power](#) for tens of thousands of people. Though investigators have yet to make arrests or describe a motive, social media posts speculating that the drag event was the target went viral.

D was a longtime fan of one of the performers; they'd hung out in the same drag scene around Durham. This attack was close to home, just a couple hours from where D lives.

Within days of the Moore County incident, D texted a photo of a shiny black rifle lying on a table.

The AR-15 was almost ready.

### A deterrent to 'tyranny'

One sunny day this past fall, members of an anti-government militia group leaned their guns against tree trunks and huddled in the same wooded patch of southeastern Virginia where revolutionaries fought British forces more than two centuries ago.

"This is where the Founding Fathers were," one member, 28-year-old Harrison, told the others. "I don't know if y'all can feel it, but I do."

The men view militia training as an extension of that legacy, preparation to defend the republic from radical leftists and "tyrannical" federal authorities. They see their AR-15s as modern-day muskets, though the rifles [shoot 30 times faster](#), from distances up to 10 times farther.

"It gives you your voice," Harrison said. "It's the surest guard to freedom that I can think of."

Beyond zero tolerance for gun control and deep suspicion of the federal government, there's little ideological cohesion among the members. The six men who met for training that day — five White, one of Puerto Rican descent, ranging in age from their 20s to 40s — expressed libertarian stances mixed with influences from Christian nationalism and the "boogaloo" movement's call for violent revolution.

Three military veterans were among the group. One, a former soldier, engraved his AR-15 with a favorite piece of scripture: "Blessed be God, my Rock who trains my hands for war, my fingers for battle." The other two are former Marines, one of whom said he was discharged a year ago after refusing to be vaccinated against the coronavirus.

Harrison, left, and Cody train with AR-15-style rifles. Like many AR-15 owners, members personalize the guns to reflect their politics and values. They also train on other weapons, comparing here how small an AR-15 round looks next to ammunition for a larger caliber hunting rifle.

The gun is a point of bonding. All but one owns an AR-15; most have at least two.

"Even if it sits in your closet," Harrison said, "the government still knows there's someone out there

with a rifle, and if they go too far, that person may be there.”

The men took turns recording one another running the course, leaves crunching under boots and gunfire interrupting birdsong. Harrison said a neighbor complained recently that the area was beginning to sound “like Afghanistan.” The men laughed.

They believe that something dangerous is bubbling within American society, that a conflagration is coming, even if the battle lines aren’t quite clear yet. That’s what brings them back to the woods with their rifles. Just in case, they said.

“A lot of people think militia groups fantasize about the police coming down on their house and they get into this big shootout and they’re martyred. That’s the last thing I want,” Cody said.

Cody sported a yellow T-shirt paying homage to [Kyle Rittenhouse](#), the teenager who successfully argued that he acted in self-defense when he killed two people with an AR-15 during unrest in Kenosha, Wis., in 2020. In right-wing circles, Rittenhouse’s acquittal was celebrated as a Second Amendment victory. The Rittenhouse case, Cody said, convinced people who were unsure about buying an AR-15 for self-defense “what you can use that rifle for under stress.”

AR-15 rifles lean against a tree trunk. Cody signals his support for Kyle Rittenhouse, the teenager who successfully argued that he acted in self-defense when he killed two people with an AR-15 during unrest in Kenosha, Wis., in 2020.

Members of the group first met in online gun forums and coalesced around Second Amendment activism. They no longer use a formal name, they said, partly because of the post-Jan. 6 federal prosecution of militia groups and partly because they don’t fit a single ideology. Cody said he sought out the group after leaving Oath Keepers and Three Percenter formations that he considered “too racist.”

They describe themselves as a “constitutional militia,” their term for what terrorism analysts consider an anti-government armed group promoting Second Amendment extremism. The group’s argument — which runs counter to decades of court rulings — is that ordinary citizens should have access to the same weapons as the government.

The men balk at being lumped in with white supremacists under the “far-right extremists” label, noting that they’ve marched alongside armed black nationalists in Richmond. Manny, who expressed pride in his Puerto Rican heritage, said he wouldn’t have joined a racist group: “Gun rights are civil rights.”

Manny trains with an anti-government militia group in Virginia. Manny holds his customized AR-15. The group views their training as preparation to defend the republic from radical leftists and “tyrannical” federal authorities.



Members said their vetting of recruits includes intense questioning to weed out “St. Dylann crap,” a reference to racist fans of the [neo-Nazi mass shooter](#) who attacked a historically Black church in Charleston, S.C., in 2015. They say they also reject applicants who seem eager for violence, a way to filter for undercover informants or mentally unstable people.

“I don’t wish to have a war against my government, but if it comes, hopefully I got the right group of people around me,” said a member who goes by Hoss.

“Be honest with yourselves; we’d be out,” one of the former Marines said.

“But there’s 300 million firearms in the United States,” Hoss countered.

“That’s if the country can manage to come together,” the former Marine said. “There’s a lot of division right now.”

“That’s why you find your group before s--- falls apart,” Harrison said.

### An asymmetrical fight

The five far-left activists in North Carolina who met for shooting practice did not match the conservative media’s depictions of antifa as masked, black-clad youths burning down American cities.

They were White, middle-aged, college-educated professionals. Three of them identify as queer, and some said they have spouses or children of color whose safety is a primary reason they were in the woods learning Army Ranger techniques for moving in formation.

“We don’t know where the country is going,” said Paper, the firearms instructor. “Jan. 6 was crazy. We came that close to things going in a different direction, and who knows how things would’ve spiraled out from that, which is why we do the training.”

They started in the morning with replica guns as they crept through the foliage on simulated patrols, training on how to react if they came under fire. Scenarios they talked about — rescuing pinned-down comrades at a protest, escorting patrons to a drag brunch — were ripped from recent headlines. After a midday break, they began target practice with real AR-15s and handguns, their own or borrowed from the trainers.

Along with Paper, a co-organizer of the session was Dwayne Dixon, who teaches in the Department of Asian and Middle Eastern Studies at the University of North Carolina. Dixon was the only participant comfortable with being fully identified — his activism has long been public, drawing repeated right-wing attempts to get him fired.

Dwayne Dixon leads a training exercise. The group uses blocks to plan a movement during training. A leftist AR-15 owner keeps supplies in a bag printed with a Hello Kitty-themed take on an old anti-police slogan used by militants. D, a nonbinary community organizer, handles an AR-15.



Dixon, 50, said his radical politics emerged from reading about the Holocaust and apartheid-era South Africa as an adolescent. By adulthood, his belief in armed civilian resistance was cemented, but the idea of owning an AR-15 came much later, in 2013 during a trip to visit anarchist friends in Philadelphia. He recalled being stunned by their weapons.

"Who would've thought these dudes — punk kids from South Jersey and Philly — would end up owning ARs? It was kind of like a mind bend," Dixon said. "This has moved into 'You might get attacked by the government.'"

Later that year, Dixon decided it was time to buy his own rifle, inspired by his deep mistrust of the government and police coupled with a rise in far-right violence. He said he didn't publicly carry an AR-15 until four years later, in 2017, when he was in Charlottesville during the deadly Unite the Right rally.

Dixon and Paper, the anarchist organizer, said they had been among roughly 20 antifascists with long guns who showed up at the request of a local anarchist group. Racists with tiki torches had just rampaged through town and were poised to come back for a second day. Dixon recalled their group struggling to sleep that night, clear-eyed about the risks of an armed encounter: "We thought we were going to get killed."

They rose early and stood guard outside a local park where an anti-racist demonstration was to be held. Soon, a column of white supremacists marched toward the park, heading toward Quaker volunteers who were there early to prepare food, Dixon recalled.

Adrenaline was "so high," Dixon said, as the activists with rifles waited for the white supremacists to spot them. When they did, he said, there was visible shock, then a retreat.

"They stopped and turned around and went back," Dixon said. "They clearly got more than they expected by seeing armed leftists."

Any sense of relief was short-lived.

That afternoon, a neo-Nazi rammed his car into a crowd of racial justice protesters, killing 32-year-old Heather Heyer and wounding 19 other people. The horror, [captured in photos](#) of bodies tossed in the air, catalyzed far-left organizing throughout the nation — with armed backup becoming a presence at some public events.

After Unite the Right, armed leftists say, a surge of recruits signed up to fight against the "fascism" unleashed in the Trump era. Groups pooled money for weapons and grew more disciplined in training. Dixon was [invited to speak at Harvard](#) about Charlottesville; he used the stipend for body armor.

"Heather Heyer's murder solidifies the stakes. This really is about life and death," Dixon said. "There

are people here who are ideologically motivated to kill. It's not abstract any more; it's very real."

Though still only a sliver of antifascist activism, armed leftist groups are becoming increasingly visible, especially on social media, where some borrow and subvert the right-wing militia aesthetic, showing off their tricked-out rifles and bullet-riddled targets. When they face off against far-right groups in public, sometimes the only visible differences are the patches on their clothes and gear — rainbow flags and "FCK NAZIS" vs. Gadsden flags and "Antifa Hunter."

Anne shoots an AR-15 during a training exercise. A camouflage antifascist flag patch on the pack of an armed leftist during a training exercise. Dwayne Dixon bought his first AR-15 about a decade ago after seeing anarchist friends in Philadelphia with the rifles.

A John Brown group carried AR-15s on armed patrols of a self-declared police-free zone that Seattle activists briefly held during the protests of 2020. The year before, an early member of that group, carrying a home-built AR-15, [died in a fiery standoff](#) with authorities at an immigration facility where he was protesting Trump-era family separation policies.

The growing popularity of guns in segments of the far left has drawn criticism from some liberals, who cite gun violence statistics and argue that more armed vigilantes will only make matters worse — particularly for people of color who are often the victims.

But with those communities facing targeted attacks, the nonviolent movement's language is being drowned out by a call and response at protests: "Who protects us? We protect us!" And militant leftists say the stakes are now too high for complaints that the embrace of AR-15s will cost the moral high ground.

"It took us awhile to get appropriately militant on this issue," a Connecticut-based John Brown group [tweeted](#) in December. "Folks wrung their hands over 'optics' and we came to realize they didn't want community defense, they wanted us to die first. We don't always open carry, but we no longer go out just to be martyred."

Paper and Dixon, who met in early 2017 at a community defense meeting, built one of the country's earliest John Brown formations. They said they were intentional about not copying the right-wing militia model. No command hierarchy, no Second Amendment worship, no fetishizing of the AR-15.

The North Carolina activists said they picked the AR platform simply because it's cheaper and "there's a million YouTube videos" to teach new shooters the ins and outs of the rifle. Paper's first was a Ruger AR-556 that they said cost around \$450.

For a time, the group was part of a national network of leftist organizers before dissolving and reconstituting with a focus on local, low-profile work. These days, their circle has no formal name or regular meetings.

They were leery of allowing observation of the training, worried it would look like an “armed insurgency” and reinforce the idea of two equal extremist threats. In their world, they said, the rifle is a last resort, not a rallying point.

“The AR is not at the apex of people’s capacities,” Dixon said, citing civil rights demonstrations of 2020 and earlier, Native-led [protests against an oil pipeline](#) in the Midwest. “People have a real capacity to make physical, material change in the world that’s really disruptive. And they don’t need an AR to do it.”

Anne, a 35-year-old academic and activist, said she started out as an ordinary liberal protester calling for the removal of Confederate statues in North Carolina and elsewhere in the South. By speaking out publicly, Anne landed in the crosshairs of white supremacists and, later, members of the Proud Boys, a far-right group with a history of violence.

The men relentlessly harassed her with threats of rape and death, according to screenshots and messages she provided. They yelled out her home address when they saw her at rallies and have posted photos of her car and apartment, forcing her to move two times in the past three years. In 2021, she bought her own AR-15, not long after posing on Twitter with a friend’s rifle as a warning to her stalkers.

“Nazis get very arrogant and think that because they have AR-15s, they can do anything or kill anyone who disagrees with them,” she said. “When I posted that photo, they can tell that I’m serious about defending myself and they should think twice before trying to murder me.”

Real threats prompted her to buy an AR-15, Anne stressed, not the far right’s hypothetical scenarios of gun confiscations or a communist takeover. Two of her harassers, according to the materials she provided, are Proud Boys who have since pleaded guilty for their roles in the Capitol attack.

Until they stormed the Capitol, Anne said, the Proud Boys targeted her and other leftists with impunity. She recalled spending hours taking screenshots of the threats so that there would be a record in case they attacked her and she was forced to use her rifle.

“I was in favor of banning guns for a long time and still think the world would be better without them,” Anne said. “But now I’m more practical.”

About this story

Reporting by Hannah Allam. Photography by Jim Urquhart.

Design and development by Anna Lefkowitz, Aadit Tambe and Rekha Tenjarla. Design editing by Madison Walls. Photo editing by Natalia Jimenez.

Editing by Peter Wallsten and Wendy Galietta. Additional editing by Jordan Melendrez, Kim

Chapman and Tom Justice.

Additional support from Sarah Murray, Courtney Beesch, Angel Mendoza, Kiley Schultz, Brandon Carter, Ashleigh Wilson, Jai-Leen and Bryan Flaherty.

## **EXHIBIT 72**

# How the AR-15 became a powerful political, cultural symbol in America

Todd Frankel, Shawn Boburg, Josh Dawsey, Ashley Parker, Alex Horton

The AR-15 wasn't supposed to be a bestseller.

The rugged, powerful weapon was originally designed as a soldiers' rifle in the late 1950s. "An outstanding weapon with phenomenal lethality," an internal Pentagon report raved. It soon became standard issue for U.S. troops in the Vietnam War, where the weapon earned a new name: the M16.

But few gunmakers saw a semiautomatic version of the rifle — with its shrouded barrel, pistol grip and jutting ammunition magazine — as a product for ordinary people. It didn't seem suited for hunting. It seemed like overkill for home defense. Gun executives doubted many buyers would want to spend their money on one.

American Icon

A series examining the AR-15, a weapon with a singular hold on a divided nation

More stories

About the terminology

Colt acquired the AR-15 patent and trademark from Armalite in 1959. The patent expired, leaving many companies to produce their own weapons, commonly called AR-style rifles. While Colt still holds the trademark, "AR-15" has become a ubiquitous term for a popular style of gas-operated, magazine-fed semiautomatic rifles. For this reason, we refer to the rifle broadly as the AR-15 in this series.

The industry's biggest trade shows banished the AR-15 to the back. The National Rifle Association and other industry allies were focused on promoting traditional rifles and handguns. Most gun owners also shunned the AR-15, dismissing it as a "black rifle" that broke from the typical wood-stocked long guns that were popular at the time.

"We'd have NRA members walk by our booth and give us the finger," said Randy Luth, the founder of gunmaker DPMS, one of the earliest companies to market AR-15s.

Today, the AR-15 is the best-selling rifle in the United States, industry figures indicate. About 1 in 20

U.S. adults — or roughly 16 million people — own at least one AR-15, according to polling data from The Washington Post and Ipsos.

Almost every major gunmaker now produces its own version of the weapon. The modern AR-15 dominates the walls and websites of gun dealers.

The AR-15 is prominent at the Rod of Iron Freedom Festival, a gun rights event held in Greeley, Pa., in October. (Photos by Jabin Botsford/The Washington Post)

The AR-15 has gained a polarizing hold on the American imagination. Its unmistakable silhouette is used as a political statement emblazoned on T-shirts and banners and, among a handful of conservative members of Congress, on silver lapel pins. One Republican lawmaker, Rep. Barry Moore of Alabama, introduced a bill in February to declare the AR-15 the “National Gun of America.”

It also has become a stark symbol of the nation’s gun violence epidemic. Ten of the 17 deadliest U.S. mass shootings since 2012 have involved AR-15s.

This transformation — from made-for-combat weapon to mass-market behemoth and cultural flash point — is the product of a sustained and intentional effort that has forged an American icon.

A Washington Post investigation found that the AR-15’s rise to dominance over the past two decades was sparked by a dramatic reversal in strategy by the country’s biggest gun companies to invest in a product that many in the industry saw as anathema to their culture and traditions.

The Post review — based on interviews with 16 current and former industry executives, some of them talking publicly in depth for the first time, along with internal documents and public filings that describe the changes in previously unknown detail — found that the U.S. firearms industry came to embrace the gun’s political and cultural significance as a marketing advantage as it grasped for new revenue.

The shift began after the 2004 expiration of a federal assault weapons ban that had blocked the sales of many semiautomatic rifles. A handful of manufacturers saw a chance to ride a post-9/11 surge in military glorification while also stoking a desire among new gun owners to personalize their weapons with tactical accessories.

“We made it look cool,” Luth said. “The same reason you buy a Corvette.”

Through it all, even after repeated mass killings involving the AR-15 that accounted for some of the nation’s darkest moments, efforts in Congress to resurrect an assault weapons ban repeatedly fizzled.

Calls by Democratic politicians to renew the ban fell short, with some in their own party voting against it at key moments. Almost no Republican would even entertain the idea. President Donald Trump briefly considered pushing for a ban, asking aides at one point why anyone needed an AR-15, but backed away after advisers warned he would anger his base as well as the NRA.



"The protection of the AR-15 has become the number one priority for the gun lobby," said Sen. Chris Murphy (D-Conn.), a vocal supporter of stronger gun laws. He added: "It makes it harder to push this issue on the table because the gun lobby does so much messaging around it."

Free from congressional scrutiny, the AR-15 has become a consumer product like none other — a barometer of fear and a gauge of political identity, its market success driven by the divisions it sows.

Watch All

#### Videos by Jon Gerberg

While handguns are involved in the bulk of U.S. gun homicides — responsible for 90 percent of the deaths in cases where details are available, compared to less than 5 percent for rifles, [the FBI says](#) — AR-15 sales jump the most with each school shooting and contentious presidential campaign.

They soared in the run-up to the election of Democrat Barack Obama in 2008 and after the mass killings at an elementary school in Newtown, Conn., in 2012 and a high school in Parkland, Fla., in 2018, and again ahead of the turbulent 2020 presidential election.

Today, the industry estimates that at least 20 million AR-15s are stored and stashed across the country.

More than 13.7 million of those have been manufactured by U.S. gunmakers just since the Newtown massacre in late 2012, with those sales generating roughly \$11 billion in revenue, according to a Post analysis of industry estimates through 2020, the most recently available data. In other words, at least two-thirds of these guns have been made in just the past decade.

Supporters of the AR-15 say its popularity reflects its legitimacy as a tool for law-abiding people. "This firearm is lawfully owned by millions of Americans — used in shooting competitions, for recreational purposes, hunting and home protection," said NRA spokesman Andrew Arulanandam.

Others say this was not the original idea behind the gun.

Eugene Stoner, a World War II veteran who invented the AR-15 in the late 1950s while working at Armalite, a small engineering firm in Hollywood, had no interest in civilians using his invention, said C. Reed Knight, who owns a Florida gunmaking company and considers Stoner his mentor.

"He looked at this thing as only for the military side of the house," Knight said. Stoner, who died in 1997, thought his invention was past its prime by the mid-1990s, Knight said. He added that Stoner would have been horrified by the idea that "he invented the tool of all this carnage in the schools."

Harry Falber, a former executive at Smith & Wesson, one of the country's best-known firearms brands, saw how Stoner's invention changed the gun industry. The AR-15's success came at a huge price, he said.

"The firearms industry, in the aggregate, is very small," Falber told The Post. "And look at the havoc it wreaks."

A firearm initially unintended for civilians

Smith & Wesson made its name with handguns, such as Dirty Harry's "Feeling Lucky?" six-shooter.

The company had never mass-produced a rifle in its storied history stretching to 1852.

That began to change in 2005.

It was a tough time for the firearms industry. Gun sales had been flat for several years, according to federal background check data, the best available proxy for the number of firearms sold. Data from the Bureau of Alcohol, Tobacco, Firearms and Explosives shows that American gunmakers produced fewer pistols, revolvers, rifles and shotguns in 2005 than they had five years earlier.

At Smith & Wesson, executives were looking around for new lines of business when, corporate filings show, a company survey detected strong consumer interest in one gun it didn't make: a tactical rifle.

"The long gun market is a terrific opportunity," Michael Golden, then the company's chief executive, told financial analysts in August 2005.

And the power of the Smith & Wesson brand meant "we have got one foot in the door," he said.

Neither Smith & Wesson nor Golden, who is no longer with the company, responded to multiple requests for comment.

The market for tactical rifles, such as the AR-15, was still largely untapped. None of the big gunmakers made one.

The AR-15 — Armalite Rifle Model 15 — was different from other military rifles, which had always used big, heavy rounds.

The M16 drew complaints that it was prone to jamming. But the gun won over military leaders. (Photos by AP)

Designed around the Pentagon's desire for a lightweight weapon to match Soviet rifles such as the AK-47, the AR-15 fired small bullets at very fast speeds. The higher velocity meant the tiny projectiles became unstable when they penetrated a human body, tumbling through flesh to create devastating wounds. But the real innovation was the addition of a small tube to redirect the gas from fired cartridges. This dampened recoil, making it easier to keep steady aim on a target.

The U.S. military started using the rifle during the Vietnam War, with Colt — which had acquired the gun's patent rights from Armalite — winning the contract to produce the M16. The new gun was met by complaints that it was prone to jamming, even mid-firefight, until Colt revamped the design.

Despite its mixed success, the new gun won over military leaders.

Colt held exclusive rights to the semiautomatic, civilian version of the AR-15 until 1977, when the patent expired. Then, other gunmakers could make and sell AR-15s of their own.

Most in the gun industry remained wary. For decades, the AR-15 was regarded as an outsider. Then came the Sept. 11, 2001, attacks.

As the U.S. military was sent to fight in Afghanistan and Iraq, gunmakers looked to play off the conflict-zone images of soldiers in tactical gear holding M16 and M4 carbine rifles. The next best thing for civilians was buying an AR-15.

Varmints, soldiers and looming threats, see the ads used to sell the AR-15

"There has never been a better accidental advertising campaign in history," said Doug Painter, a former president of the National Shooting Sports Foundation (NSSF), a firearms industry lobbying group.

Smith & Wesson's first AR-15 was unveiled to the public in February 2006 at the industry's marquee annual convention, the Shot Show in Las Vegas. It was called the M&P 15.

While the name indicated the gun was for professionals — "M" for military and "P" for police — the company always had its eyes on the consumer market, according to corporate filings and statements from executives. Golden told financial analysts a few months after the M&P 15's debut that "our intent when we launched the new tactical rifle was to first penetrate the consumer market."

Many gun company executives saw military and police sales as less profitable, due to lower prices and precise specifications, according to documents and interviews. But they were still important because of the "halo effect," as a 2009 document prepared for Smith & Wesson called it, in which buyers would be attracted to what they saw professionals using.

The consumer "does pay attention to that," a Smith & Wesson executive at the time, James Debney, would later explain to financial analysts in 2016.

Images of soldiers using M16s and M4s in Afghanistan and Iraq influenced how gunmakers marketed the AR-15. (Photos by David Guttenfelder/AP)

The M&P 15 was a hit. Smith & Wesson reported revenue from this line of tactical rifles more than quintupled in the gun's first five full years on the market — from \$12.8 million to \$75.1 million.

Other big gunmakers soon followed Smith & Wesson's lead.

New Hampshire-based Sig Arms, later renamed Sig Sauer, said in late 2006 that it planned to make an AR-15 — soon after the firm had been "about two seconds away from imploding," chief executive

Ron Cohen later [told](#) Management Today.

The new rifle was credited with helping save the company. Sig Sauer did not respond to multiple requests for comment.

Wall Street noticed the sales blitz, too.

A private equity firm called Cerberus Capital Management had rolled up several gunmakers into a single conglomerate called Freedom Group. In late 2007, it purchased AR-15 maker DPMS, which was bringing in nearly \$100 million in annual sales, said Luth, its founder.

"They saw the AR-15 as the cash cow, which it was," Luth said.

The change in attitudes toward the AR-15 occurred with "mind-boggling" speed, recalled Ryan Busse, who wrote about his turn from gun industry executive to critic in his 2021 book ["Gunfight."](#)

The AR-15 was suddenly being celebrated after years of being widely viewed with suspicion, Busse said. Gunmakers were no longer avoiding the gun that many had once regarded as the kind of weapon that society would disdain.

He recalled the pressure within the industry to either get on board with the AR-15 or keep quiet. In 2007, prominent hunting writer and TV host Jim Zumbo lost his industry jobs after calling for a ban on hunting with AR-15s. His fate became a watchword: Cross the AR-15 and you might get Zumboed. Zumbo did not respond to requests for comment.

"Nobody thought AR-15s were a good idea just a couple years ago," Busse said. "And then you couldn't criticize them without getting fired."

## A marketplace and rebrand for the AR-15

In 2008, economic crisis and political upheaval bolstered the AR-15's market appeal, according to several industry insiders, as the stock market collapsed under the weight of soured mortgage securities and the country elected its first Black president, a Democrat portrayed by conservatives as an anti-gun radical.

Obama's victory created an opening for pro-gun groups to tease the potential for a new assault weapons ban — a claim that industry executives have credited with energizing AR-15 sales.

In 2008, when growing demand led U.S. gunmakers to increase production of all firearms by 15 percent, AR-15 production rose by 65 percent, according to government and industry figures. These AR-15s were rapidly becoming a larger share of the overall firearms market — reaching 10 percent of all guns made that year for the first time.

Jeff Buchanan, then-chief financial officer at Smith & Wesson, recalled several years later at a

business conference that Obama spurred sales “because he was a pronounced liberal” and “people buy because they are afraid of future legislation.”

Obama was mockingly crowned 2009’s “gun salesman of the year” by the gun-friendly news service Outdoor Wire.

Obama's election in 2008 spurred gun sales, as pro-gun groups teased the potential for a new assault weapons ban. (George Frey/Bloomberg News, LM Otero/AP, Joe Raedle/Getty Images, Eric S. Swist/Houston Chronicle/AP)

That same year, in what many industry insiders saw as a watershed moment, another legendary American gunmaker, Ruger, entered the AR-15 market with its SR-556. The Southport, Conn.-based company had a reputation for high-end firearms. Its corporate motto was “Arms Makers for Responsible Citizens.”

Michael Fifer, the gunmaker’s CEO at the time, described to financial analysts in 2009 how Ruger brought in roughly \$200 from each handgun — but each AR-15-style rifle brought in \$1,000.

“That’s kind of a 5-to-1 ratio there,” Fifer said.

Ruger declined to comment through its general counsel.

AR-15 fans saw Ruger’s new rifle as validation of a once-taboo gun.

“There is no better illustration for this change than the Evil Black Rifle itself which has just joined the Ruger product offering,” Steve Johnson wrote on his popular Firearm Blog, using a sarcastic name popular with gun owners for AR-15s.

Getting comfortable with the AR-15, industry allies worked to soften the image of the “black rifle.”

NSSF executives recalled in interviews with The Post that they bemoaned that the public mistakenly thought the “AR” stood for “assault rifle.”

“We should not cede the rhetorical high ground to our political enemies,” Larry Keane, the NSSF’s general counsel, recalled saying during a 2009 meeting.

They brainstormed ways to rebrand the gun and win over traditional hunters.

“I just said, ‘It’s a modern sporting rifle,’” recalled Painter, then the NSSF president. “And there the phrase stuck.”

The NSSF just needed to persuade others to use the term, which it shortened to “MSR.”

Glenn Sapir, then the NSSF’s director of editorial services, recalled that executives pressed gunmakers and industry publications to adopt the name. It slowly began popping up in gun magazines and catalogues. Companies used it during earnings calls. Gun owners were given pocket fact cards with

the preferred talking points.

A four-page ad from the NSSF's foundation spelled out the campaign.

"Some hunters look askance at AR-style rifles, and that's understandable," read the ad in the November 2009 issue of Outdoor Life magazine. "They don't look like any type of rifle they, their dads or granddads ever carried into the woods. Looks can be deceiving, however, and in the case of AR-platform rifles, they certainly are."

Some AR-15 supporters saw the MSR campaign as a phony attempt to make the black rifle seem less ominous — even though what many loved most about it was the threatening look.

"The true AR enthusiasts, they kind of saw through it," Luth said. "It stuck, but not with the true believers."

### How gunmakers craft 'realistic' gaming experiences

Video games introduced a new generation to the AR-15 through popular first-person shooter games such as "Call of Duty." Players got to simulate using military weapons with down-to-the-bolt realism.

The firearms industry was eager to help out.

In 2010, representatives of two gun manufacturers and a video game maker converged at an outdoor shooting range north of Las Vegas. Employees from two Freedom Group subsidiaries deployed a stockpile of weapons, including AR-15s, while technicians from Infinity Ward, developer of "Call of Duty," carefully recorded the sounds, according to participants. Infinity Ward's parent company, Activision Blizzard, declined to comment.

No detail, even the click of inserting a magazine, was too small to capture, participants said.

"We went through all the guns slowly and methodically, shooting until they got the quality sound they needed," recalled Cory Weisnicht, who was an employee with a Freedom Group company tasked with firing the guns at the Clark County Shooting Complex.

The meeting reflected a move by some gunmakers at the time to strike licensing agreements with gaming firms to feature certain firearms, according to lawyers and experts, along with interviews and documents obtained by The Post.

"We wanted the brand exposure," said a former employee of a Freedom Group subsidiary familiar with the Las Vegas meeting who spoke on the condition of anonymity to discuss internal company strategy.

The push for realism in shooting video games was influential for some buyers, retailers said. Many gun owners bought real-world versions of the firearms they used online, said Lucas Botkin, founder of

the gun gear outfitter T.Rex Arms. And they could accessorize their guns in the same way.

Botkin recalled how he fixed up his first AR-15.

"I built it out very similarly to what I had in 'Modern Warfare,'" he said, referring to the M4 in a game in the Call of Duty series. "It was my reference point."

First-person shooter games such as "Call of Duty" introduced a new generation to the AR-15. (Jae C. Hong/AP, Paula Bronstein/Getty Images, Stephen Yang/Bloomberg News, Chris Ratcliffe/Bloomberg News)

The AR-15 also was winning over new fans in other ways.

In the Philadelphia suburbs, Bill Shanley saw his first AR-15 up close when one of his adult sons came home with one in 2010. Shanley was in his mid-50s and had been raised around guns. He'd taught his own children how to shoot, too. But he'd never given much thought to the AR-15.

"It never would've occurred to me to get a gun like that," Shanley recalled.

Father and son took the AR-15 to a gun range. Shanley couldn't believe how loud it was, even with ear protection, the sound crashing off the range overhang. But the black rifle had little recoil. It was fun to shoot. Three shots with his old hunting rifle bruised his shoulder. Fifty rounds with the AR-15 felt like a breeze. Shanley was sold. He soon bought his own, a Smith & Wesson M&P 15.

Watch All

## Videos by Jon Gerberg

The AR-15 changed Shanley's thinking about these kinds of weapons. Now, he saw them as no different from the traditional firearms owned by his great-grandfather or the shotgun his uncle gave him when he was a teenager. His dad used to keep a shotgun at home for protection. Shanley, a manufacturing sales manager, started keeping an AR-15 in his bedroom.

"The AR is the modern-day musket," he said.

## An uneasiness over AR-15 marketing

Harry Falber knew little about the gun world when he joined Smith & Wesson, first as a consultant and then as head of licensing at the gunmaker's headquarters in Springfield, Mass.

But he knew how to sell big consumer brands after years of working on ads at Volvo, Polaroid and Hallmark.

"A consumer wants to be identified with the product they are using, and a gun is no different," said Falber, speaking publicly in detail about his tenure at Smith & Wesson for the first time.



Falber thought Smith & Wesson's line of M&P firearms was "a brilliant marketing name." And he loved Smith & Wesson's strong reputation and long history.

But he said he struggled with how to sell a military weapon to civilians.

"I didn't care what you did with it," he said. "It was still a black gun."

In late 2010, after he had been with the company for about a year, Falber commissioned a study comparing two Smith & Wesson ads that had recently appeared in Guns & Ammo magazine, according to internal documents obtained by The Post.

One showed Falber's vision for selling guns. It featured a silver revolver and a black pistol, side by side against the light backdrop of a range target, under the block type "FINE-TUNED MACHINES."

The other ad showed what looked like a police SWAT team officer, with dark gloves and tactical helmet, pointing an AR-15 at some unseen target in the distance. "THE CHOSEN ONE," it read.

Consumers gave higher scores to the "FINE-TUNED MACHINES" ad, according to the report, which recommended that future ads be tested "to maximize message, positive image, and consumer motivation."

Falber thought he had won the argument. He wanted to stress craftsmanship.

But Smith & Wesson went in the direction of "THE CHOSEN ONE."

"They went full-bore into a dark, dark milieu," Falber said.

In 2010, one Smith & Wesson ad focused on craftsmanship, while another ad had a military and police theme. (Images obtained by The Washington Post)

Smith & Wesson was not alone in adopting messages that made Falber uneasy.

Bushmaster was running ads for its AR-15 with the line "CONSIDER YOUR MAN CARD REISSUED." Daniel Defense posted social media ads [showing](#) its AR-15 with a helmeted soldier in a war zone under "USE WHAT THEY USE."

"It was just appealing to the worst levels of what you can conjure up in someone's mind," Falber said. "And we'd been nurturing this."

Daniel Defense declined to comment.

By 2011, the AR-15 and similar firearms enjoyed warm welcomes at the gun industry's biggest events. They were the stars. Half the exhibition space at the annual Shot Show was now occupied by AR-15 gunmakers and tactical-equipment makers — even as the convention itself had doubled in size to 500,000 square feet, said Painter, the former NSSF president.

Every exhibitor clamored to be next to the big rifles because that's where the crowds were.

"The best analogy is the AR rifle was like the kids who wore their baseball hats turned around," Painter said. "It wasn't cool until suddenly it became cool."

Falber displays a Smith & Wesson knife case at his home. (Photos by George Etheredge for The Washington Post)

But Falber wanted out.

"I just couldn't stomach driving up there anymore," he said.

In 2012, he quit Smith & Wesson.

The massacre at Sandy Hook Elementary came two months later.

A little after 9:30 a.m. on Dec. 14, 2012, a man used a Bushmaster AR-15 to shoot his way into the school in Newtown. The gunman fired 154 rounds in minutes, striking children who were just 6 and 7 years old multiple times, according to a Connecticut state's attorney's report. Twenty children and six school employees were killed.

Falber lived 20 miles from Newtown. His wife worked in education. He could imagine the scene inside. He was in disbelief. He took no comfort in the fact that the rifle used in the massacre was made by Bushmaster and not Smith & Wesson.

"It ripped me apart," he said.

### Mass killings, politics fuel division on AR-15

The deadliest mass killing at a K-12 school in U.S. history focused attention like never before on the destructive power of the AR-15.

With Newtown, the weapon so meticulously marketed as a "sporting rifle" had been used as a killing machine that destroyed the bodies of young victims.

Cerberus, the private equity giant, soon announced plans to sell off Freedom Group — the conglomerate it had assembled as a big bet on the AR-15's success and the owner of the Bushmaster brand. Cerberus declined to comment. One of its companies at the time owned Bushmaster, maker of the weapon used in the shooting, which would eventually defend its firearms advertising as lawful in [a lawsuit](#) filed by Newtown families alleging the gunmaker's marketing was aimed at troubled young men.

Dick's Sporting Goods immediately stopped selling AR-15s at its flagship stores during what the company called "this time of national mourning."

Collaboration between gunmakers and the gaming industry also came to a quick end, said Glen Schofield, co-director of "Call of Duty: Modern Warfare."

"We all kind of want to leave that era behind us," he said. "Every time there was a mass shooting we got blamed."

Days after the shooting, Obama called for new gun laws, citing public support for banning "military-style assault weapons" and high-capacity magazines. But any notion that the tragedy in Newtown would compel the politically influential NRA to compromise evaporated a week later. Wayne LaPierre, the group's executive vice president, unveiled a school security plan that boiled down to his mantra of "the only thing that stops a bad guy with a gun is a good guy with a gun."

After the Sandy Hook massacre in 2012, Obama said that the nation must take "meaningful action" to stem such violence. (Jessica Hill/AP, Peter Foley/European Pressphoto Agency, Kristoffer Tripplaar/Sipa/Pool/Bloomberg News)

NRA leaders feared there would be momentum for a ban, and they even huddled with companies and lobbyists to begin plotting strategy, former officials said.

But the focus on banning the AR-15 only made the gun more popular with firearms enthusiasts, NRA leaders later said.

"People who never planned to buy one went out and got one," said Grover Norquist, an anti-tax activist who was on the NRA board. "It was an f-you to the left."

David Keene, who was the NRA's president at the time, said that was the moment gun rights became a top issue for Republicans — with the AR-15 at the center.

"It became a political symbol," said Keene, who also served as the longtime chairman of the American Conservative Union.

The NRA's embrace of the AR-15 was also practical, said Joshua Powell, a former longtime NRA adviser and chief of staff to LaPierre. NRA membership numbers were declining, but AR-15 owners remained loyal. Powell said the organization wanted the rifle to be viewed as "America's gun."

"The heart and soul of the NRA membership was hardcore AR folks," Powell said.

The move to defend the AR-15 was off-putting to some NRA members, such as John Goodwin, who worked as an NRA lobbyist in the late 2000s and now belongs to a gun safety advocacy group called 97Percent. Discussions about the AR-15 sounded nothing like how he talked about the shotgun he used for bird hunting.

"They make it sound like the AR-15 is a religious relic," Goodwin said.

The AR-15's resilience post-Newtown was clear weeks later when the organizer of a major gun event in Harrisburg, Pa., the Eastern Sports and Outdoor Show, was forced to cancel amid the backlash from its decision to ban displays of the weapon.

"We're not going to go into business with people saying you can't have this gun or that gun," Tommy Millner, CEO of the outdoor retailing giant Cabela's at the time, recalled saying when he pulled the company's sponsorship.

Any push for a new assault weapons ban seemed destined to fail in Congress. And gun sales were soaring again.

In December 2012, the same month as the Newtown shooting, monthly gun background checks hit what at the time was an all-time high of [2.8 million](#) and stayed elevated for months.

Stores were picked clean of their AR-15 inventory. Prices jumped.

While the government doesn't break out AR-15 sales, the industry group NSSF estimated that companies produced at least 3.2 million AR-15s firearms in 2012 and 2013 alone — more than they'd made in the entire previous decade.

When a new assault weapons ban finally came to a vote in the Democratic-led Senate soon after Newtown, it didn't come close to passing — earning just 40 votes.

Just one Republican, Sen. Mark Kirk of Illinois, voted in favor. But even more galling to gun-control advocates was that just 38 of the chamber's 54 Democrats voted in favor.

After Congress failed to act, a handful of states, such as Connecticut, New York and Maryland, moved to pass their own assault weapons bans.

A firearm at the center of rallies, protests and ads

In March 2013, C.J. Grisham, then an Army master sergeant, decided to sling an AR-15 over his shoulder and take a walk with his son along a dirt road in tiny Temple, Tex. He wasn't breaking the law, but a police officer stopped him.

"Some reason why you have this?" the officer asked, grabbing the rifle.

"'Cause I can," Grisham said.

The officer drew his pistol and pinned Grisham to the hood.

The encounter ended peacefully, but it was caught on video and posted online. Almost overnight, Grisham, who was later convicted of misdemeanor police interference, became the face of a movement.

"It wasn't that I was carrying a rifle," recalled Grisham, a former member of the Proud Boys, a far-right group with a history of violence. "It was the fact I was carrying that rifle."

Grisham went on to create Open Carry Texas, a group advocating for carrying weapons in public. Open-carry demonstrations had been cropping up in conservative states since the 2008 election,

typically with holstered pistols, but Grisham's group pushed a new tactic. Its members made a show of carrying hunting rifles, shotguns and AR-15s as they visited places like Sonic, Chipotle and Home Depot.

CLOCKWISE FROM TOP LEFT: Gun rights activists in Cleveland in 2016; Austin in 2016; Arlington, Va., in 2010; and Austin in 2015. (Victor J. Blue/Bloomberg News, Erich Schlegel/Getty Images, Win McNamee/Getty Images, Drew Anthony Smith/Getty Images)

Even the NRA was uneasy about the brash, public displays. It called the Texas protests "downright weird." But so many gun owners sided with Grisham that the NRA quickly flip-flopped, saying its original opposition had been a mistake.

It became increasingly common to see people openly armed with black rifles at protests and political rallies — their AR-15s gripped in their hands or slung over their shoulders. The practice would take off on the far right, as armed demonstrators would play a prominent role in white-supremacist gatherings such as the Unite the Right rally in Charlottesville in 2017, as well as protests in 2020 against pandemic restrictions and counterdemonstrations against racial justice activists.

The AR-15 seemed to be everywhere. Its cultural profile was rising, not unlike the way the Soviet-made Kalashnikov became a symbol of insurgency and freedom for many around the world.

Companies such as Black Rifle Coffee Co. launched. Youth baseball teams ran AR-15 raffles as fundraisers. Companies offered free AR-15s with a new roof or new car, like banks giving away toasters for new checking accounts.

More political candidates were displaying AR-15s in campaign ads, too — and not just conservatives looking to impress their base. Jason Kander, an Army veteran and Democratic candidate for the U.S. Senate in Missouri, put out [a 2016 campaign ad](#) that showed him assembling an AR-15 while blindfolded. Kander did not respond to a request for comment.

In 2016, amid rising political tensions with Hillary Clinton and Donald Trump vying for the White House, the U.S. gun industry reported that it had crossed an important threshold: It produced more than 2 million AR-15s for the first time, 63 percent more than were manufactured the year before, according to NSSF estimates.

The AR-15 had truly entered the mainstream.

America's angst with the AR-15

Manny Oliver tended to view guns like an outsider.

Ever since moving to Florida from his native Venezuela years ago, Oliver had noticed how people in his new home tied guns to notions of freedom and patriotism.

"In America, they treat guns like they are their salvation," Oliver said.

He didn't understand it. But like many people, he didn't feel the need to.

By 2018, he and his wife, Patricia, had settled near Parkland, Fla., an affluent suburb outside Fort Lauderdale. Gun violence rarely intruded, except when mass shootings made the news. Oliver recalled talking with his teenage son, Joaquin, about the 2016 shooting at the Pulse nightclub in Orlando, where a gunman with a Sig Sauer MCX semiautomatic rifle killed 49 people. And Joaquin had been rattled by the 2017 Las Vegas shooting — where a gunman used an arsenal that included AR-15s to kill 60 people — because his mom had been there on a business trip just a week earlier.

It seemed so random, Oliver said.

Four months later, on Valentine's Day 2018, a gunman walked into Marjory Stoneman Douglas High School in Parkland armed with a Smith & Wesson M&P 15 and killed 17 people. Joaquin, 17, died after being shot multiple times, according to testimony at the gunman's trial.

The shooting ignited a new kind of anti-gun activism that was intensely personal, such as the student-led March for Our Lives that drew hundreds of thousands of protesters to the National Mall a month later. They were grieving. And they were angry.

The student-led March for Our Lives drew hundreds of thousands of protesters to the National Mall in D.C. in March 2018, the month after the Parkland shooting. (Photos by Salwan Georges and Matt McClain/The Washington Post)

"I refused to think this is a normal thing that happens," Oliver said.

He and his wife founded a gun violence prevention group called Change the Ref and focused on attention-grabbing projects such as renting a billboard outside Smith & Wesson's headquarters in Massachusetts with a picture of their son.

The Parkland shooting also highlighted America's growing unease with the AR-15.

Kroger raised the minimum age to buy guns and ammunition from 18 to 21. Walmart — which had quietly stopped selling AR-15s three years earlier, in 2015 — did the same.

Top NRA officials worked to persuade other retailers, such as Bass Pro Shops, not to pull AR-15s from their shelves, according to Powell, the group's former chief of staff.

"The gun folks will go nuts against you, and it's going to be incredibly bad for business, and it's going to get you a lot of bad press," Powell recalled NRA officials telling Bass Pro Shops founder Johnny Morris. In other cases, Powell warned there would be NRA member boycotts.

Morris backed down, Powell said. "He understood who his customers were."

A representative for Bass Pro Shops said Morris had no "recollection" of the conversation. "Decisions



on the products and services we offer have always been based on customer preferences in compliance with all federal, state and local laws," the spokesman said.

Unable to just move on, the shooting forced Oliver and his wife to reinvent their lives.

"We are not searching for happiness," he said. "I don't think we're ever going to be happy."

An uptick in shootings and a stalemate on gun control

Shortly after Parkland, President Donald Trump repeatedly floated the idea of supporting a new assault weapons ban.

He mentioned it on live television to one of the Senate's most vocal gun-control backers, Sen. Dianne Feinstein (D-Calif.), and in a private meeting with Parkland families. His comments rattled NRA officials and some of his own advisers.

NRA representatives later warned Trump against taking action. "They came up here and said to him, the base is going to blow you up," according to a former official who sat in during a series of meetings with the NRA. They, like others interviewed for this article, spoke on the condition of anonymity to discuss private interactions.

But Trump kept coming back to the idea, according to several former administration officials.

In the summer of 2019, after back-to-back mass shootings in Dayton, Ohio, and El Paso involving an [AR-15-style pistol](#) and an AKM-style rifle, Trump told aides that he wanted to ban AR-15s, according to people present for the statements.

"I don't know why anyone needs an AR-15," Trump told aides as he flew on Marine One to the White House in August 2019, according to a person who heard his comments.

As one former official put it in describing the real estate developer turned politician, "His reflexes were a New York liberal on guns. He doesn't have knee-jerk conservative reflexes."

But Trump was also petrified of the NRA and others taking him on, former advisers said, and heard from a number of advisers that it would be unpopular. Trump ultimately stopped entertaining the idea of working with Democrats on gun control later that year, when he was caught in a scandal over his now-infamous phone call with Ukraine's president.

"F--- it, I'm not going to work with them on anything. They're f---ing impeaching me," Trump said in one Oval Office meeting, according to a participant.

Steven Cheung, a Trump spokesman, did not respond to detailed findings in this article but said that "there had been no bigger defender of the Second Amendment than President Trump." He said that Trump had offered other proposals after mass shootings, such as adding security guards to schools



and allowing teachers who are licensed to carry a weapon to do so.

Murphy, the Democratic senator from Connecticut and a participant in a White House meeting on a potential ban, described Trump's lack of action as a missed opportunity for an unusually powerful Republican leader. "I said this to Trump in that meeting: I think the Republican Party would have followed him wherever he went, and he ultimately decided to stand with the NRA," Murphy said.

But, Murphy said, the burst of post-Parkland activism transformed gun politics among Democrats. Many in the party, he said, started to see gun control as a cause that could energize their core voters — rather than fearing it as one that would rile up the right.

"For whatever reason those kids finally shamed the Democratic Party into running on this issue," Murphy said.

Several months after the Parkland shooting, one of the Democrats who had voted against an assault weapons ban in 2013 in the wake of Newtown announced he had changed his mind.

Sen. Mark R. Warner, who earned the NRA's support as Virginia's governor in the mid-2000s, represented a state that was now trending more liberal. He would go on to co-sponsor new proposed assault weapons bans in the Senate.

"While I was far from the deciding vote," Warner wrote of the post-Newtown legislation in a [2018 op-ed in The Post](#), "I have nevertheless wrestled with that 'no' vote ever since." Despite his own role in helping to defeat the ban, Warner described Congress's failure to act as part of a "sad pattern of dysfunction."

The AR-15, however, was about to reach new heights of popularity.

CLOCKWISE FROM TOP LEFT: The aftermath of mass killings in Uvalde, Tex., in May; Buffalo the same month; Highland Park, Ill., in July; and Boulder, Colo., in March 2021. (Joshua Lott/The Washington Post, Matt Rourke/AP, Brian Cassella/Chicago Tribune/AP, Rachel Woolf for The Washington Post)

In 2020, a year of pandemic lockdowns, racial justice protests and a bitterly fought presidential campaign, U.S. gunmakers produced about 2.5 million AR-15s, according to the NSSF. That added up to roughly 1 in 4 of all guns that ATF said were manufactured in the United States.

Helped by its line of M&P 15 rifles, Smith & Wesson saw its sales nearly double to a record \$1.1 billion, according to financial filings. CEO Mark Smith described it as "the most successful year in the 169-year history of the company."

One Smith & Wesson M&P 15 sold in 2020 ended up in the hands of Kyle Rittenhouse, the teenager who fatally shot two people and wounded a third during that summer's racial justice protests in Kenosha, Wis.

Rittenhouse, later found not guilty based on claims of self-defense, explained during his trial why he chose an AR-15: "I thought it looked cool." Rittenhouse could not be reached for comment.

The AR-15 was also especially alluring to the gunman who killed 10 Black people at a supermarket in Buffalo in May 2022.

"The AR-15 and its variants are very deadly when used properly," he wrote in a manifesto filled with hateful vitriol. "Which is the reason I picked one."

Ten days later, 19 schoolchildren and two adults were shot to death in Uvalde, Tex., with another AR-15, the Daniel Defense DDM4.

The string of attacks prompted President Biden, who as a senator had strongly supported the 1994 assault weapons ban, to promise a renewed effort to stop the sale of military-style weapons.

"For God's sake, how much more carnage are we willing to accept?" Biden said in June.

Then, a gunman with a Smith & Wesson M&P 15 killed seven people at an Independence Day parade in Highland Park, Ill.

Later that month, executives from five gunmakers were called to Capitol Hill to answer questions about AR-15s. The hearing played out in expected fashion. Democrats decried the gunmakers, the Republicans defended them, and the gun executives deflected.

"A firearm, any firearm, can be used for good or for evil," said Christopher Killoy, chief executive at Ruger.

Smith & Wesson's chief executive refused to show up.

A House Oversight [report](#) produced for the hearing spotlighted the money earned by the gun industry, saying that Ruger's gross earnings from AR-15 rifles nearly tripled from 2019 to 2021 to more than \$103 million.

Two days later, the Democratic-led House passed a new assault weapons ban on a tight party-line vote of 217-213 — the first time the measure had been voted on in nearly three decades. But the Senate, also run by Democrats, never took action.

Amid the growing scrutiny, Smith & Wesson chief executive Mark Smith put out a [statement](#) claiming his company's guns were not responsible for any crimes, but politicians and the media "are the ones to blame for the surge in violence and lawlessness."

Smith's comment was a revealing reminder of just how much the firearms industry had changed — from defender of a gun culture familiar to many Americans to a mass producer and leading champion of AR-15s.

That new legacy permeated this year's Shot Show, held in January in Las Vegas.

At the same event two decades ago, AR-15s were shown only in restricted areas in the back.

This year, Smith & Wesson's sprawling exhibit was surrounded by other gunmakers offering their own AR-15s, such as Mossberg, Black Rain Ordnance and Savage Arms. Smith & Wesson promoted its latest addition to its AR-15 lineup: the M&P Volunteer.

The closed-door trade event was open only to people with industry ties. But photographs and video reviewed by The Post showed racks of matte black Volunteer rifles in different configurations, such as the M&P 15 Volunteer XV Pro, with a suggested retail price of \$1,569.

Back home in Connecticut, Falber, the former marketing executive, still admired the "M&P" name. But "Volunteer" felt different to him. He shrugged off the suggestion that it was just a nod to Smith & Wesson's decision to [begin moving its headquarters](#) from liberal Massachusetts to conservative Tennessee, whose nickname is the Volunteer State.

Putting that name on such a powerful rifle evoked scenes of armed civilian patrols along the country's southern border and at racial justice protests, Falber said.

Maybe, he said, it will help Smith & Wesson sell the AR-15. "But," he added, "how many more guns can they possibly sell?"

About this story

Reporting by Todd C. Frankel, Shawn Boburg, Ashley Parker, Josh Dawsey and Alex Horton. Additional reporting Hannah Allam and Jon Swaine. Videos by Jon Gerberg. Motion graphics by Osman Malik. Illustration by Blake Cale for The Washington Post.

Design and development by Aadit Tambe, Anna Lefkowitz and Rekha Tenjarla. Design editing by Madison Walls. Photo editing by Natalia Jimenez. Video editing by Angela M. Hill. Graphics editing by Chiqui Esteban.

Editing by Peter Wallsten and Wendy Galietta. Additional editing by Jordan Melendrez, Kim Chapman and Tom Justice.

Additional support from Meghan Hoyer, Sarah Murray, Courtney Beesch, Angel Mendoza, Kyley Schultz, Brandon Carter, Ashleigh Wilson Jai-Leen James and Bryan Flaherty.



[Why do people own AR-15s? 33% of owners cited self-defense, poll finds](#)

[March 27, 2023](#)



[Gunmakers' growth in red states marks a divide on weapons like the AR-15](#)

[March 27, 2023](#)



[Armed with AR-15s, extremist and militia groups anticipate civil unrest](#)

[March 27, 2023](#)



[Sutherland Springs survivors haunted by an AR-15's carnage, trauma](#)

[March 27, 2023](#)



[What does an AR-15 do to a human body? A visual examination of the deadly damage.](#)

[March 27, 2023](#)



[Magazine restrictions could reduce mass killings by AR-15s, but courts must decide](#)

[March 27, 2023](#)

## **EXHIBIT 73**

# As guns saturate the United States, police turn to the AR-15

Robert Klemko

COLORADO SPRINGS — Chris Burns tore the AR-15 out of his patrol cruiser, wrapping the rifle sling around his body, feeling he might be forced to shoot a man for the first time in more than two decades as a police officer.

He was training his weapon on a suspect who had leaped from a wrecked stolen car and appeared to be carrying a tactical rifle of his own. The man had stopped outside a car parked at a gas station fuel pump. Burns didn't know if anyone was inside the vehicle.

For Burns, it was the nightmare scenario: Hefting the weapon of war he'd started carrying after the 1999 Columbine High School massacre, hoping for a fighting chance as he confronted a suspect, knowing the bullet-resistant vests he and his fellow officers were wearing would fail if the man sent a fusillade of high-speed bullets their way.

"We might as well have been naked," he said, recalling that crisp day in April 2021.

American Icon

A series examining the AR-15, a weapon with a singular hold on a divided nation

More stories

About the terminology

Colt acquired the AR-15 patent and trademark from Armalite in 1959. The patent expired, leaving many companies to produce their own weapons, commonly called AR-style rifles. While Colt still holds the trademark, "AR-15" has become a ubiquitous term for a popular style of gas-operated, magazine-fed semiautomatic rifles. For this reason, we refer to the rifle broadly as the AR-15 in this series.

Police departments that once deferred to SWAT teams wielding military-style rifles for active-shooter situations have in recent years started equipping the rank and file with [AR-15s and other long guns](#), as those weapons have flooded neighborhoods and communities.

Many officers welcomed the change, some even buying their own AR-15s and using them for sport or



hunting when not on duty. But police often say they still feel outgunned and ill-prepared — struggling to balance demands that they avoid using force against the knowledge that at any moment they could be called to stop a mass killing in progress.

Those potentially conflicting impulses reflect a policing paradox deepened by America's obsession with the AR-15: The weapon can, depending on the circumstances, be an officer's greatest threat or a potentially lifesaving tool.

"Police academies often aren't well equipped to train with long guns," said Pete Kraska, a professor of justice studies at Eastern Kentucky University who studies police militarization. Years ago, he argued that law enforcement agencies were adding tactical weapons unnecessarily. But with both mass killings and open-carry laws on the rise, he said, "It's now a credible argument to say we have to engage in an arms race because we're outgunned."

The dilemma has emerged as a critical factor in last year's mass killing at Robb Elementary School in Uvalde, Tex., according to a recent [Texas Tribune investigation](#), which found police waited more than an hour before confronting the gunman because they feared they lacked the firepower to compete with him. And it looms large every day in Colorado, where open carry is generally legal, many law enforcement agencies have resisted taking guns from risky people, and the map is peppered with the names of towns and cities where mass killings have occurred.

An independent [2022 assessment](#) of the Colorado Springs Police Department's use of force, commissioned by the city, revealed that more than 8 in 10 officers surveyed said their training on the use of force and how to de-escalate was inadequate, and more than 9 in 10 officers said they needed more training on when to use their firearms.

The police department declined to comment on the survey results, and Police Chief Adrian Vasquez declined an interview request.

"Almost everyone going through the academy has never been punched in the mouth," Burns said in an interview. "They're resorting to their Taser and their gun. ... You end up with a lot of young, inexperienced police officers cutting their teeth in these really dangerous situations."

Burns, a training officer, hostage negotiator and former Iraq War helicopter pilot, was no stranger to the risks of confronting heavily armed suspects by the time he arrived on the scene of that 2021 incident at the Colorado Springs gas station.

Six years earlier, he had responded to [a shooting at a Colorado Springs Planned Parenthood](#), engaging in a five-hour standoff with the suspect before the SWAT team intervened and arrested him.

At the gas station incident, the suspect facing Burns was a 37-year-old man named Richard Quintana, who had been ordered more than 70 times to drop the weapon, a prosecutor would later say.

The muzzle of Quintana's weapon was under his chin, and it was unclear whether people were inside the car he stood next to. As Burns pondered his options, it was also unclear how skilled Quintana was with a military-style weapon — and whether Burns's own training had prepared him for this moment. The department requires 40 hours of training to carry the rifle and an annual qualifying exam.

"The average gun owner has trained more hours with their AR-15 than a cop has," Burns said.

### An arms race for police

Police departments' shift toward tactical weapons began in the wake of two American tragedies, a 1997 bank robbery in North Hollywood, Calif., where police officers equipped only with pistols and shotguns commandeered AR-15s and other weapons from a nearby gun store to match the robbers' firepower, and the 1999 massacre at Columbine High School in Colorado, in which police waited more than 40 minutes to enter the school.

"That was the sounding alarm for the police community," Kraska said of the North Hollywood shooting. "Police culture is extremely steeped in a fear of victimization, and this incident accelerates that. It ends up creating a militarized set of assumptions in thinking and gear in everyday policing. It's a very slippery slope to go from policing a civilian population to policing the enemy."

In department after department, pistols and rifles with more ammunition and velocity replaced six-shooters and shotguns. Patrol officers and detectives were trained to pursue and confront active shooters immediately, without waiting for backup. Agencies across the country began requiring officers to wear body armor and [buying up military-grade weapons and equipment](#), especially after the terrorist attacks of Sept. 11, 2001.

"I don't hear officers saying we don't need these weapons. The street officer is saying, 'I need a more efficient sling. I need a better optic,'" said Rob Pincus, a firearms trainer and former sheriff's deputy based in Colorado. "If the bad guys have these guns, we need them too."

Gary Darress, another longtime Colorado Springs police officer and friend of Burns, was issued a six-round Smith & Wesson Model 19 .357 revolver when he began his law enforcement career in 1985. The department later transitioned from revolvers to semiautomatic pistols, "because criminals got their hands on semi-autos," Darress said.

That transition was manageable. The tactical rifle era, he says, was something else.

"It's urban warfare," Darress said. "Psychologically, when people have all this armament, that changes who you are and that changes your response to calls."

Darress was issued his own AR-15 to carry in the car in 2008, but he didn't tinker with it the way other officers do, customizing every aspect of the gun from the sling to the sight. Asked why, he said the gun was fine as it was. He leaned on what had already carried him through more than 20 years in

policing — ever-evolving de-escalation techniques.

But the environment evolved too, with more and more residents openly and legally carrying pistols and rifles. In 2011, the Colorado Springs Police Department responded by telling dispatchers and patrol officers that simply seeing a person with a gun should not automatically prompt a police response. Instead, emergency operators were instructed to ask callers whether the armed person was acting erratically or unlawfully. If the answer was no, officers would probably stand down.

“Obviously, the problem is that when the open-carrying citizen is on their way to commit a crime,” Burns said dryly, “we have limited our ability to respond quickly.”

Colorado Springs saw the worst-case scenario unfold four years later, on Halloween 2015. A 911 caller told an emergency response technician that a man was walking downtown with a long gun and a gas can. Police assigned the call a low priority.

Soon, Noah Harpham began executing people with an AR-15-style rifle called the DPMS Classic 16.

Darress was a mile away, using the restroom. He sped to the scene, pulling up across the street from Harpham and a fast-food restaurant.

By that time, the gunman had killed three people.

Darress unholstered his pistol — he didn’t have time to grab his rifle, he said — and took cover behind his open driver’s side door, even though he knew it offered no practical defense against Harpham’s weapon.

But as Harpham began firing at him, Darress found he couldn’t pull the trigger.

“A voice tells me don’t shoot, because I’m facing a Wendy’s,” Darress said. “I pray to God that I’m a good shot. But one shot flies off to the left or right, and I’m going to shoot somebody in Wendy’s.”

Harpham fired eight times in the direction of Darress, who hit the ground and crawled behind his vehicle. Eventually, another Colorado Springs police officer, Randall Scott Hallas, flanked Harpham and shot him to death.

The mass shooting, followed by the Planned Parenthood attack a month later that killed one police officer and injured five other officers, contributed to an exodus from the city police department that year. The Colorado Springs Gazette reported that [52 officers left](#) in 2015, with most departing after less than two years on the job and some citing the rising tide of violence in their resignation letters.

Many officers who stayed prepared for war, Darress and Burns said, with many buying their own rifles and customizing them to the scenarios they imagined they might encounter.

“When I started, I think human beings were much more able to do the job of law enforcement,” Darress said. “I don’t think people are designed for the intensity of law enforcement today.”

## Policing's political divide

The Colorado Springs department issued Burns his first AR-15 in the mid-2000s, without any modifications, he said. Then he responded to a call of shots fired in the dead of night and realized he needed a flashlight mounted to the gun rail.

He bought his own AR-15 in 2008, equipping it with the rail light, a non-magnified red dot sight, and a handle with a tripod for mounting the gun on surfaces, such as the hood of a car. The whole package cost about \$1,200, he said.

Burns kept the weapon in his car, between the driver's seat and the passenger seat. Until two years ago, he had responded to several calls with it but never fired it while on patrol.

By 2021, on-the-job frustrations were mounting, he said. Among them: Too many men carrying guns illegally had entered the back of Burns's patrol car in handcuffs and walked out of El Paso County courts with a slap on the wrist, he said.

"Weapons violations are not severely prosecuted here," Burns said. "Very often, if there's no serious injury, it's 'no harm, no foul.' Now a felon doesn't care if they get caught because the most they'll get is probation."

The district attorney's office for Colorado's 4th Judicial District, which covers El Paso and Teller counties, said it filed 236 charges of possession of a weapon by a previous offender against adults in 2022, down from 412 in 2021 and 449 the previous year.

"If the legislature wants to make serious changes with gun crimes — they can raise the level for previous offenders and make mandatory prison for offenders committing a crime with a weapon," District Attorney Michael J. Allen said in an emailed statement.

An [October report](#) by the Common Sense Institute, a conservative think tank, blamed Colorado's rising crime rates on changes in state law that it said had reduced the prison and parole populations.

While the police community says it's hamstrung by the legislature, gun-control advocates across the state disagree. They say law enforcement agencies aren't using measures available to them to reduce violent crime.

One such measure is a red-flag law passed in 2019, a year and a half after a Douglas County sheriff's deputy was killed by a former Iraq War combat medic wielding an AR-15. Named after the slain law enforcement officer, the Deputy Zackari Parrish III Violence Prevention Act allows citizens and police departments to petition a judge to have a Colorado resident's weapons confiscated if the petitioner demonstrates that person is a danger to themselves or others.

Similar laws have been passed in 19 states and the District of Columbia, leading to more than 15,000

interventions since 2020, according to an [Associated Press report](#) from September. Opponents of gun restrictions say the laws open the door to unfair seizures.

Parrish's widow, Gracie Parrish Miller, said she considered the social backlash she would face for publicly backing a gun-control bill in suburban Colorado and chose to steer clear, despite the legislation bearing her late husband's name. Douglas County Sheriff Tony Spurlock was the only Republican elected official in Colorado to vocally endorse the bill. For his support of the measure, he faced a bitter recall effort, which ultimately failed. Spurlock, who was term-limited, [retired this year](#).

Officers, left, and El Paso County Sheriff Bill Elder, right, at the ceremony.

In neighboring El Paso County, Sheriff Bill Elder vowed that his department would not file any petitions under the new gun-seizure measure. And Elder kept his word until he left office in January, according to the sheriff's office.

Elder declined to be interviewed for this article. But he said in 2019 that the law failed to address what he believes is the real problem behind American gun violence — mental health. The statute named for the slain deputy, [Elder told the Colorado Springs Gazette](#) at the time, focused "on the tool instead of the crisis that brings the thing before the judge."

Burns said progressive initiatives in the legislature, including measures taken to increase use of personal recognizance bonds, and local law enforcement's hesitance to make use of some gun-control measures are being felt on the street.

"We've always been at full saturation with guns," Burns said. "Quite tragically, now we're seeing a lot of lawlessness around that."

More than 7,000 firearms have been stolen since 2017 in Colorado Springs alone, according to police department data, more than four times the rate of firearm thefts nationally, [according to Justice Department statistics](#). One of those stolen guns, a pistol, was used to shoot a Colorado Springs officer in the head in 2018 — he survived.

The specter of his own death, or that of another officer, loomed for Burns as he confronted Quintana at the gas station nearly two years ago. Quintana reached for the door of the parked car, making Burns's decision easier.

Burns squeezed the trigger of his AR-15 twice.

The first 5.56 round wedged into a street curb 40 yards past Quintana. The second entered his belly, center mass.

As paramedics arrived, a fellow officer kicked aside Quintana's gun. Quintana died at a nearby hospital.

None of the officers had a second thought about the weapon until five days later, when investigators revealed it was not a rifle, as it appeared, but a realistic-looking toy gun designed to fire nonlethal plastic pellets.

The discovery stunned Burns. "It's a conundrum," he said. "The idea that you would make a kids' toy to look indistinguishable from a real gun is crazy."

'Too much responsibility'

Darress retired in 2020, five years after the mass shooting that ended outside the Wendy's in downtown Colorado Springs, and 34 years after becoming a police officer.

He began a new career as an Episcopalian deacon ministering to the homeless and marginalized, following the example of his inspiration, St. Francis of Assisi, who is said to have kissed a leper and realized he had kissed the flesh of Jesus Christ.

Even now, he owns three guns, all pistols. He only keeps them for home protection and doesn't shoot them, or even carry them outside his house.

"It's too much responsibility," he said.

Burns retired in August, after 24 years.

He'd always prided himself on not becoming the officer who withdrew emotionally and policed aggressively. Then a man with a facsimile rifle at a gas station interrupted that peace.

Burns spent two weeks after killing Quintana twisting with his decision to shoot, waiting to find out if he'd be indicted. Lying awake in the early-morning hours, he replayed the standoff in his head, reminding himself that Quintana never pointed his gun at anyone.

El Paso County's former sheriff vowed that his department would not file any petitions under a gun-seizure measure passed in 2019. The Colorado Springs Police Department issued Burns his first AR-15 in the mid-2000s.

The day Burns returned to duty he was rolling alone, left without a beat partner because of staff vacancies. He pulled up to the same cluster of businesses where he had encountered Quintana — an area where officers on patrol often discover stolen vehicles — picked up his binoculars and began running license plate numbers. Sure enough, the first plate he plugged into the computer belonged to a car that had been reported stolen.

He drove over and asked a woman to get out of the vehicle. Instead, she reached behind her seat.

"I was already at a 9 out of 10 stress level, being back there, and then when she did that I jumped to a 15," Burns said.



Palms sweating, heart racing, Burns watched in slow motion as the woman's hand returned empty. She eventually exited the vehicle and complied with commands.

"She was just being stupid," Burns said.

The district attorney cleared him of any wrongdoing in the Quintana shooting, saying Burns had a "reasonable belief" Quintana posed an "imminent danger" to the public. Fourteen months later he turned in his department-issued pistol and brought his AR-15 home for the last time. He still trains with it, but it stays locked up in his house when not at the range.

Some Fridays, he has lunch at a local restaurant with Darress and a rotating cast of long-toothed cops.

In September, Burns was honored at a Medal of Valor ceremony for the Colorado Springs Police Department. Wearing a black suit, he stood alongside a parade of honorees in dress blue uniforms who accepted awards for their handling of critical incidents in 2021.

The banquet featured body-camera footage for each of the award-winning interactions and interviews with officers. Burns's reel never mentioned that Quintana's gun was a fake.

Burns says he attends a left-leaning church, by Colorado Springs standards, where only a few members carry weapons in church. There's positive sentiment among the flock for a national assault weapons ban, he said. With a hitch:

"They don't want to give up their own. They say, 'Oh, no. I'm okay. I know what I'm doing.'"

About this story

Reporting by Robert Klemko. Photography by Joshua Lott.

Design and development by Aadit Tambe and Anna Lefkowitz. Design editing by Madison Walls. Photo editing by Natalia Jimenez.

Editing by Debbi Wilgoren, Peter Wallsten and Wendy Galietta. Additional editing by Jordan Melendrez, Kim Chapman and Tom Justice.

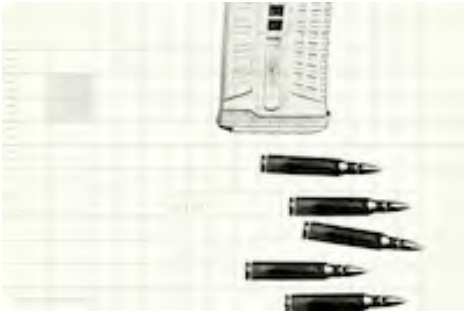
Additional support from Sarah Murray, Courtney Beesch, Angel Mendoza, Kyley Schultz, Brandon Carter. Ashleigh Wilson, Jai-Leen James and Bryan Flaherty.





[Armed with AR-15s, extremist and militia groups anticipate civil unrest](#)

[March 27, 2023](#)



[Magazine restrictions could reduce mass killings by AR-15s, but courts must decide](#)

[March 27, 2023](#)



[Why do people own AR-15s? 33% of owners cited self-defense, poll finds](#)

[March 27, 2023](#)



[Sutherland Springs survivors haunted by an AR-15's carnage, trauma](#)

[March 27, 2023](#)



[How the AR-15 became a powerful political, cultural symbol in America](#)

March 27, 2023



Decades of marketing reinvented the AR-15 into a top-selling firearm

March 27, 2023

## **EXHIBIT 74**

**National** Climate Education Health Innovations Investigations National Security Obituaries

# Why we are showing the impact of bullets from an AR-15 on the human body

The toll that the high-velocity rounds exact as they move through human tissue, bones and organs is not widely understood



By [Sally Buzbee](#)

March 27, 2023 at 6:00 a.m. EDT

In [The Blast Effect](#), The Washington Post shows the mechanics of the AR-15 and the toll its high-velocity rounds exact as they move through human tissue, bones and organs.

The catastrophic damage the bullets from AR-15s cause inside human bodies is rarely made public in detail. News organizations do not generally publish graphic autopsy or crime scene photos because the images could be viewed as dehumanizing, exploitative and traumatizing, or could inflict further pain on the families of victims. As a result, the damage AR-15 fire can do to a human body — a great deal more than handguns — is not widely understood.

When we set out to chronicle the story of the AR-15 in America, we searched for ways to illustrate that effect on bodies in an unflinching but respectful manner. We recognize that this presentation may disturb readers, but we determined the information it contains is critical to the public's knowledge.

Two principles shaped our approach: to show the impact on a body with precision and to share our findings through visualizations that meet our ethical standards. To accomplish that, we decided it was essential to document and depict actual mortal wounds to actual victims, using animated illustrations that show the entrance and exit wounds in human figures.

As part of our reporting, we filed 13 public information requests with medical examiners and other authorities around the country to obtain autopsy reports of victims in mass killings. We then scrutinized nearly 100 autopsy reports from five mass killings to analyze patterns of deadly wounds. That analysis revealed that in four of those shootings, many victims were shot in close proximity, multiple times.

We also conducted extensive interviews with two trauma surgeons, two ballistics experts and a medical examiner about the hallmark indicators of mortal wounds from the high-velocity rounds from the AR-15. We consulted with those same experts to identify several victims whose multiple injuries are typical of the gun's explosive power inside the body.

Among them were two homicide victims: Noah Pozner, who was killed in the 2012 Sandy Hook Elementary School shooting at age six, and Peter Wang, who was killed in the 2018 Marjory Stoneman Douglas High School shooting at age 15.

The Post identified the details specific to Peter's death by matching details from anonymized autopsy reports from the Broward County, Fla., medical examiners' office and the court testimony of Wendolyn Sneed, the medical examiner who performed Peter's autopsy.

Noah's post-mortem examination became public in 2014, when his father, Lenny Pozner, released it to try to counter lies and conspiracy theories that spread about the Sandy Hook shooting.

We decided we would not proceed with publishing the depictions of Noah's and Peter's wounds without the agreement of their families. Both gave their consent — in Noah's case, through the Pozners' attorney, and in Peter's case, through a cousin who serves as a family representative. They declined to review the presentation before it published.

Using court testimony from medical examiners and autopsy records, a team of journalists created three-dimensional illustrations that depicted where the bullets hit Noah and Peter. We selected a monochromatic palette for the presentation and used color only to direct attention to key findings. To focus on the parts of the body that were struck in both the hypothetical scenario of a chest wound and in the models created from autopsy reports, The Post removed some anatomical references from the illustrations.

The first part of the resulting piece models a hypothetical gunshot to show the effect of a single bullet if it were to hit a person in the chest. The second part features separate illustrations that depict the actual entrance and exit wounds of Noah and Peter, based on the public records we examined.

When writing an autopsy report, a medical examiner meticulously investigates every wound and every inch of a body. We have followed that rigor in creating [this account](#).

## **EXHIBIT 75**

## Parents were asked for DNA samples to help identify victims.

DNA testing is more accurate, according to a medical examiner, but it also spares parents the trauma of having to view photos.

By Michael Levenson

May 25, 2022

Among the countless chilling details to emerge from the school shooting in Uvalde, Texas, on Tuesday was this: The authorities had asked parents waiting in agony for news about their children to give DNA samples.

The request suggests that some of the 19 children who were killed may have been so severely wounded and grouped so closely together that they were difficult to identify, according to experts in medical forensics.

All of the dead and injured were in one classroom at Robb Elementary where the gunman had barricaded himself, Lt. Chris Olivarez, a Texas Department of Public Safety spokesman, told CNN.

The gunman had also purchased two “AR platform rifles” and 375 rounds of 5.56 ammunition, which is often used in the military, the authorities said.

“A high-powered firearm can cause very devastating injuries and can make identification challenging from a visual point of view,” Dr. James R. Gill, Connecticut’s chief medical examiner, said in an interview on Wednesday.

DNA testing, he said, is not only more accurate, but it also spares parents the trauma of having to view photos like the ones that were shown to parents after 20 children were fatally shot at Sandy Hook Elementary School in 2012.

“More and more offices are moving to scientific methods for identification because, with visual identification, the parents are in shock, you’re showing them a photograph, they’re in denial,” Dr. Gill said.

DNA testing also helps the authorities be as certain as possible that they are positively identifying fatally injured children who may look or dress alike and who don’t have ID cards, tattoos or fingerprints on file.

DNA testing can be performed in about an hour, Dr. Gill said, and makes it much less likely that the authorities release the wrong body to a family, which he called a “nightmare” scenario for medical examiners.



## **EXHIBIT 76**

# Sutherland Springs survivors haunted by an AR-15's carnage, trauma

Silvia Foster-Frau, Holly Bailey

SUTHERLAND SPRINGS, Tex. — Multitudes of purple freckles dot Morgan Workman's legs, arms, chest and cheekbone — tiny shards of metal from bullets and shrapnel that struck her as she worshiped in her church more than five years ago.

The fragments are leaching lead. Workman suffers from toxicity symptoms, including body pains, fatigue, depression — and has been told by doctors that she probably can't have a baby.

"It feels like it was yesterday, like we're still going through all of it," Workman, 25, said. "Very uncommonly does a Sunday go by that I don't think: 'What if? How would I get out? Would I get out? Would I be able to do something?'"

American Icon

A series examining the AR-15, a weapon with a singular hold on a divided nation

More stories

About the terminology

Colt acquired the AR-15 patent and trademark from Armalite in 1959. The patent expired, leaving many companies to produce their own weapons, commonly called AR-style rifles. While Colt still holds the trademark, "AR-15" has become a ubiquitous term for a popular style of gas-operated, magazine-fed semiautomatic rifles. For this reason, we refer to the rifle broadly as the AR-15 in this series.

Workman was shot twice when a gunman opened fire in the First Baptist Church of Sutherland Springs, slaying worshipers gathered for Sunday service. More than two dozen of her fellow parishioners and closest friends died in the Nov. 5, 2017, attack.

Twenty others were wounded, sentenced to lives of unending pain and illness.

David Colbath, shot nine times, suffers from high levels of lead in his blood. He can barely stand or use his hands without pain. Kris Workman, Morgan's brother-in-law who was shot twice, was paralyzed from the waist down and told by doctors he'd probably never walk again or conceive

children.

John Holcombe and his now-12-year-old daughter, Evelyn, cling to each other for support. His pregnant wife, Crystal, had shielded Evelyn from the gunman and was killed along with Evelyn's three siblings and grandparents.

Some of the survivors have moved away from Sutherland Springs. Some have contemplated suicide.

The physical impact of the bullets and the number of lives lost were magnified by the shooter's chosen weapon. Devin Patrick Kelley, wielding a Ruger AR-556 rifle, fired 450 military-grade bullets inside the church within minutes, all of which left the barrel at a velocity of around 3,200 feet a second.

The devastation was incomparable to damage from a handgun or shotgun. Doctors who treated the victims likened the wounds to something they might have seen on a battlefield.

"The high-velocity firearm injuries, when they come in, you're missing body parts, and there's bleeding," said Lillian Liao, a trauma surgeon at University Hospital and UT Health in San Antonio. "You don't see muscle. There's just bone and skin and missing parts."

Five years on, many in the working-class town of 600 — nestled in the dusty-road countryside an hour southeast of San Antonio — still attend services every Sunday. They pray in a new church built next to the old one. The sanctuary, funded by donations from around the country, has fortified walls and security cameras. Many of the congregants — in addition to those in the church's new security team — carry guns on their hips for protection.

Every Sunday, they chime a bell in the church's tower where 25 portraits of those lost hang high, along with an image of angels to honor Crystal's unborn child. Children hobble through the pews with leg braces, men carry colostomy bags that sometimes leak. Some, like Workman, are marked by sprays of odd-looking freckles.

In the years since the shooting — years of weekly doctor's appointments, therapy to cleanse her blood and severe bouts of depression — Morgan Workman has been, in the words of a co-worker, "an island of hope in a sea of despair." She clings to that. Not because she believes it to be true, but out of hope that one day it could be.

"I want to be the person that's happy and positive even if they're struggling. I want to be smiling even if I'm having a really hard day. I want to find what's good in the day," Workman said. "But some days, the birds, the breeze — that's all you can find."

'It looked like a bomb went off'

As David Colbath's blood pooled on the church's red carpet, as his friends were shot and killed around him — he thought of his children, and his savior.

Eyes shut, he recalled whispering again and again: "I love you Morgan, I love you Olivia, I love you Jesus."

The first gunshots sounded like fireworks.

On the lawn, 26-year-old Kelley — clad in body armor, his face concealed by a mask of the Marvel character the Punisher — was firing his rifle at the outside walls and front door of the tiny church.

1

<sup>1</sup> Overview of the Texas Rangers' [report](#) on the shooting

Colbath was one of the first people to be hit, catching a glimpse of the shooter from the church entranceway before his arm was shot. "Get down!" he recalled screaming. "Get on the floor!"

As parishioners ducked for cover, Kelley stormed the church and stalked the aisles, shooting people at point-blank range. He fired 196 times inside the church in 16 separate bursts, according to a report based on recovered bullet casings and analysis of a church video. The dead ranged from age 1 to 77.

2

<sup>2</sup> Texas Rangers' shooting [analysis](#).

[Terry Snyder](#), a longtime Texas Ranger among the first on the scene, later described seeing victims where bullets had "disintegrated the skull" — including a toddler's. Testifying in a civil trial, Snyder twice choked up on the witness stand.

3

"Even the survivors, the wounds that I saw ... it was unbelievable, just the damage that the bullet would cause," Snyder said.

In testimony as part of a lawsuit against the U.S. Air Force for failing to report Kelley's criminal history to the FBI, John Holcombe described the horror he saw when he emerged from the sound booth.

"The kids were just laying there piled up with their faces blown off," Holcombe testified. "I couldn't even see [Crystal's] beautiful face anymore. It was just a crater."

4

Rusty Duncan, a paramedic from a neighboring town who happened to be driving by and was one of the first responders to enter the church, recalled "walking into a war zone where everyone was already dead."

"It looked like a bomb went off in there," Duncan said. "Just pieces of people everywhere."

Kelley fled the scene and [killed himself hours later](#). Police later said they believe the gunman was [targeting some relatives](#) who attended the church because of an [ongoing "domestic situation."](#) One of the relatives, his mother-in-law, Michelle Shields, was not at church that day, but her mother, Lou White, was. She was killed.

'It would be better if I had gone'

The past is so precious to Holcombe that he has frozen time.

A wastebasket filled with Crystal's crumpled papers and empty Dr Pepper cans still sits on one side of his bed. He's kept a foam Polar Pop cup, lid and straw intact; it was the last drink she sipped on. The registry for the baby they never had is [still online](#).

"One of the most important things we have is time," he said on a recent afternoon. "I regret not spending more time with the rest of my family when they were here. That's something I can never get back."

Holcombe lost both of his parents in the attack. His brother and niece were also killed. Only Evelyn, his youngest daughter, and Philip, his oldest son, survived. Holcombe wasn't shot, but fragments of shrapnel were lodged in his back and picked out later at the hospital. Evelyn, 7 at the time, was saved by her mother, who threw herself on top of her.

Holcombe has never stopped questioning why he survived instead of the other members of his family. "It would be better if I had gone and Crystal would've stayed," he said.

He can't dwell for too long. He has an energetic, wild-haired middle-schooler to feed and entertain and put to bed every night. Evelyn pulls him into the present in the moments when he smells Crystal's purple robe for too long, willing her scent to return to the fabric.

"Daddy, grab my feet!" she called to him on a recent afternoon, interrupting him as he examined the faint crayon writings of Megan and Emily, her deceased sisters, on the living room blinds.

Evelyn lay on a blue blanket on the living room floor, her blond hair splayed around her as she pushed her feet out into the air so that he could pull her around like a human mop.

"Woo hoo!" she said as he did. Soon, Philip would come home from work and be her next target for attention.

Later, John confessed: "If they weren't here and it was just me — I would be gone."

Holcombe smells his late wife's robe, willing her scent to return to the fabric. Framed photos of his deceased children sit on his shelves.

Evelyn loves Subway sandwiches that ooze with mayo and bounding on her trampoline in the

backyard. Her mind wanders quickly from subject to subject.

But she can talk almost encyclopedically about mental health and depression.

"People don't know how to handle their depression," Evelyn said on a recent afternoon. "Depression isn't just a feeling, and you can't just snap out of it. It's like ... a hatred that's sucking inside of you and you have no happiness, no joy, and you don't know what to do, you're lost."

After losing three siblings and her mother, she struggles to imagine herself as an adult. When John was explaining that he saved Evelyn's Hello Kitty playhouse — a gift from her mother — because she might want it when she gets older, Evelyn interjected. "I don't think I'll grow up," she said.

She shivers at loud noises. When Evelyn attended a church sleepover on a recent Friday with a handful of other girls, she ran up to another parishioner who survived the shooting and cupped her hands over her ears silently, her eyes pleading: She wanted earmuffs to dull the sounds of the other girls' loud screaming.

Wind chimes that Evelyn's late mother hung from the tree still tinkle in the breeze outside their home.

On the day of the shooting, Evelyn was found underneath her mother. She was covered in so much blood and body matter that a rescuer initially thought she might be dead.

Over the years, Evelyn has slowly opened up to Holcombe about what she saw and heard that day — how Evelyn locked eyes with Kelley and heard her mother's pleas for mercy. "One thing that she shared with me was that Crystal begged Kelley not to kill the kids," Holcombe testified at trial. "And so he shot them ... in front of her. He shot them first."

Crystal was a gardener and an animal lover, Holcombe said. Holcombe bought Evelyn three baby white Pekin ducks for her birthday. When one got hurt, he drove from vet to vet, emptying his wallet and gas tank to try to save it. He wants his children to know that life is sacred, even though they've grown up around so much death.

Evelyn takes home-schooling classes online, which allows the Holcombe family to travel. In the past year, they have gone to Redwood National and State Parks, Mount Rushmore and Wyoming's Devils Tower National Monument.

Next, Evelyn wants to see a big waterfall and visit a Brazilian cocoa farm. So John is spending his time after work looking up places where they can do that.

"My main thing in life," he said, "is for her to be happy despite all the hell she has been through."

'I've normalized pain every night'

Colbath was shot nine times in the arm, leg and back.

He recalled needing six surgeries in the weeks after the shooting, as doctors decided which bullet fragments to remove, and which were buried so deep they were better left inside him. In the years since, bullets were also removed from his left side and back.

When he returned home from the hospital, Colbath could no longer do simple tasks independently. He had to submit to being cared for and asking for help, his family and health-care workers tasked with changing the bandages covering gruesome wounds on his buttocks and back.

David Colbath visits the church where he was shot nine times, which is now a memorial. Chairs with roses honor the people killed in the massacre.

One of his arms is numb, with a chunk of flesh cut out from his forearm and knotted skin stretching across it. The other hand is hypersensitive, with frequent nerve pain and uncomfortable sensations at the slightest touch. His ankles have scars from bullet wounds and are often swollen, preventing him from standing too long. His lead levels are above average, he said.

Colbath, now 61, gained more than 65 pounds after the shooting, and he had a gastric bypass procedure in December to help manage his weight. In the first year, his injuries prevented him from working as a fence repairman, and sky-high medical bills meant he had to rely on donations from the church and friends to get by. He no longer receives money from the state's victims' crime fund, he said, and hasn't applied for disability payments from the government.

He takes eight to 12 ibuprofen pills a day, he said, in addition to a handful of Tylenol at night.

"I've normalized pain every night. I've normalized pain every day," he said recently. "I'll never be normal again."

5

Brief moments of terror interrupt his daily life; unexpected loud noises send him into a tailspin of fear. He has struggled with the guilt of having been unable to stop the gunman. "I've had a really hard time in being able to overcome not being able to do anything," he said. "You grow up as a man's man and you think you can conquer the world, maybe. And it's amazing how one bullet hole in your arm stops you from doing everything."

Despite his struggles, Colbath has continued to attend First Baptist Church, the center of his social life in the town. Three years ago, he married Sheri Kay, a fellow parishioner who lost her nephew and niece — Robert and Shani Corrigan — in the attack. They wed in the church's new building.

"In spite of everything that I've been through, I have a big joy in my heart, not a big hole," Colbath said. "When I wake up, I am smiling and happy. And that's not a joke — that's the absolute truth. I believe the Lord has given me that and said, 'You've got another chance, what are you going to do with it today?'"



'Mourning that loss'

A nurse slowly inserted a needle into Morgan Workman's arm, funneling a mixture of vitamins into her bloodstream. Workman receives this treatment every week to help with her lead levels and takes nearly 30 pills daily to manage her symptoms.

"I'm still always at the doctor's," she said as the yellow-green liquid began to flow.

Workman developed problems with her feet soon after the shooting from the lead in her system, she said, and she relied on various leg braces for years until 2021. She still suffers from piercing headaches, sustained dizziness and an inability to sleep through the night.

Morgan Workman cradles her emotional support dog, Lux, whom she adopted last year.

In the first couple of years after the shooting, Workman's metal toxicity levels were dangerously high, she said. Doctors put her on a chelator, which filters out lead from the blood. As part of the treatment, doctors drew between 16 and 30 vials of her blood every Friday. The treatment required her to go through an intense diet; she lost 40 pounds.

When her symptoms were still not improving, Workman stopped the chelation and began an alternative treatment.

The lead in her body is also detrimental to fetal development, several doctors told her. As a result, Workman was advised not to have children with her husband of four years, Kyle Workman. They yearn for a future they cannot have.

"I almost feel like I'm mourning that loss," Morgan Workman said. "People describe how you have this incredible connection with this child because it's in your body, you can feel them moving, you can feel them kick. ... It's never going to be something that's not hard to deal with."

Kyle is a survivor, too. During the shooting, he found a moment to flee the church — the only congregant to do so — racing across the street to the gas station, his shirt splattered in blood. The store owners opened the locked door for him and he ran in before collapsing to a crawl and sliding up against the back wall, in shock.

6

"Almost any little thing can bring me back to it. Gunshots still, loud noises still, funerals still. There's a lot that can bring me back to five years ago," Kyle Workman said.

Both Kyle and Morgan live like that together, jolted by the thud of a forklift or the sound of a critter digging under their house. Snippets of music remind them of their closest friends who were murdered. And a court case requires them to recount and relive the day of the shooting again and again.

[The couple got married](#) about two months after the shooting. They left empty chairs at their wedding for six guests who were killed.

Kris Workman was paralyzed in the shooting but continued to lead the worship band.

Every Monday, they join their sisters and brothers at her parents' mobile home to cook a meal together. The trailer is the church's old youth room. It was put up for sale after the shooting because the new church includes the space.

It still has the faded blue carpet from back then, with stains from iced tea spilled by children who are now dead. Stickers on the restroom doors were placed there by Karla Holcombe, who was killed.

And there are two bullet holes: one visible on the outside, a green arrow drawn by first responders pointing to it. Another is at the bottom of a window, its spiderweb of fractures covered up with neon green tape.

"It's a little strange" living in that space, said Unitia "Nish" Harris, Morgan Workman's mother, as she looked around at their living room, a pew from the old church resting along one wall.

Morgan Workman talked and joked with her siblings and brothers-in-law as she ate an egg roll bowl, a tattoo of the badge number of the first responder who had found her the day of the shooting just visible on her ankle.

"I'm glad that I had dinner with my family. Before I left the house I was just, I was struggling," Workman said teary-eyed after the meal. Her family, she said, has saved her. "It's a really, really big blessing to have that and to have gone through hell and high water together and know that everybody has each other's backs."

'Life continues'

On Sept. 25, Pastor Frank Pomeroy, who had led services at the First Baptist Church of Sutherland Springs for more than 20 years, and who held the congregation together during the biggest tragedy of their lifetimes, took to the pulpit one last time.

The service, weeks before the shooting's five-year anniversary, would be his last one as pastor before retirement.

He wore a light blue collared shirt and one of his signature quirky ties — this time, his Winnie the Pooh and Tigger one. Sherri Pomeroy sat proudly in the front row, tears in her eyes and overwhelmed by the significance of the moment.

It had taken years for the horror of the shooting to catch up with Sherri. The couple were not at church that day. Frank had been in Oklahoma City, taking a firearms class, and Sherri had been in Florida working for the Federal Emergency Management Agency. Their 14-year-old daughter,

Annabelle, was there. She was killed.

In the hours and days after the attack, the Pomeroy's had little time to grieve. They served as spokespeople for mourning families and de facto mental health counselors. They distributed donations and fended off [conspiracy theorists](#) who approached the church with cameras claiming that the shooting was a hoax.

They were so busy that their family frayed. At one point, their five surviving children told them: "'We didn't just lose Annabelle, we lost y'all too,'" Sherri said.

The Pomeroy's said they struggled to help their family and friends through a tragedy that had occurred when they were out of town. They said they wondered if they could have saved their daughter if they had been at the church that day — and they questioned why God would allow her to be killed while sparing them.

About three years after the shooting, Sherri wanted to end her own life.

"I was suicidal," she said. "I didn't want to struggle to get out of bed or do anything anymore. I just wanted to succumb."

Immediate intervention from her husband and close friends coupled with group therapy helped her mental health. But when Frank had his own health scare last year, the couple decided they would step away from church leadership, sell their things and move into a camper to travel. It was time to let themselves heal.

Before Frank Pomeroy's last service as pastor, the congregation rings their church bell in honor of the lives lost. The new church has a security team, and several of its members carry guns.

All around them on their final day leading the congregation were the survivors.

The worship band performed as it always had, with Kris Workman at the helm. Guitar propped on his lap, legs settled on his wheelchair's footrests, he bellowed the lyrics: "Death is swallowed up forever by the fury of your love."

David Colbath sat a few rows from the front, smiling with his eyes closed as he held hands with his wife, Sheri Kay Colbath.

In the back, John Holcombe fiddled with his computer, monitoring the church services' various live streams online, smiling as Evelyn rushed by him with three other girls. They made their way to the front of the pews where she knelt and prayed.

Morgan Workman sat just behind Holcombe, still working the sound booth as she had been doing on the day of the shooting, singing with the worship band despite another debilitating migraine that sliced through her head.

Beside her was her sister Colbey Workman, who had been told for years that the paralysis of her husband, Kris, would prevent them from having children.

But there she sat, her hand on a round belly — their “little miracle,” she called it. The doctor’s due date: Nov. 5, 2022, five years to the day after the shooting. Ronen Anthony Rivas Workman was born five days early.

“If you go through awful and can only see awful then you’re going to never move forward,” Morgan Workman said. “The only way you’re able to move forward and make that progress is to look and see what good we’re able to still have.”

About this story

Reporting by Silvia Foster-Frau and Holly Bailey. Photography by Lisa Krantz.

Design and development by Anna Lefkowitz and Aadit Tambe. Design editing by Madison Walls. Photo editing by Natalia Jimenez.

Editing by Amanda Erickson, Peter Wallsten and Wendy Galletta. Additional editing by Jordan Melendrez, Kim Chapman and Tom Justice.

Additional support from Sarah Murray, Courtney Beesch, Angel Mendoza, Kyley Schultz, Brandon Carter, Ashleigh Wilson, Jai-Leen and Bryan Flaherty.

## **EXHIBIT 77**

## After Texas Mall Shooting, Searching for Motive and Grieving for Children

As the city of Allen mourns victims, authorities examine racist social media posts that they say belonged to the gunman.

By Alan Feuer, Adam Goldman, Neelam Bohra and Livia Albeck-Ripka

May 8, 2023 Updated 3:26 p.m. ET

Investigators trying to learn why a gunman fatally shot at least eight people at a Texas mall are examining a social media profile, rife with hate-filled rants against women and Black people, that they believe belonged to the gunman.

The profile, found on the social media site OK.RU, matches the gunman's birthday and refers to a motel where he was staying before the shooting. The profile also includes language praising Hitler, with references to neo-Nazi websites like The Daily Stormer.

On Sunday, officials identified the gunman, who was killed at the mall by a police officer, as Mauricio Garcia, 33. The motive for the attack remains unclear.

The police say he opened fire Saturday afternoon at the Allen Premium Outlets, a busy outdoor mall about 25 miles north of Dallas with more than 120 stores. Nine people were pronounced dead, including the gunman, and at least seven others were injured.

Investigators want to know more about the gunman's motive, in part to determine whether the attack may have been connected to any wider threat to public safety that may persist even though the gunman is dead.

Two law enforcement officials said Mr. Garcia appeared to espouse white supremacist ideology, though it was not yet determined whether the shooting was an act of domestic terrorism.

At the shooting on Saturday, the gunman was wearing a patch that said "RWDS," an abbreviation known to stand for "Right Wing Death Squad," according to one official.



Shoppers leaving the mall as law enforcement officers responded to the shooting. ABC Affiliate WFAA/Via Reuters



The phrase harks back to Gen. Augusto Pinochet's violent right-wing regime in Chile in the 1970s and 1980s. The Pinochet government was notorious for assembling death squads that murdered their leftist enemies.

More recently, neo-Nazi groups in the United States and members of other far-right organizations like the Proud Boys have claimed the phrase, and often wear the abbreviation on clothing or patches. The Proud Boys in particular often combine RWDS labels with shirts reading, "Pinochet Did Nothing Wrong."

The online profile being investigated also includes several pictures showing a black tactical vest with an RWDS patch. The patch has the shape of a shield with a notch in its upper right corner — an echo, experts say, of similar patches worn by Nazi SS units. In addition, the profile includes a screenshot from Google Maps showing the time at which the mall where the shooting took place was likely to be busiest.

Though the writer of the posts suggests several times that they are of Hispanic origin — at one point indicating they are originally from Mexico — there is also a clear embrace of white supremacy. As recently as last month, the account contained a post saying that "white people and Hispanics have a lot in common."

The identities of the shooting victims have not yet been released, another factor that leaves the motive murky. Even so, one fact weighed heavily on the suburban community outside Dallas where the murders occurred: There were children among the victims.

Although the police would not indicate how many children died, officials including President Biden acknowledged that there were more than one.

The ages of the seven people injured in the shooting ranged from 5 to 61, according to a spokesman for Medical City Healthcare, the hospital system treating some of the patients. As of Sunday afternoon, one patient had been transferred to a children's hospital and was in fair condition. Three patients — their exact ages not yet released — remained in critical condition, while the others were in fair condition, according to Oscar Villarreal, a lieutenant in the state's Department of Public Safety.

For one man who saw a young victim up close, the memory was devastating. In the moments after the shooting, as people fled the shopping mall in panic, Steven Spainhouer sped in his car in search of his son, an H&M employee, who had called him minutes earlier about an active shooter.



Steven Spainhouer sped to the mall after receiving a text from his son, an employee there, about the shooting. Cooper Neill for The New York Times



Mr. Spainhouer, a former police officer and Army captain who is 63, said that when he pulled into the parking lot, he did not see any police officers, and everything was quiet. He said that as he approached the H&M store, he found the windows shot out and several people lying on the ground, including a child lying in some bushes. He saw her “in a praying position with her head tucked down between her knees.”

Mr. Spainhouer reached to feel for a pulse. There was none. Then he turned her head to ask if she was OK. “She had no face,” he said.

At a news conference in Austin on Monday, Gov. Greg Abbott said it remained too early to draw conclusions or develop policies in response to the shooting in Allen. “The first step to leading to some kind of resolution here, as well as providing information about the response needed from the state of Texas, is to know exactly why and how this happened,” he said when asked if more could be done to keep AR-15-style weapons out of the hands of people like the shooter.

“I believe in the coming days the public will be much better informed about why and how this happened,” the governor continued, “and that will inform us as Texas leaders about next steps to take to try to prevent crimes like this from taking place in the future.”

On Sunday night, Mr. Abbott joined Baine Brooks, the mayor-elect of Allen, and other officials at a prayer vigil at Cottonwood Creek Church in Allen. Mr. Brooks mourned “the kids that were to show up at home” and no longer were.

Kelly Lee, who lives in nearby McKinney, north of Allen, attended the prayer vigil as well. She said that she often went to the outlet mall, but was not there on Saturday.

Ms. Lee picked up flowers on the way to the vigil and planned to drop them off at a makeshift memorial by the mall. She shook her head and wiped away tears.

“I don’t know what is happening with our country,” she said.

Mary Beth Gahan and J. David Goodman contributed reporting.

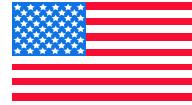
## **EXHIBIT 78**



**DAILY DEALS**

[HOME](#) / ABOUT PALMETTO STATE ARMORY

**AMERICAN MADE. FOR LIFE.**



## **FREEDOM OVER PROFIT.**

Since its inception, Palmetto State Armory has focused on providing the best quality AR-15 parts and accessories for the best price possible. Following year after year of exponential growth, Palmetto State Armory's core principle remains the same, and our commitment to freedom before profit remains unwavering. The idea is simple:





SELL AS MANY GUNS TO AS MANY LAW-ABIDING  
DAILY DEALS  
AMERICANS AS POSSIBLE.

Putting guns into "common use" is an important legal defense established by the Supreme Court that safeguards the rights of the people against tyranny by prohibiting restrictions on firearms found to be "in common use". Putting any gun into "common use" protects against any attempt by the government to further infringe on the Second Amendment right of all Americans.

OUR MISSION IS TO MAXIMIZE FREEDOM, NOT OUR PROFITS. WE WANT TO SELL AS MANY AR-15 AND AK-47 RIFLES AS WE CAN AND PUT THEM INTO COMMON USE IN AMERICA TODAY. OUR FOCUS ISN'T TO MAKE MASSIVE AMOUNTS OF MONEY BUT TO SPREAD FREEDOM AS FAR AND WIDE AS POSSIBLE. OUR LEGACY WILL NOT BE ABOUT MONEY; WE WANT OUR LEGACY TO BE ABOUT MAXIMIZING AMERICAN FREEDOM. AND WE WORK EVERY DAY TO DO JUST THAT. WE MAKE HIGH-QUALITY FIREARMS AT AFFORDABLE PRICES FOR EVERYONE! THEN WE BACK THEM WITH A FULL LIFETIME WARRANTY.

## 100% LIFETIME WARRANTY.

Palmetto State Armory firearms are covered by an industry leading 100% LIFETIME WARRANTY. This extends beyond the original purchaser. We want the person who bought a great quality firearm at an excellent price to have comfort in knowing that no matter what, the firearm can be fixed at no additional cost.





THIS INCLUDES SHIPPING BOTH WAYS.  
DAILY DEALS

We strive for excellence all the way through production and hope customers never *have* to use this warranty but we also pride ourselves in 99% non-repair/return ratio. It is there for peace of mind so that the consumer can be confident in their purchase. Should the consumer ever need to contact us regarding a repair under the warranty, simply use our [CONTACT FORM](#) for the fastest response.

# HUMBLE BEGINNINGS. INDUSTRY EXPERTS.





### DAILY DEALS

The family of companies to which Palmetto State Armory belongs includes: DC Machine in Summerville, SC; Ferrous Engineering in West Columbia, SC; Special Tool Solutions in Jacksonville, FL; Spartan Forging in Lincolnton, NC and Lead Star Arms in West Columbia, SC.



With the combined expertise and experience of this robust family of manufacturers and innovators in the firearm components and accessories industry, Palmetto State Armory is able to have ownership in every step of the process of its firearms - from the first forging of the receivers to the last twist of the muzzle brake.

Making it ourselves allows us to keep the price low, the quality high and stay strongly invested in researching and developing new products. And on top of that, we back our product with a 100% Full Lifetime Warranty. If it has our name on it we will back it up. Whether you're the first, second or tenth owner, we guarantee our quality. Ten years from now or thirty years from now, we guarantee it. We want this to be fun, and it's only fun if it works.





# MEET OUR LEADERSHIP.

Founder

## JAMIN MCCALLUM



As a small arms expert in the military, Jamin's love for the M16/AR15 platform began. In the early days of PSA, a "mis-shipment" of what was supposed to be PMAG's came as buffer tubes. This began his quest to find out how to PSA could develop our very own AR-15. In 13 short years a lot has happened. Jamin has lead PSA to a full-scale AR production line, AK line, and so much more to come. Besides thinking of new business opportunities, Jamin enjoys spending time with his wife Deborah, their two children, and his black lab Midnight.





**DAILY DEALS**

As founder Jamin McCallum remembers his time on deployment in Iraq. He says his time on the ground there helps motivate the mission of Palmetto State Armory to this day.

"I'VE SEEN WHAT A SOCIETY LOOKS LIKE WHEN IT FALLS APART. IT'S REALLY, REALLY BAD. THAT'S WHY OUR MISSION IS TO MAXIMIZE FREEDOM, NOT OUR PROFITS. WE WANT TO SELL AS MANY AR-15 AND AK-47 RIFLES AS WE CAN; NOT TO MAKE A MASSIVE AMOUNT OF MONEY, BUT TO PUT THEM INTO COMMON USE IN AMERICA TODAY.

I DON'T WANT MY LEGACY TO BE THAT I MADE A LOT OF MONEY, I WANT IT TO BE THAT THIS COMPANY PRODUCED THE MAXIMUM AMOUNT OF FREEDOM. AND SO WE WORK EVERY DAY TO DO JUST THAT. MAKE HIGH QUALITY FIREARMS AT A PRICE THAT MAKES THEM AFFORDABLE TO THE MOST PEOPLE POSSIBLE. THEN WE BACK THEM WITH A 100% FULL LIFETIME WARRANTY.

IF WE CAN DO THAT, I CAN SLEEP AT NIGHT."

Palmetto State Armory continues to pursue its founding principle every day by building firearms in Columbia, SC that carry a 100% Full Lifetime Warranty and a price point that makes them accessible to as many people as possible.

**AMENDMENT II**





A well regulated Militia, being necessary to the security of a  
the right of the people to keep and bear Arms,  
shall not be infringed.



DAILY DEALS

Sign up for our Daily Deals and News



Questions? Need help? Call us: (877) 560-7229



About SSL Certificates

COMPANY

INFO

LEGAL

CONTACT INFORMATION

Blog

Check Shipping Status

Terms & Conditions

Palmetto State Armory  
3760 Fernandina Rd.  
Columbia, SC 29210

Careers

My Account

Retail Return Policy

About PSA

Contact Us

Shipping Restrictions



Rebates & Promotions

Privacy Policy

HELP CENTER



[Retail Stores](#)

[Compare Products](#)

[Sitemap](#)

[Defense](#)

[Check Order Status](#)

**[DAILY DEALS](#)**

SC

**PALMETTO**

[Card Balance](#)

Sh

STATE ARMORY

[Forum](#)

[Buying a Gun Online](#)

[The Gathering](#)

[FFL Locator](#)

[Product Manuals](#)

[California Buying Guide](#)

© 2022 PALMETTO STATE ARMORY. ALL RIGHTS RESERVED.



## **EXHIBIT 79**



Search

GUN REVIEWS ▾

GEAR REVIEWS ▾

COLUMNS ▾

BUY GUNS

SHOT SHOW 2023

SUBSCRIBE NOW

#HUNT365

GUN NEWS

## AR-15 vs M4: Exploring Key Differences & Similarities

by CHRIS LINVILLE on MAY 18, 2023

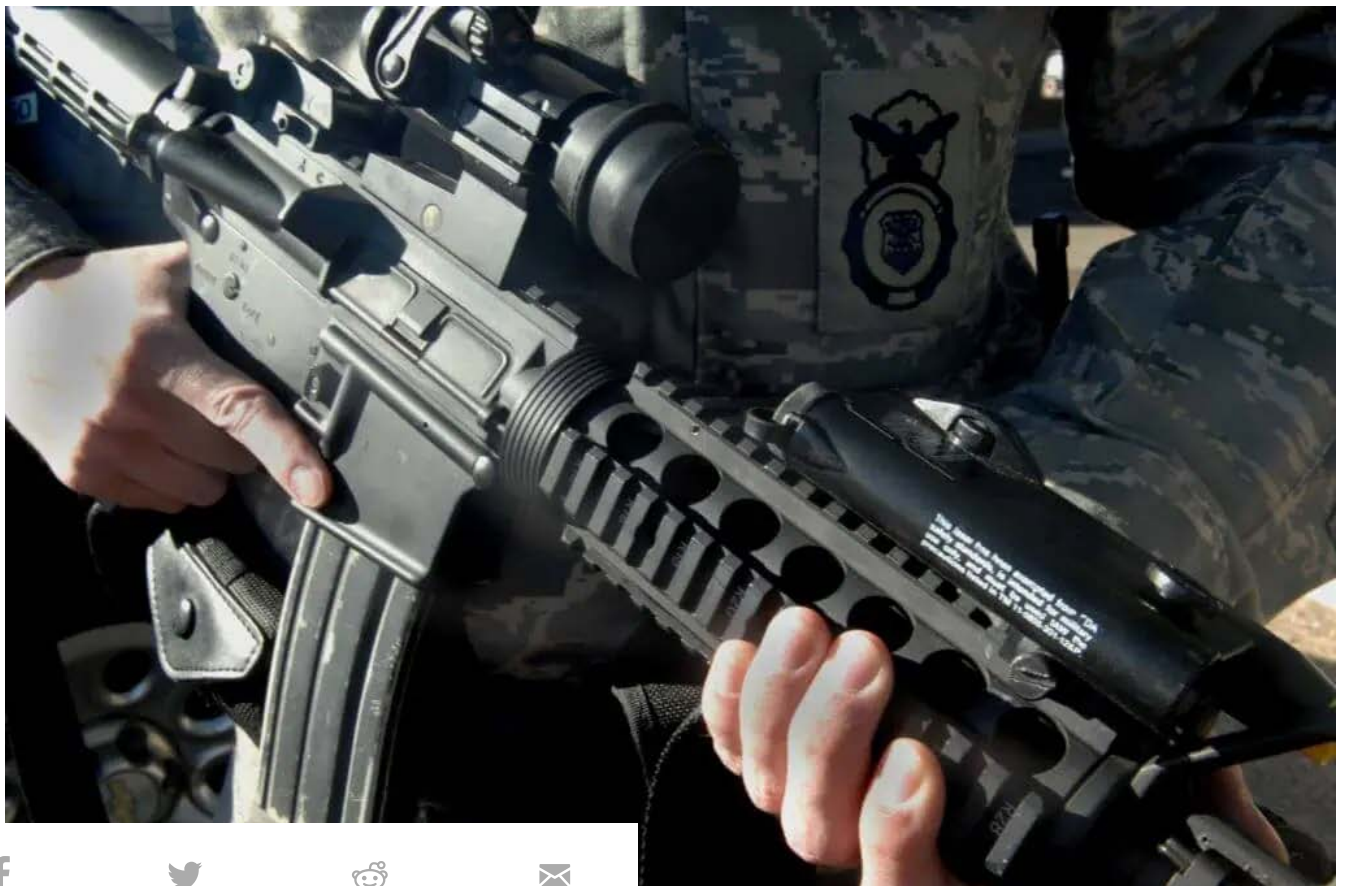


Related Tags: [Guns](#), [Tactical](#)



Estimated reading time: 5 minutes

Let's delve into the AR-15, a name that often resonates within firearm circles and news headlines, and its counterpart, the M4. Curious about how these two guns differ? Keep reading to discover the fascinating histories and subtle distinctions that set these two exceptional rifles apart.



*M4 Rifles are not typically available to the public, and are reserved for military use.*

## Table of contents

- [Understanding the AR-15](#)
- [The Birth of The Rifles](#)
- [Tracing the M4's History](#)
- [AR-15 VS. M4: Spotting the Differences](#)
- [AR-15 & M4: The Commonalities](#)
- [The M4 VS. the AR-15: Which takes the trophy?](#)
- [Concluding the AR-15 & M4 Discussion](#)

## Understanding the AR-15

At first glance, the M4 and AR-15 might appear identical. However, upon closer inspection, you'll realize that while they share similarities, there are crucial distinctions between them.

The most straightforward way to differentiate them is to note that the M4 can operate in either a full-auto or burst fire mode, a feature the AR-15 lacks.

Minor differences in the AR-15 and M4, such as barrel length and attachments, exist but do not change much about the rifle's performance or functionality.

### Available on GunsAmerica Now



**BROWNELLS AR15 223556 AR15**

**\$700.00**



**AR15 in 223 Wylde fluted barrel  
shoots 5.56 NATO&(223) (no card**

**\$495.00**



**AR47 / AR15 that s  
round 7.62x39mm**

**\$565.**

## The Birth of The Rifles

To fully appreciate these rifles, it's essential to understand their histories, which provide insight into their design and functionality.

Tracing the AR-15's Footprints Armalite first conceived the AR-15 in 1956 as a smaller variant of the AR-10. Contrary to popular belief, the "AR" in AR-15 stands for Armalite Rifle, not "assault rifle," with "15" representing the model



The AR-15's design was a response to the U.S. Army Command's request for a compact .223 rifle to potentially replace a collection of existing weapons. Despite superior testing performance, the AR-15 lost out to the M14. Financial constraints led Armalite to sell the AR-15 design to Colt in 1959. Colt made several design improvements before initiating mass production and offering the gun to military organizations.

The Colt AR-15 found success in niche markets, with notable early adoption by the U.S. Air Force. By 1963, U.S. Secretary of Defense Robert McNamara approved the AR-15, which was subsequently renamed the M16, for military use. Colt introduced a semi-automatic AR-15 variant for civilian and police use in 1964, and after Colt's patent expired in 1977, other manufacturers began to produce their own AR-15 versions.

Fast forward to the present, virtually every firearms manufacturer offers their version of the AR-15 style rifle, with a vast market for AR-15 parts and accessories thanks to its modular design.

*The Vickers Guide is is a great resource to learn more about the AR-15*

[Purchase the Vickers Guide: AR-15 Here](#)

### Tracing the M4's History

The M4's history builds upon the AR-15 and M16. After the M16's adoption, the military requested a compact version suitable for close-quarters combat, resulting in Colt producing the Colt Commando XM177 in 1966.



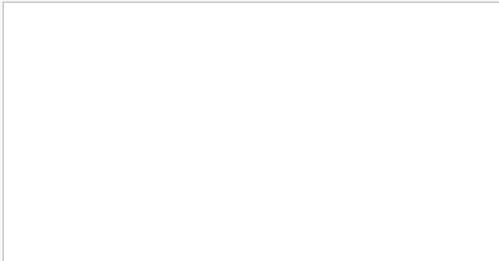
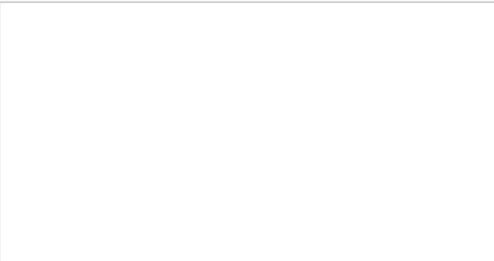
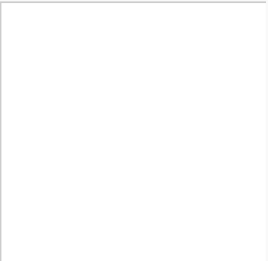
However, the Commando had issues with range and accuracy due to its shortened barrel, prompting Colt to develop the XM4 in 1984. After ten years of testing and modifications, the XM4, renamed the M4, was adopted by the U.S. military in 1994.

### AR-15 VS. M4: Spotting the Differences

As both the AR-15 and M4 belong to the same family, it's unsurprising that their differences are subtle.

The M4, being a carbine-length rifle, has a shorter 14.5-inch barrel compared to the standard AR-15's 16-inch barrel. The M4's shorter barrel allows for the attachment of a grenade launcher, a feature unique to military weapons.

**Available on GunsAmerica Now**

 <b>AR15 Thumper 450 Bushmaster BCA AR-15 18" barrel new in box</b> <b>\$595.00</b>	 <b>CAVALRY ARMS CORP. - AR15 RIFLE - MODEL CAV-15 MKII 7.62x39 CAL.</b> <b>\$295.00</b>	 <b>CLEARANCE SALE! Ready AR15 w US</b> <b>\$750.</b>
--	--	--

To match the reduced barrel size, the M4 has a shorter gas tube and modified feed ramps. It also features a collapsible stock compared to the standard AR-15's fixed stock, although collapsible stock configurations for the AR-15 are easily accessible.

**SEE ALSO:** [Ruger's New SFAR: A Big Surprise In A Small Package](#)

The most significant distinction between the AR-15 and M4 is the selective fire capabilities – the M4 can operate in 3-round burst or fully automatic mode, while the AR-15 operates in semi-automatic mode.

*M4 Rifle with grenade launcher.*

### AR-15 & M4: The Commonalities

The majority of the AR-15 and M4's components are the same, including the bolt carrier group, charging handle, and trigger assembly. Even the handguards and rail systems can be identical, depending on the AR-15's configuration.

### The M4 VS. the AR-15: Which takes the trophy?

Unless you're in the military, your best bet is the AR-15 as the M4 is primarily reserved for military use. The AR-15 offers similar capabilities, minus the full-auto function.

It's easy to make your AR-15 more similar to an M4. You can purchase a mil-spec lower and M4 handguards, or even a short-barreled AR-15, given you follow the necessary legal steps. Full-auto AR-15s are available, but acquiring them is considerably more challenging and costly.

Available on GunsAmerica Now





**BNIB Well Equipped AR 15, 223  
Wylde, Riton Scope, Bipod ,10  
\$1,309.10**

**AR47 Left hand eject side charge  
AR15 in 7.62x39mm Mil-spec semi  
\$675.00**

### Concluding the AR-15 & M4 Discussion

In summary, the AR-15 is effectively a semi-auto, civilian version of the M4. Although the M4 boasts full-auto capabilities, AR-15s are readily available, highly customizable, and just as effective.

**SEE ALSO:** [Testing Springfield's New 9mm SAINT Victor](#)

We'd love to hear your thoughts on the M4. If you're looking for ways to enhance your AR-15 experience, check out our guide to AR-15 upgrades and accessories.

**\*\*\* [Buy and Sell on GunsAmerica! All Local Sales are FREE!](#) \*\*\***

### Related Posts:

- [Uintah Precision's Modern Sporting Muzzleloader is an AR15...](#)



**About the author:** Chris Linville Chief Operating Officer for GunsAmerica.com & GunsAmerica.com/digest. 3-Gun Competitor, firearm collector, and second amendment supporter.

Next post: [Tenn. Homeowner Defends Son Being Held At Gunpoint, Shoots Intruders](#)

Previous post: [NSSF Praises Gov. DeSantis Signing Law Barring Tracking Codes for Firearm Retail Purchases](#)

Leave a Reply



Your email address will not be published. Required fields are marked \*

Comment \*

Name \*

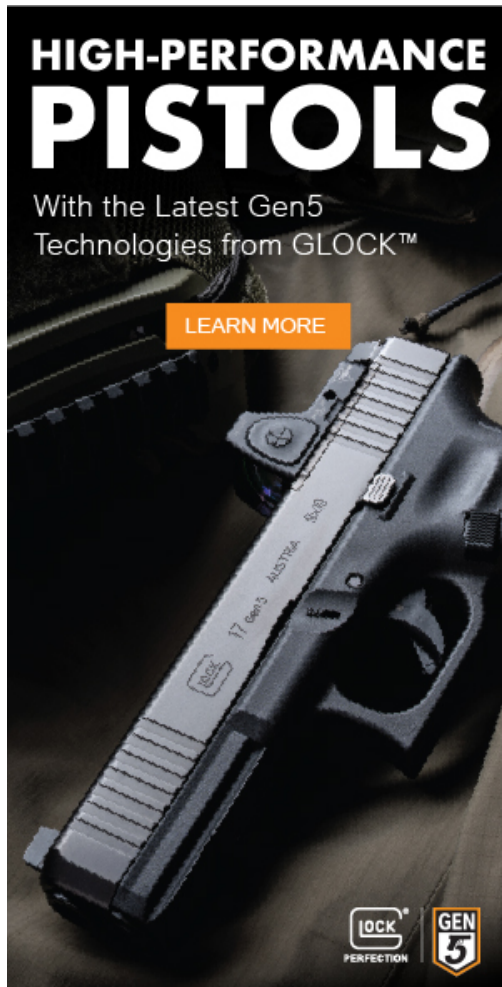
Email \*

Website

☐ Save my name, email, and website in this browser for the next time I comment.

**Post Comment**







INTRODUCING  
**P320-AXG  
LEGION**

The Pinnacle of  
SIG SAUER  
Performance  
and Engineering

**LEARN MORE**

**SIGSAUER**



SIG P322 - 21 Reasons to Love the P322



## **EXHIBIT 80**

## At Least 5 Dead and 25 Injured in Gunman's Rampage at an L.G.B.T.Q. Club in Colorado

The police said a suspect in the shooting, who was also injured, was arrested.



By Jack Healy, Mitch Smith, Adam Goldman and Patricia Mazzei

Nov. 20, 2022

COLORADO SPRINGS — A man shrouded in body armor and wielding an AR-15 style rifle attacked an L.G.B.T.Q. nightclub in Colorado Springs on Saturday night, in a rampage that killed at least five people and injured at least 25 others.

At least one person inside the nightclub, Club Q, tackled and subdued the gunman, the authorities said, helping to prevent further bloodshed. Mayor John Suthers of Colorado Springs said that a man had grabbed a handgun from the gunman and then hit him with it, subduing him. When the police burst into the club, the man was still on top of gunman, pinning him down, Mr. Suthers said.

The owners of the club, who had looked at surveillance tape, lauded the actions of two patrons whom they said they did not know but who, together, had overpowered the gunman and held him on the floor until police arrived.

“One customer took down the gunman and was assisted by another,” said Matthew Haynes, one of the club owners. Referring to the first person who acted, Mr. Haynes added, “He saved dozens and dozens of lives. Stopped the man cold. Everyone else was running away, and he ran toward him.”

Police officials identified the gunman as Anderson Lee Aldrich, 22. He was injured and treated in a hospital. The police recovered two guns at the club, said Adrian Vasquez, chief of the Colorado Springs Police Department. The authorities said they were still working to determine who owned the long rifle used in the shooting, as well as other weapons found at the scene.

Mr. Vasquez said the suspect had not spoken with investigators and did not appear to have said anything at the crime scene. He said the shooting had lasted barely a minute.

The local district attorney, Michael J. Allen, said in a statement that his office expected that “the case will officially transfer to my office” for a charging decision in the coming days. He said the shooting appeared to have been carried out by a single person. The F.B.I. was also involved in the investigation.

The exact number of injured victims was uncertain. Some people had driven themselves to seek treatment, police officials said, and not all injuries were from gunshot wounds. Some may have suffered injuries while fleeing. At least two remained in critical condition on Sunday morning,

doctors from two hospitals said.

The shooting erupted minutes before midnight, as revelers enjoyed a night out in a club considered a safe haven for the L.G.B.T.Q. community. It was painfully reminiscent of the 2016 massacre at Pulse, a gay nightclub in Orlando, Fla., where a gunman killed 49 people and wounded 53 others after proclaiming allegiance to the Islamic State terrorist group.



Evidence markers outside a 7-Eleven store near Club Q in Colorado Springs. Andrew Miller for The New York Times

Joshua Thurman, who had gone to Club Q for an early birthday celebration, thought the first gunshots were part of the music. He stayed on the dance floor, but when he heard more shots and saw a flash from the muzzle of a gun, he ran to a dressing room at the rear of the club. He stayed there with a drag performer and another patron and described hearing the “pow! pow!” of gunshots.

“When we came out of the dressing room, we saw bodies,” he recalled on Sunday morning, choking back a sob. “There was broken glass, blood — I lost friends!”

Mr. Thurman, 34, spoke to reporters outside the club, where he had gone to retrieve his car from the parking lot. He said he had worked at the club as a go-go dancer and that a bartender whom he had come to know over the years was among those killed.

Mr. Thurman said Club Q was a “safe place” for its patrons: “This is a place we love, a place of



peace, a place to be ourselves.”

The motive behind the attack at Club Q was still unknown. Mayor Suthers said the shooting “has all the appearances of being a hate crime,” but he said that investigators were still combing through the gunman’s social media history and doing interviews to determine a motive.

President Biden denounced the apparent targeting of the L.G.B.T.Q. community.

“Places that are supposed to be safe spaces of acceptance and celebration should never be turned into places of terror and violence,” he said in a statement. “We cannot and must not tolerate hate.”

Mr. Biden renewed his call for a federal assault weapons ban, though there is not enough support in Congress to enact one. “When will we decide we’ve had enough?” he asked. “We must address the public health epidemic of gun violence in all of its forms.”

A man with the same name and age as the club shooting suspect was arrested in June 2021 after the man’s mother had called the police and said that she was not with her son and did not know where he was, but that he had threatened to hurt her with a bomb, ammunition and other weapons. Police negotiators persuaded him to walk out of a house and surrender — but not before the police had evacuated residents from about 10 nearby houses in a suburban neighborhood just outside of Colorado Springs, because of the bomb threat.

The police have not said whether the shooting suspect and the man arrested in 2021 are one and the same.

The man was charged with several crimes after that arrest, including felony menacing and three kidnapping charges. It is unclear whom he was accused of kidnapping.



A vigil was held at All Souls Unitarian Universalist Church in Colorado Springs on Sunday afternoon. Andrew Miller for The New York Times

The police said in 2021 that they had not found any explosives. A spokesman for the local district attorney declined to say on Sunday how the charges were resolved.

The mother of the Anderson Aldrich involved in that case had been renting a spare room from Leslie Bowman, who said in an interview on Sunday that she had been away at the time.

“His mom had called me and said, ‘Don’t come home right now, there are some people looking for Andy,’” Ms. Bowman recalled, using the man’s nickname.

On Sunday, after the shooting, Ms. Bowman was left wondering why the man may have been at large and able to get hold of a rifle, if he had been accused of the bomb threat.

“Why is he not in jail, after that happening?” Ms. Bowman asked. “After that initial day, police never reached out to me for additional information. I’m a Second Amendment supporter, don’t get me wrong. But for him to be out there, and have access to weapons after that incident, I don’t understand it.”

Efforts to reach family members of the Mr. Aldrich arrested in the shooting on Sunday were unsuccessful.

Colorado Springs, a city of about 500,000 people south of Denver, is a Republican stronghold, and for decades it was a center for conservative Christian efforts to pass laws limiting the rights of gay people.

But the city, which has long had a small but vibrant L.G.B.T.Q. community, has become more diverse. It now hosts an annual Pride parade, and its fast population growth has diluted the influence of far-right conservatives.

Club Q stands on a major commercial boulevard, next to a Walgreens drugstore and a Subway sandwich shop. The club first opened in 2002, in the inconspicuous location behind a strip mall that the founder chose in part because, at the time, patrons needed an entrance where they could come and go without being seen, said Nic Grzecka, who co-owns the club with Mr. Haynes.

The owners said that when they reviewed surveillance video of the shooting, they saw the gunman pull up heavily armed and wearing a military-style flak jacket. Mr. Haynes said the gunman had entered the nightclub with “tremendous firepower” — a rifle and what appeared to be six magazines of ammunition — and began shooting.



Matthew Haynes, the co-owner of Club Q, said the person who initially acted to subdue the gunman saved “dozens and dozens of lives.” Andrew Miller for The New York Times

Police officers arrived and took the gunman into custody within six minutes of receiving an emergency call about the shooting. Mr. Grzecka and Mr. Haynes got there a few minutes later. “It was chaos,” Mr. Haynes said.

Hours before the shooting, Club Q posted on Facebook about a “musical drag brunch” on Sunday morning to mark the Transgender Day of Remembrance, which honors the memory of those who lost their lives to anti-transgender violence.

After the 2016 mass shooting at Pulse, Mr. Haynes said he and Mr. Grzecka were “vigilant” about security at their club.

“We’ve worked with the Colorado Springs Police Department and the F.B.I. in response to various threats over the years,” he said. “But there had been no known recent threats toward Club Q.”

After the Pulse shooting, Mr. Grzecka said, the gay community in Colorado Springs had come together, “thinking we were taking a stance.”

He added, “We had this vigil, standing in our parking lot, never thinking this was going to happen in our community.”

Jack Healy reported from Colorado Springs, Mitch Smith from Chicago, Adam Goldman from Washington and Patricia Mazzei from Miami. Reporting was contributed by Noel Black, Nicholas Bogel-Burroughs, Charlie Brennan, Emma Bubola, Emily Cochrane, Jill Cowan, Eliza Fawcett, Eduardo Medina, Dave Philipps, Víctor Manuel Ramos, April Rubin, Ava Sasani, Mindy Sink, Luke Vander Ploeg, Daniel Victor and Cassandra Vinograd. Alain Delaquérière and Kirsten Noyes contributed research.

Jack Healy is a Phoenix-based national correspondent who focuses on the fast-changing politics and climate of the Southwest. He has worked in Iraq and Afghanistan and is a graduate of the University of Missouri’s journalism school.

@jackhealynyt • Facebook

Mitch Smith covers the Midwest and the Great Plains. Since joining The Times in 2014, he has written extensively about gun violence, oil pipelines, state-level politics and the national debate over police tactics. He is based in Chicago. @mitchksmith

Adam Goldman reports on the F.B.I. and national security from Washington, D.C., and is a two-time Pulitzer Prize winner. He is the coauthor of “Enemies Within: Inside the NYPD’s Secret Spying Unit and bin Laden’s Final Plot Against America.”

@adamgoldmanNYT

Patricia Mazzei is the Miami bureau chief, covering Florida and Puerto Rico. She writes about breaking news, politics, disasters and the quirks of life in South Florida. She joined The Times in 2017 after a decade at The Miami Herald.

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Bullets, Blood and Acts of Bravery in a Colorado Nightclub

---

## Colorado Springs Shooting >

- For a victim’s friend, the loss will be visible at the Thanksgiving table.
- A man called his father to say he had just been shot.
- ‘We have done this before’: People offer prayers and express despair at a vigil.
- The suspect in the shooting rampage has not spoken to authorities, the police said.

- A patron 'saved dozens and dozens of lives' by tackling the Club Q gunman, an owner says.

## **EXHIBIT 81**

# What We Know About the Gun Used in the Monterey Park Shooting

By Jeremy White and K.K. Rebecca Lai Jan. 26, 2023

The semi-automatic Cobray pistol recovered in the Monterey Park, Calif., shooting, was modified with what appears to be a homemade suppressor. The gun is a subcompact variation of a MAC-10 pistol.

## Gun recovered in Monterey Park shooting



The combined length of the pistol and the suppressor was over **two feet**.

Wire was used to secure the **suppressor cover** and to attach a **carrying strap** to the front and rear of the pistol.

Experts believe the shooter may have wrapped tape around the suppressor to act as a **heat shield** so he could hold it while firing.



Diagram by The New York Times; photo by Los Angeles County Sheriff's Department



A suppressor, by design, muffles the sound of a gunshot by redirecting and slowing expelled gases from the barrel after the gun has fired. Plans exist online for how to make suppressors out of readily available parts like car oil filters.

Scott Richardson, a licensed firearm dealer in Oregon who manufactures and repairs suppressors, said the suppressor attached to the gunman's pistol looked homemade. "The original MAC-10 and Cobray suppressors looked nothing like that," he said.

The Cobray model firearm was manufactured in the 1970s and 1980s. It has several features that make it an illegal assault weapon in California, including the combination of a threaded barrel and the ability to accept a detachable magazine.

"They are not very accurate, and a bit heavy," said Edward Gardner, the executive director of the Liberal Gun Club.

#### **A variation of a MAC-10 pistol**

Before the suppressor was added, the gunman's weapon was similar to the pistol shown here.

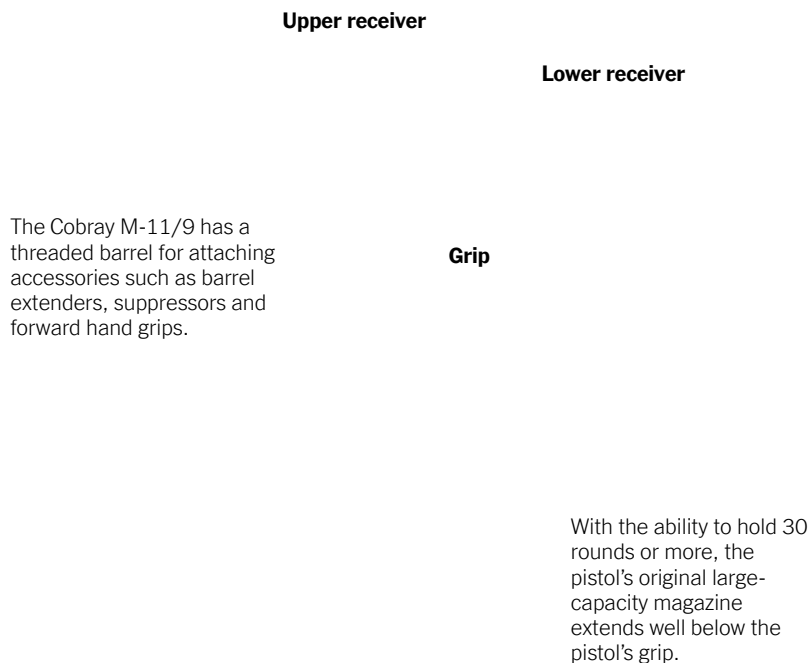


Diagram by The New York Times; photo via gunbroker.com

Sheriff Robert Luna of Los Angeles County said that the gunman purchased the pistol in 1999 in Monterey Park but that the gun was not registered in the state of California. Investigators who searched the suspect's home found hundreds of rounds of ammunition and items that

suggested he was manufacturing homemade firearm suppressors, Mr. Luna said. Forty-two shell casings and a large-capacity magazine were recovered at the scene.

---

ADVERTISEMENT

---

Improbably, the homemade suppressor may have played a role in preventing further violence. After opening fire at the Star Ballroom Dance Studio in Monterey Park on Saturday night, the gunman traveled to another dance studio in nearby Alhambra. There, Brandon Tsay, whose family operates the second ballroom, was able to wrestle the weapon away from the gunman.

Surveillance footage of the encounter shows the gun in context, and how large the suppressor was compared with the body of the gun and the gunman.

**Suppressor**

**Adapter**

**Pistol**

Gunman



Gunman

Video footage, via Lai Lai Ballroom and Studio

“One aspect of using such a long suppressor is that it seems to me like the other guy was able to use the suppressor against the attacker,” said Mr. Richardson, who reviewed the surveillance footage. “More length equals more leverage when grabbing the gun. He is able to push the barrel up and away from himself.”

Law enforcement officials recovered two other firearms in connection with the attack, one rifle from the suspect’s residence and one pistol from his vehicle. Both were registered to the suspect. Police said the suspect died from a self-inflicted gunshot wound using the pistol.

The semi-automatic Norinco pistol recovered from the suspect’s van.

The Savage Arms .308 caliber bolt-action rifle recovered from the suspect's residence.

Los Angeles County Sheriff's Department

Mr. Luna said that the suspect had been arrested in 1990 for unlawful possession of a firearm, but it was unclear what weapons were involved in that case.

## **EXHIBIT 82**

## ***What We Know About the Nashville School Shooting***

Investigators were still searching for a motive in the killing of six people at the Covenant School. On Monday, a judge will hear arguments over whether the shooter's writings should be released.



**By Adeel Hassan and Emily Cochrane**

May 20, 2023

In March, an armed assailant breached the campus of the Covenant School, a private academy in the Green Hills neighborhood of Nashville, and killed six people.

The shooter was identified as Audrey E. Hale, a 28-year-old former student of the school who lived in the area and was being treated for an emotional disorder. The assailant was killed by the police minutes after they arrived at the scene.

The police have not yet determined a motive, but stressed that they believed that the school and its church had been targets, not any single person. In documents, the police said, there was evidence that the shooter had planned the attack for months.

On Monday, a judge will hear arguments over whether the writings that the shooter left behind — which could reveal a motive — should be released to the public. Parents of Covenant School children have asked that the writings not be released until at least after the school year ends, if at all.

Here's what we know.

### **When did the attack happen?**

The police received a report of the shooting at 10:13 a.m. on March 27 and heard gunshots on the second floor when they arrived at the school, said Don Aaron, a spokesman for the Metropolitan Nashville Police Department.

Surveillance footage released that night without audio captured the shooter parking a car outside the school and then firing through two sets of doors, the bullets shattering panes of glass. With a weapon drawn, the shooter could be seen walking through rooms and the halls of the school, at one point passing the children's ministry.



The scene outside a nearby church that had been set up as a reunification area for parents and children after the shooting. Desiree Rios/The New York Times

A six-minute compilation of two officers' body camera footage, released the next day by the Police Department, showed the officers racing through the school, past children's artwork hanging on the walls, searching classrooms and bathrooms and ultimately killing the shooter at 10:27 a.m., Mr. Aaron said. (Note: The video includes disturbing footage.)

"We've trained for incidents like this for years with the thoughts that if it ever happened, we would not hesitate, we would go in, and we would do whatever was needed for the safety of those involved," John Drake, the Nashville police chief, said at a news conference about a week after the shooting.

## Who was killed?

The police identified the six victims as Hallie Scruggs, Evelyn Dieckhaus and William Kinney, all 9; Mike Hill, 61, a school custodian; Cynthia Peak, 61, a substitute teacher; and Katherine Koonce, 60, the head of the school.

Hallie was the daughter of Chad Scruggs, the pastor of Covenant Presbyterian Church, the church connected to the school. Mr. Scruggs was previously the pastor at Park Cities Presbyterian Church in Dallas and returned there in February to preach.

Mark Davis, the current pastor at Park Cities Presbyterian, said he spoke to Mr. Scruggs



the day of the shooting. In that conversation, Mr. Scruggs acknowledged that “he’s in shock.”

Evelyn’s family, in a statement, called her a “shining light in this world.”

“Our hearts are completely broken,” the statement said. “We cannot believe this has happened.”

Ms. Peak, the substitute teacher, also had ties to Park Cities Presbyterian; her sister worshiped there. And she was a close friend of the wife of Gov. Bill Lee of Tennessee, Maria.

“Cindy was supposed to come over to have dinner with Maria last night,” the governor said in a video statement the day after the shooting. “We’re enduring a very difficult moment,” Mr. Lee said. “Everyone is hurting, everyone.”



A community vigil for the Covenant School shooting victims at a church in Nashville on March 27. Desiree Rios/The New York Times

Mr. Hill was a school custodian who liked to cook and spend time with his family, including his seven children and 14 grandchildren, his family said in a statement. He was “beloved by the faculty and students who filled him with joy for 14 years,” the statement said.

Dr. Koonce, the head of school since 2016, had previously worked at Christ Presbyterian

Academy, a private school five miles away. “She has always been a woman who is deeply passionate about kids having a love of learning,” said David Thomas, a longtime friend.

Hundreds of people gathered at Public Square Park in downtown Nashville for a vigil two days after the shooting to honor the victims. Among those in attendance were Mr. Hill’s seven children; Jill Biden, the first lady; Mayor John Cooper; and other local leaders and law enforcement officials.

## **What do we know about the shooter?**

The shooter had legally purchased seven firearms from five local gun stores and stashed them around the house, using three of them in the attack, Chief Drake said. The three weapons included a military-style semiautomatic rifle, one handgun and a small 9-millimeter carbine, Mr. Aaron said.

The police said that the assailant had fired 152 rounds while on the school grounds, beginning with shots fired through the doors to the school. The assailant was “prepared for a confrontation with law enforcement” and “prepared to do more harm” before being killed, Chief Drake said.

The shooter had a handwritten diagram of the school, along with a drawing of how it could be entered, Mr. Aaron said. In writings found in the car driven to the school and at the family’s home, there was evidence that the shooter had planned the attack for months and studied “the actions of other mass murderers,” the police said a week after the shooting.

In a search warrant, officers wrote that they had found more than a dozen folders and journals, including notes about school shootings and firearms courses, a suicide note, medical folders, firearm accessories and cartridge casings.

The police chief said the shooter’s parents had felt that their child “should not own weapons” and believed that their child did not. The assailant was being treated by a doctor for an emotional disorder.



Gun-control advocates at a rally in Nashville on March 28. Brendan Smialowski/Agence France-Presse — Getty Images

There was confusion about the shooter’s gender identity in the immediate aftermath of the attack. Chief Drake said the shooter identified as transgender, and officials used “she” and “her” to refer to the attacker. But according to a social media post and a LinkedIn profile, the shooter appeared to identify as male in recent months.

## And the school?

The Covenant School was founded in 2001 as a ministry of the Covenant Presbyterian Church. The church started the school in part because worshipers were finding it difficult to enroll their children in other private schools in the area, according to Jim Bachmann, a former pastor there.

The school, a stately stone building on a hill in an affluent area of Nashville, is “intentionally small,” according to its website. It has about 200 students in preschool through sixth grade and a student-to-teacher ratio of eight to one. Tuition is about \$16,000 a year.

The Covenant School is part of a network of conservative evangelical churches and private schools in Nashville that is tight knit, even across denominational lines. Some families attend church at one place and school in another.

Covenant Presbyterian is a large church affiliated with the Presbyterian Church in America, a theologically conservative denomination.

## **How have lawmakers responded?**

Thousands of protesters marched toward the State Capitol in the days after the shooting. Three Democratic lawmakers in the House — Gloria Johnson of Knoxville, Justin J. Pearson of Memphis and Justin Jones of Nashville — joined protesters at one point in the galleries of the Capitol in chants for gun laws, disrupting proceedings.

The Republicans who control state government, led by Gov. Bill Lee, have largely rejected the calls for tighter gun laws and have focused instead on toughening school security. Mr. Lee has signaled his openness to measures that would allow the authorities to confiscate guns from those who are deemed by a judge to be at risk of harming themselves or others.

On April 6, the House Republican supermajority voted to expel Representatives Pearson and Jones for their role in the protest. An effort to expel Representative Johnson fell short by one vote. Four days later, the Nashville Metropolitan Council unanimously voted to temporarily appoint Mr. Jones back to his seat, and he was sworn in the same day.

On April 12, the Shelby County Commission unanimously voted to appoint Mr. Pearson back, and he was sworn in a day later.

Multiple lawsuits have been filed seeking the release of the shooter's writings, including one from a local news outlet. Tennessee House Republicans sent a letter to Chief Drake on May 15 requesting that they be made public, as well as "relevant medical records and toxicology reports," so that they could review them before a special session in August to consider public safety legislation.

The Covenant School, Covenant Presbyterian Church and students' parents have filed motions to intervene, citing security concerns. The parents have also requested that any release be delayed until June 8 so that their children can "finish the school year in peace."

A judge will hear arguments on Monday over whether the writings should be released. The Police Department has already redacted some of the writings but has not released them, citing the legal challenges.

Reporting was contributed by Rick Rojas, Eliza Fawcett, Jesus Jiménez, Ruth Graham, Ben Shpigel, Nicholas Bogel-Burroughs, Michael Levenson, Jamie McGee, Mary Beth Gahan and Neelam Bohra.

Adeel Hassan is a reporter and editor on the National Desk. He is a founding member of Race/Related, and much

of his work focuses on identity and discrimination. He started the Morning Briefing for NYT Now and was its inaugural writer. He also served as an editor on the International Desk. @adeelnyt

Emily Cochrane is a national correspondent covering the American South, based in Nashville. She was previously a congressional correspondent in Washington, chronicling the annual debate over government funding and economic legislation. @ESCochrane

## **EXHIBIT 83**



## ***Gunman Who Killed Five in Louisville Left Note and Bought Rifle Legally***

The police released body camera video on Tuesday afternoon from officers who responded to the shooting at a downtown bank.

**By Kevin Williams, Nicholas Bogel-Burroughs and Tim Arango**

April 11, 2023

LOUISVILLE, Ky. — The 25-year-old man who opened fire on Monday at a bank in downtown Louisville, killing five people, told at least one person that he was suicidal before the rampage and legally purchased the AR-15-style rifle used in the shooting at a local dealership last week, officials said on Tuesday.

“We know he left a note,” Representative Morgan McGarvey, a Democrat whose district includes Louisville, said of the gunman at a news conference. “We know he texted or called at least one person to let them know he was suicidal and contemplating harm.”

Later on Tuesday, the city released body camera footage of the police confrontation. It showed two officers — a rookie and his training officer — pulling up in their squad car outside Old National Bank on East Main Street at 8:41 a.m. on Monday, three minutes after receiving reports of shots fired. The gunman, having already shot his victims on the building’s first floor, was waiting inside its glass-strewn lobby to ambush the police, who could not see through the building’s dark windows.

The footage, with some graphic portions blurred out, shows a quick initial gun battle, and Officer Nickolas Wilt, who graduated from the police academy weeks earlier, being shot.

Taking cover, Officer Cory Galloway, waiting for reinforcements, fires a hail of bullets into the lobby about three minutes after his partner is shot, killing the assailant. “I think he’s down!” he yells. “Suspect down, get the officer!”

In all, nine minutes passed from the first reports of gunfire until the assailant was killed, the police said.

Officer Wilt was among four victims who remained hospitalized on Tuesday, said Dr. Jason Smith, the chief medical officer at University of Louisville Health. He was in critical condition after being shot in the head, as was one other victim. Four other people who were wounded were released from the hospital. Another who initially survived the shooting, Deana Eckert, 57, died overnight.

The others who were fatally shot, all employees of Old National Bank like Ms. Eckert, were Joshua Barrick, 40; Thomas Elliott, 63; Juliana Farmer, 45; and James Tutt, 64. Mr. Elliott, a vice president at the bank, was a prominent Democratic fund-raiser and close friend to Gov. Andy Beshear of Kentucky.

Mayor Craig Greenberg of Louisville, a Democrat, praised the quick response from the Red Cross, which provided 170 units of blood to treat victims on Monday. Noting the enormous amount of blood needed to treat gunshot wounds, Mayor Greenberg urged residents of Louisville to donate blood. And to help the community process the trauma of Monday's shooting, which the mayor described as an "inexplicable act of violence and cruelty," the city was planning a vigil on Wednesday evening at the Muhammad Ali Center Plaza.



Mayor Craig Greenberg implored Kentucky's political leaders to allow Louisville, a blue bastion in a largely conservative state, to enact its own gun control laws — especially, he said, if they cared about protecting police officers. Natosha Via for The New York Times

The police have identified the gunman as Connor Sturgeon, a University of Alabama graduate who listed his profession as a “syndications associate and portfolio banker” at Old National Bank on his LinkedIn page. Mayor Greenberg said he had access to the building because he was “a current employee.”

As officials dealt with the fallout from the mass shooting on Tuesday, several made emotional pleas to address the gun violence epidemic gripping the country and Louisville, where they said 40 people had died this year in shootings. One person was killed in a separate shooting on Monday, several blocks from Old National Bank.

“To be honest with you, we barely had to adjust our operating room schedule to be able to do this,” Dr. Smith said of caring for the nine patients the hospital received from the bank shooting. “That’s



how frequently we are having to deal with gun violence in our community.”

With his voice breaking, Dr. Smith, who has worked at the hospital for 15 years, described his job almost as if he were a combat medic in a war zone. “It’s more than tired,” he said. “I’m weary. There’s only so many times you can walk into a room and tell someone they are not coming home tomorrow. And it just breaks your heart when you hear someone screaming Mommy or Daddy. It just becomes too hard, day in and day out, to be able to do that.”

The Louisville Metro Police Department has been under intense scrutiny in recent years after a botched raid in 2020 that killed Breonna Taylor, a Black woman whose death provoked widespread protests; a recent Justice Department report documented entrenched racial bias and misconduct in the Police Department. But the department drew wide praise for its fast response to Monday’s shooting, and it was quick to release the footage that showed it.

“Chief, your team was incredible yesterday,” Mr. McGarvey said at Tuesday’s news conference, addressing Jacquelyn Gwinn-Villaroel, the interim police chief. “To run headfirst into that gunfire without question saved lives. It also changed lives. Officer Wilt, as we know, is fighting right now after being struck in the head by an AR-15 round on his fourth-ever shift as a police officer.”



Windows were replaced at Old National Bank in downtown Louisville on Tuesday. Natosha Via for The New York Times

The gunman graduated from Floyd Central High School in Floyds Knobs, Ind., near Louisville, in

2016, and later earned degrees in business and science from the University of Alabama. People who knew him in high school were “shocked that someone, seemingly so nice and from a typically normal background, could do something so heinously vile,” said Madison DeStephanis, a high school classmate.

Another former classmate, Chris Harbeson-Borgelt, wrote on Facebook that he was similarly stunned to see that Mr. Sturgeon had become “the monster that murdered innocent lives today.”

Mr. Sturgeon played varsity basketball in high school under his father, who was the team’s head coach and had previously been the men’s basketball coach at the University of Indianapolis. He had suffered concussions when he was younger that required him to wear protective headgear on the basketball court, according to Brian Glasing, who was Mr. Sturgeon’s gym teacher.

Lane Oxley, who coached Mr. Sturgeon on the high school track team, said that he was “one of the leaders of the team by example.”

The shooting set off a familiar pattern of grief and resignation for a country that has grown accustomed to frequent rampages of gun violence, with politicians offering prayers and expressing outrage and making calls for gun control legislation that will most likely go unrealized.

Mr. McGarvey, the only Democrat in Kentucky’s eight-member congressional delegation, called for universal background checks on Tuesday, and measures known as red flag laws that would allow the state to take guns from people believed at risk of harming themselves or others.

“We don’t have the tools on the books to deal with someone who is an imminent danger to themselves or to others,” he said.

Mayor Greenberg implored Kentucky’s political leaders to allow Louisville, a blue bastion in a largely conservative state, to enact its own gun control laws — especially, he said, if they cared about protecting police officers.

“Please, change our state law to let Louisville make its own decisions about reducing the amount of illegal guns on our streets and gun violence that is killing far too many people in mass shootings, in individual shootings, in any shootings,” he said.

He also angrily denounced a law that allows the state of Kentucky to auction off weapons from shootings to the public after investigations are complete.

“Think about that,” Mr. Greenberg said, noting that he has ordered his administration to remove firing pins from confiscated weapons before handing them over to the state. “That murder weapon will be back on the streets one day under Kentucky’s current law.”

Jacey Fortin contributed reporting. Alain Delaquerière, Kitty Bennett and Kirsten Noyes contributed research.

Nicholas Bogel-Burroughs reports on national news. He is from upstate New York and previously reported in Baltimore, Albany, and Isla Vista, Calif. @nickatnews

Tim Arango is a Los Angeles correspondent. Before moving to California, he spent seven years as Baghdad bureau chief and also reported on Turkey. He joined The Times in 2007 as a media reporter. @tarangoNYT

A version of this article appears in print on , Section A, Page 20 of the New York edition with the headline: Body Cam Shows Ambush of Louisville Officers by  
Gunman

## **EXHIBIT 84**

## *After Mass Killings in Texas, Frustration but No Action on Guns*

The drumbeat of mass murder has fueled a new openness to gun regulation among some Texans, but it has done little to reshape the political realities in the State Capitol.

By J. David Goodman, Adam Goldman, Edgar Sandoval and David Montgomery

May 7, 2023

HOUSTON — After months of pleading for more gun control measures, a Democrat who represents Uvalde, Texas, where 19 children died in a mass shooting, was told by the Republican leader of the State Senate to stop bringing up gun legislation or be barred from speaking at all.

In the State House, Republican members talked and joked among themselves as another Democrat, Representative Jarvis Johnson of Houston, rose to discuss gun control. “This is not a joke — this is real,” he shouted from the lectern at his colleagues on Friday. “Children every day are dying.”

It was only hours later that gunfire again ripped apart the daily life of people in Texas. This time the violence erupted at a popular shopping center in the Dallas suburb of Allen, where a 33-year-old gunman armed with what officials said was an AR-15-style rifle swiftly killed eight people and wounded at least seven others, including at least one child, before a police officer fatally shot him on Saturday.

The killings came just over a week after a mass shooting in rural San Jacinto County, north of Houston, where five people living together were killed by a neighbor after they asked him to stop shooting his gun in his front yard. And they occurred a little less than a year after the massacre at Uvalde, where two teachers also died.

Among some Texans, the drumbeat of mass murder has fueled rising frustration and a slight openness to more gun regulation in a state where even Democrats proudly discuss their firearms. But the violence has done little to reshape the political realities in the State Capitol, where Republicans control both legislative chambers and all statewide offices.

In the past two years, as the state has been shaken by more than a dozen mass killings of four or more people, Texas has increased access to firearms, doing away with its permit requirements to carry handguns and lowering the age when adults can carry handguns to 18 from 21.

On Sunday, Gov. Greg Abbott, a Republican, attended a vigil for the victims of the shooting at the shopping center, Allen Premium Outlets, but said earlier that there would be no new effort by his administration to limit access to firearms — because it would not work.

“We’ve seen an increased number of shootings in states with easy gun laws as well as shootings in states with very strict gun laws,” Mr. Abbott said in an interview on Fox News. He said Texas was responding to the “dramatic increase in the amount of anger” across the United States by going to “its root cause, which is addressing the mental health problems behind it.”





#11369



Family members of children killed in the shooting in Uvalde, Texas, marched from the Capitol to the governor's mansion to encourage Texans to vote, and to call for raising the minimum age to buy an assault rifle to 21 from 18. Tamir Kalifa for The New York Times

The message was largely the same as one delivered by the governor the day after the elementary school shooting in Uvalde in May 2022, when he observed during a news conference that more people are shot in Chicago each weekend than in Texas schools.

By contrast, President Biden urged action on Sunday. “Republican members of Congress cannot continue to meet this epidemic with a shrug,” he said in a statement that called for “a bill banning assault weapons and high-capacity magazines.”

In Texas, a bill to raise the age to purchase an AR-15-style rifle to 21 from 18 has been introduced by Democrats and championed by the relatives of the children killed in Uvalde, but it was not likely to pass out of committee before a legislative deadline on Monday. That legislation would have prevented the 18-year-old gunman in Uvalde from purchasing the weapon he used, but it would not have been a factor in the shooting in Allen, where the gunman was older.

Investigators on Sunday were still working to determine what had motivated that gunman to open fire at the shopping center, about 25 miles north of Dallas. It was the second-deadliest shooting of the year in the United States, after the Monterey Park, Calif., massacre in which a gunman killed 11 people in a ballroom on Jan. 21.

The Texas Department of Public Safety identified the gunman in Saturday’s attack as Mauricio Garcia, 33, of Dallas.

A video circulating on social media appeared to show him lying on the ground, clad in black and equipped with what appeared to be a tactical vest, multiple rounds of ammunition and a long gun.

#11370

The gunman may have espoused white supremacist ideology, according to two law enforcement officials, but it was not yet known whether the shooting was an act of domestic terrorism.

He arrived at the large outdoor mall in the midafternoon on Saturday, stepped from a silver sedan and at around 3:30 p.m. began firing a rifle at shoppers walking outside.

According to video taken at the scene, the gunfire sent people running for safety. A police officer who had been on an unrelated assignment at the mall heard gunfire, rushed toward it and fatally shot the gunman, Chief Brian E. Harvey of the Allen Police Department said on Saturday.

Officers and agents from multiple law enforcement agencies including the local police, the Federal Bureau of Investigation and the Texas Department of Public Safety were still working on Sunday to identify the victims and notify their families. The injured — who ranged in age from 5 to 61 — were being treated at three trauma centers, according to a spokesman for one of the centers, Medical City Healthcare.



Texas state troopers blocked the entrance to Allen Premium Outlets on Sunday. Cooper Neill for The New York Times





Lenna Maleki painted a cross at a memorial outside Allen Premium Outlets. Cooper Neill for The New York Times

No update on the investigation was provided on Sunday, but gun control proponents in the state were deploring the report of yet another episode of large-scale violence.

“This is no longer unimaginable,” Representative Johnson said in an interview on Sunday. “We are almost to the point of normalizing mass shootings in Texas, and that is the most disturbing thing.”

While less supportive of stricter gun regulation than Americans as a whole, Texans support some limited gun control measures, polls have shown, and over the past few years views on guns among Republican voters in Texas have appeared to moderate somewhat, according to polls by the Texas Politics Project at the University of Texas at Austin. In 2020, 67 percent of Republicans told pollsters that more guns made the United States safer. The next year, that percentage declined, and, after the Uvalde shooting, it declined again, to 57 percent.

“You are seeing a very slow erosion in some of the underlying attitudes that suggest a blanket enthusiasm for guns among Republicans,” James Henson, director of the Texas Politics Project, said. “But it’s not dropping enough to signal a change, at least not yet.”

State Senator Roland Gutierrez, a Democrat who represents Uvalde, said that after the elementary school massacre two of his Republican colleagues privately voiced support to him for some kind of gun control measures. “But since then, nothing has changed,” he said in an interview on Sunday.

For months, Mr. Gutierrez has been trying to force action in the State Senate, a body dominated by its Republican leader, Lt. Gov. Dan Patrick, who warned Mr. Gutierrez last month against discussing gun control during a debate on an unrelated bill to ban minors from drag shows.



#11372

“People don’t want to eliminate these guns, I get it — and I own guns myself,” Mr. Gutierrez said. But there are steps that can be taken, he said, such as expanding background checks or raising the age to buy an AR-15-style rifle. “This is simple stuff,” he said.

In Allen on Sunday, Amy Bennett stood on the side of a road near Cottonwood Creek Church, where the vigil for the shooting victims was being held. She held a sign that said “This voter opposes gun violence,” with a picture of an AR-15 crossed out. “Thoughts and prayers are useless,” said another sign pinned to her shirt. “The dead are still dead.”

Several cars honked as they passed by.



State Senator Roland Gutierrez of Texas, whose district includes Uvalde, speaking in February at a news conference at the Texas State Capitol in Austin. Tamir Kalifa for The New York Times



Texas Gov. Greg Abbott attended a vigil at Cottonwood Creek Baptist Church following the shooting in Allen. Cooper Neill for The New York Times

For some Texans, like Annalisha Tiller, 48, a Republican who lives in the neighborhood of San Jacinto County where last month's mass shooting took place, the ease with which anyone can get a gun has made her feel unsafe and open to restrictions such as requiring background checks for weapons purchased at gun shows.

"Access to guns is too easy here," she said. At the same time, she arms herself whenever she goes out, for safety. "We don't have police out here to protect us," she said. "I want good people with guns."

Mamie Lester, 59, a steadfast Republican who lives on a 50-acre farm in North Texas, said she and her husband had more than a dozen guns — rifles, shotguns and pistols — that remain carefully locked up in their home when not in use. But the killings in Allen, coming after other recent mass shootings, has deepened her feeling that something has to be done.

"I do realize that this is all out of control," she said. "I'm not totally against gun control, but they're trying to control it for the wrong people. You've got to keep the guns out the hands of the criminals." She said better background checks could be an answer.

Gregory K. Taggart, a firearms trainer at Texas Legends, a gun range in Allen near where the latest shooting occurred, echoed Governor Abbott when he said that mental health needed to be considered in any analysis of recent gun violence. "Guns have been around forever. Mass shootings have not been," Mr. Taggart said. "My first question would be, Why do we have mass shootings now? I think our society is breaking down."

Restricting guns is not the answer, he added. "When people talk about drunk driving, do they say, Let's ban cars?"

Part of the reason Republicans in Texas may not feel political pressure on the issue is the state's recent electoral history. The Uvalde shooting took place during a hard-fought governor's race between Mr. Abbott, running for a third term, and Beto O'Rourke, a former Democratic congressman who campaigned for some of the same gun control proposals that have recently been before the legislature. Mr. Abbott won by a wide margin.

Last month, relatives of victims in Uvalde traveled to the State Capitol to testify on behalf of the bill to raise the age for buying an AR-15-style rifle. The fact that a committee in the Republican-controlled House even agreed to listen to them had felt to them like a kind of victory.

Then they waited for hours for their turn to speak. They were finally called in after 10 p.m., about 13 hours after they arrived at the Capitol that morning.

"I'm reminded of May 24, 2022, when we waited hours to be told our daughter would never come home," Kimberly Rubio told the committee through tears, speaking of her daughter Lexie, who was killed in the shooting. "I expressed confusion then, and I'm perplexed now. Did you think we would go home?"

Mary Beth Gahan, Remy Tumin, Claire Fahy and Lauren McCarthy contributed reporting.

J. David Goodman is the Houston bureau chief, covering Texas. He has written about government, criminal justice and the role of money in politics for The Times since 2012. @j davidgoodman

Adam Goldman reports on the F.B.I. and national security from Washington, D.C., and is a two-time Pulitzer Prize winner. He is the coauthor of "Enemies Within: Inside the NYPD's Secret Spying Unit and bin Laden's Final Plot Against America." @adamgoldmanNYT

Edgar Sandoval is a reporter with the National desk, where he writes about South Texas people and places. Previously he was a newspaper reporter in Los Angeles, Pennsylvania and Florida. He is the author of "The New Face of Small Town America." @edjsandoval

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: A New Massacre, But Texas Shuns Gun Constraints

## **EXHIBIT 85**



**Congress of the United States****House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074<https://oversight.house.gov>**MEMORANDUM****July 27, 2022****To: Members of the Committee on Oversight and Reform****Fr: Chairwoman Carolyn B. Maloney****Re: The Committee's Investigation into Gun Industry Practices and Profits**

Following mass shootings in Buffalo, New York, and Uvalde, Texas, the Committee launched an investigation into the leading manufacturers of AR-15-style assault rifles. These companies sell weapons to civilians that are engineered to kill many people as fast as possible. These rifles are the weapon of choice for mass murderers who have terrorized and slaughtered young children at school, worshippers at churches and synagogues, and families celebrating the Fourth of July.

On May 26, 2022, the Committee sent letters to five gun manufacturers seeking information on their sale and marketing of these deadly firearms and any efforts to monitor or track safety data related to their products.<sup>1</sup> The manufacturers—Bushmaster, Daniel Defense, Sig Sauer, Smith & Wesson, and Sturm, Ruger & Company—have all made and sold AR-15-style semiautomatic weapons that have been used in mass shootings.

This memorandum details initial findings from the Committee's investigation. The Committee has learned that gun companies collected more than \$1 billion over the last decade from selling military-style assault weapons to civilians, even as gun violence increased across the United States. These companies used disturbing sales tactics—including marketing deadly weapons as a way for young men to prove their manliness and selling guns to mass shooters on credit—while failing to take even basic steps to monitor the violence and destruction their products have unleashed.

Documents and information obtained by the Committee show:

---

<sup>1</sup> Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Launches Investigation into Manufacturers of Assault Weapons Used in Mass Shootings* (May 27, 2022) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-launches-investigation-into-manufacturers-of-assault-weapons>).

- **Gun manufacturers collected more than \$1 billion from the sale of AR-15-style semiautomatic weapons in the last decade—and sales are increasing as gun deaths and mass shootings rise.**
  - **Daniel Defense**’s revenue from AR-15-style rifles tripled from \$40 million in 2019 to over \$120 million in 2021.
  - **Ruger**’s gross earnings from AR-15-style rifles also nearly tripled from 2019 to 2021, increasing from \$39 million to over \$103 million.
  - **Smith & Wesson**’s revenue from all long guns, which include AR-15-style rifles, more than doubled between 2019 and 2021, from \$108 million to \$253 million.
  - Combined, these five manufacturers push hundreds of thousands of military-grade AR-style rifles into communities every year.
- **Gun manufacturers employ a variety of financing tactics and manipulative marketing campaigns to sell AR-15-style rifles to civilians, including young people.**
  - Materials obtained by the Committee show how sellers tout assault rifles’ military pedigree, make covert references to violent white supremacists like the Boogaloo Boys, and prey on young men’s insecurities by claiming their weapons will put them “at the top of the testosterone food chain.”
  - **Smith & Wesson** markets its assault rifle with advertisements that mimic first-person shooter video games popular with children.
  - **Daniel Defense** sells the assault weapon used in the Uvalde shooting on credit, bragging that financing is approved “in seconds.”
  - **Sig Sauer** describes its military-style weapon sold to civilians as an “apex predator” that meets the “demands of the Special Operations community.”
- **Gun manufacturers fail to track or monitor deaths, injuries, or crimes that occur using their products, and fail to track when their products have been illegally modified.**
  - All five companies acknowledged that they have no systems or process in place to gather safety data related to their products, and they were unable to produce any internal analyses of the dangers caused by selling their military-style weapons to civilians.
  - **Sig Sauer** asserted that it does “not have the means” to track deaths caused by its products, while **Ruger** said it only learns of these incidents

through its “customer service department,” the media, or “occasionally” from lawsuits.

- **Bushmaster** claimed that, because the brand has been newly acquired by another company, it was “aware of no such deaths or injuries” caused by its products, even though the racist shooter in Buffalo killed ten people with a Bushmaster-branded assault weapon in May 2022.

## I. USE OF ASSAULT WEAPONS IN MASS KILLINGS

The five gun manufacturers under Committee investigation are among the most prolific and profitable manufacturers and sellers of AR-15-style rifles in America.

Developed by ArmaLite in the 1950s, the original AR-15 rifle evolved into the military-use M-16, which had automatic fire capability.<sup>2</sup> Such rifles fire bullets at three times the velocity of ordinary handguns.<sup>3</sup> Bullets fired from an AR-15-style rifle hit their targets with such force that they rip open cavities inside the human body that then collapse, destroying far more organs and tissue than ordinary handgun rounds.<sup>4</sup> In 1977, the patent on the AR-15 rifle lapsed, and many gun manufacturers began producing civilian variants of the rifle. As the death toll and sales numbers from AR-15-style rifles have grown over the past decade, they have assumed a totemic status within gun culture. In 2016, the National Rifle Association (NRA) dubbed the AR-15 “America’s Rifle.”<sup>5</sup> AR-15-style rifles have been the weapon of choice for the killers responsible for the deadliest mass shootings in American history, including the recent mass murders in Buffalo, New York, and Uvalde, Texas.<sup>6</sup>

The companies under investigation have all sold AR-15-style weapons used in acts of mass gun violence perpetrated in the United States.

- **Bushmaster** made the assault weapon used in the Sandy Hook mass shooting in Newtown, Connecticut, in 2012, and in the recent white supremacist attack in Buffalo, New York.<sup>7</sup> A Bushmaster AR-15-style rifle was also used in the sniper

---

<sup>2</sup> *A Brief History of the AR-15*, National Public Radio (Feb. 28, 2018) (online at [www.npr.org/2018/02/28/588861820/a-brief-history-of-the-ar-15](http://www.npr.org/2018/02/28/588861820/a-brief-history-of-the-ar-15)); Defense Advanced Research Projects Agency, *M16 Rifle* (online at [www.darpa.mil/about-us/timeline/agile-and-m16](http://www.darpa.mil/about-us/timeline/agile-and-m16)) (accessed June 1, 2022).

<sup>3</sup> *The Simple Physics that make Some Bullets Deadlier than Others*, The Trace (June 21, 2017) (online at <https://www.thetrace.org/2017/06/physics-deadly-bullets-assault-rifles/>).

<sup>4</sup> *All-American Killer: How the AR-15 Became Mass Shooters’ Weapon of Choice*, Rolling Stone (Feb. 22, 2018) (online at [www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/](http://www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/)); Everytown Research & Policy, *Assault Weapons and High-Capacity Magazines* (online at [https://everytownresearch.org/wp-content/uploads/sites/4/2020/07/EFGV02\\_Assault-Weapons-and-High-Capacity-Magazines\\_Rd2\\_6-1.pdf](https://everytownresearch.org/wp-content/uploads/sites/4/2020/07/EFGV02_Assault-Weapons-and-High-Capacity-Magazines_Rd2_6-1.pdf)) (accessed June 1, 2022).

<sup>5</sup> *What Is an AR-15 Rifle, Exactly*, The Trace (June 7, 2022) (online at [www.thetrace.org/2022/06/ar15-rifle-assault-weapon-ban/](http://www.thetrace.org/2022/06/ar15-rifle-assault-weapon-ban/)).

<sup>6</sup> *Id.*

<sup>7</sup> *Buffalo Supermarket Shooting: What Do We Know So Far?*, Associated Press (May 16, 2022) (online at <https://apnews.com/article/buffalo-shooting-what-to-know-bcb5e0bd2aedb925d20440c2005ffef8>) (accessed July 25,

attacks in Washington, D.C., in 2002.<sup>8</sup> The company was previously a part of Remington, the nation's largest gun company. Remington filed for bankruptcy in 2018, and Franklin Armory purchased the Bushmaster trademark and continues to manufacture substantially similar AR-15-style rifles, trading on the reputation, history, and notoriety of the Bushmaster name.<sup>9</sup>

- **Daniel Defense** manufactured the AR-15-style rifle that an 18-year-old used to murder 19 children and two teachers in an elementary school in Uvalde, Texas, in May 2022. Four Daniel Defense AR-15-style rifles were found in the arsenal of the 2017 Las Vegas shooter.<sup>10</sup> Ninety percent of the company's sales are direct to civilian consumers, but the company's marketing heavily emphasizes the tactical uses of its products.<sup>11</sup>
- **Sig Sauer** sold the AR-15-style rifle used by a mass shooter to kill 49 people at Pulse nightclub in Orlando, Florida, in 2016, and three of the weapons used by the shooter in Las Vegas, Nevada, in 2017 to kill 60 people.<sup>12</sup> The company recently won the contract to replace the U.S. Army's M-4 carbine and is selling a version of its new rifle to civilians "in a configuration that is a near match" to what America's soldiers will soon be carrying into battle.<sup>13</sup>
- **Smith & Wesson** sold the assault weapons used in the Fourth of July massacre in Highland Park, Illinois, as well as the mass shootings in Parkland, Florida, in

---

2022); *Main Gun in Newtown Also Used in D.C. Sniper Shootings*, USA Today (Dec. 17, 2012) (online at [www.usatoday.com/story/news/nation/2012/12/17/bushmaster-assault-rifle-in-newtown-shootings/1772825/](http://www.usatoday.com/story/news/nation/2012/12/17/bushmaster-assault-rifle-in-newtown-shootings/1772825/)) (accessed July 25, 2022).

<sup>8</sup> *Expert Ties Rifle to Sniper Shootings*, Washington Post (Nov. 7, 2003) (online at [www.washingtonpost.com/archive/politics/2003/11/07/expert-ties-rifle-to-sniper-shootings/826c92b4-ae9e-4cb1-987f-c33a97689fa2/](http://www.washingtonpost.com/archive/politics/2003/11/07/expert-ties-rifle-to-sniper-shootings/826c92b4-ae9e-4cb1-987f-c33a97689fa2/)).

<sup>9</sup> *After Another Massacre, One Gunmaker Maintains a Familiar Silence*, The Washington Post (May 29, 2022) (online at [www.washingtonpost.com/business/2022/05/29/uvalde-rifle-gunmaker-morality/](http://www.washingtonpost.com/business/2022/05/29/uvalde-rifle-gunmaker-morality/)).

<sup>10</sup> *Texas School Shooting: Shooter Legally Purchased 2 Rifles Upon Turning 18 Days Before Shooting*, Fox News (May 25, 2022) (online at [www.foxnews.com/us/texas-school-shooting-legally-2-rifles-days-before](http://www.foxnews.com/us/texas-school-shooting-legally-2-rifles-days-before)); *LIST: Guns and Evidence from Las Vegas Shooter Stephen Paddock*, KTNV Las Vegas (Jan. 19, 2018) (online at [www.ktnv.com/news/las-vegas-shooting/list-guns-and-evidence-from-las-vegas-shooter-stephen-paddock](http://www.ktnv.com/news/las-vegas-shooting/list-guns-and-evidence-from-las-vegas-shooter-stephen-paddock)).

<sup>11</sup> *Congressional Committee Demands Answers from Daniel Defense, Other Gun Manufacturers*, Savannah Morning News (June 3, 2022) (online at [www.savannahnow.com/story/news/local/2022/06/03/uvalde-shooting-ar-15-style-rifle-daniel-defense-bryan-county-ga-house-committee/7473708001/](http://www.savannahnow.com/story/news/local/2022/06/03/uvalde-shooting-ar-15-style-rifle-daniel-defense-bryan-county-ga-house-committee/7473708001/)) (accessed July 25, 2022).

<sup>12</sup> *Weapons Gunman Used in Orlando Shooting Are High-Capacity, Common*, USA Today (June 14, 2016) (online at [www.usatoday.com/story/news/2016/06/14/guns-used-kill-49-orlando-high-capacity-common-weapons/85887260/](http://www.usatoday.com/story/news/2016/06/14/guns-used-kill-49-orlando-high-capacity-common-weapons/85887260/)); *LIST: Guns and Evidence from Las Vegas Shooter Stephen Paddock*, KTNV Las Vegas (Jan. 19, 2018) (online at [www.ktnv.com/news/las-vegas-shooting/list-guns-and-evidence-from-las-vegas-shooter-stephen-paddock](http://www.ktnv.com/news/las-vegas-shooting/list-guns-and-evidence-from-las-vegas-shooter-stephen-paddock)).

<sup>13</sup> *Sig Wins Key Army Contract to Replace M4, M249*, Guns.com (Apr. 20, 2022) (online at [www.guns.com/news/2022/04/20/sig-wins-key-army-contract-to-replace-m4-m249](http://www.guns.com/news/2022/04/20/sig-wins-key-army-contract-to-replace-m4-m249)).



2018, and San Bernadino, California, in 2015.<sup>14</sup> Smith & Wesson was the second largest maker of rifles in the United States in 2020.<sup>15</sup>

- **Sturm, Ruger & Company, Inc.** Ruger's AR-15-style rifle and pistol variants were used by mass shooters in Sutherland Springs, Texas, in 2017 and Boulder, Colorado, in 2021.<sup>16</sup> Ruger is the largest maker of rifles of all types in the United States.<sup>17</sup>

## II. RECORD PROFITS, SALES—AND DEATHS—FROM GUNS

The Committee has obtained internal financial data showing that major gun manufacturers have been enjoying record-breaking sales and profits from AR-15-style rifles, even as gun deaths and mass shootings have risen in the United States.

In the past decade, these five manufacturers have collectively amassed more than \$1 billion in revenue from AR-15-style firearms. Sales skyrocketed in 2021. According to data obtained by the Committee, in 2021, Daniel Defense and Ruger nearly doubled their revenues from the sale of AR-15-style firearms compared to the previous year, with each company accumulating more than \$100 million in gross sales from these weapons.

Smith & Wesson refused to provide specific revenue and profit information for its AR-15-style firearms, instead providing aggregate “long gun” revenues that totaled over \$250 million in 2021, more than doubling from 2020. Smith & Wesson informed the Committee that assault rifles make up more than half of overall long gun sales, meaning the company brought in at least \$125 million from AR-15 style rifles in 2021 alone.

---

<sup>14</sup> *Illinois State Police Director Defends Decision to Give Suspected Highland Park Killer a Gun Permit in 2020*, Chicago Sun Times (July 6, 2022) (online at <https://chicago.suntimes.com/2022/7/6/23197100/highland-park-mass-shooting-gun-mith-wesson-mp15-semiautomatic-rifle-fourth-july-parade-robert-crimo>); *Guns Used in San Bernardino Shooting Were Purchased Legally from Dealers*, Washington Post (Dec. 3, 2015) (online at [www.washingtonpost.com/world/national-security/suspects-in-san-bernadino-shooting-had-a-small-arsenal/2015/12/03/9b5d7b52-99db-11e5-94f0-9eeaff906ef3\\_story.html](http://www.washingtonpost.com/world/national-security/suspects-in-san-bernadino-shooting-had-a-small-arsenal/2015/12/03/9b5d7b52-99db-11e5-94f0-9eeaff906ef3_story.html)); *Florida Gunman Had Extra Ammo at School, Fired for 3 Minutes*, Associated Press (Feb. 15, 2018) (online at <https://apnews.com/article/health-tallahassee-north-america-us-news-ap-top-news-a6fd450470d4464ab423b8b3a911b42d>).

<sup>15</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *2020 Annual Firearms Manufacturers and Export Report (AFMER)* (online at [www.atf.gov/resource-center/2020-annual-firearms-manufacturers-and-export-report-afmer](http://www.atf.gov/resource-center/2020-annual-firearms-manufacturers-and-export-report-afmer)) (accessed July 22, 2022); *6 Charts Shows Key Role Firearms Makers Play in America's Gun Culture*, Ohio Capital Journal (May 30, 2022) (online at <https://ohiocapitaljournal.com/2022/05/30/6-charts-shows-key-role-firearms-makers-play-in-americas-gun-culture/>).

<sup>16</sup> *Suspect Charged with 10 Counts of Murder in Boulder, Colo., Shooting*, New York Times (Mar. 23, 2021) (online at [www.nytimes.com/live/2021/03/23/us/boulder-colorado-shooting](http://www.nytimes.com/live/2021/03/23/us/boulder-colorado-shooting)); *Why the AR-15 Keeps Appearing at America's Deadliest Mass Shootings*, USA Today (Feb. 14, 2018) (online at [www.usatoday.com/story/news/nation/2018/02/14/ar-15-mass-shootings/339519002/](http://www.usatoday.com/story/news/nation/2018/02/14/ar-15-mass-shootings/339519002/)).

<sup>17</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *2020 Annual Firearms Manufacturers and Export Report (AFMER)* (online at [www.atf.gov/resource-center/2020-annual-firearms-manufacturers-and-export-report-afmer](http://www.atf.gov/resource-center/2020-annual-firearms-manufacturers-and-export-report-afmer)) (accessed July 22, 2022); *6 Charts Shows Key Role Firearms Makers Play in America's Gun Culture*, Ohio Capital Journal (May 30, 2022) (online at <https://ohiocapitaljournal.com/2022/05/30/6-charts-shows-key-role-firearms-makers-play-in-americas-gun-culture/>).

Sig Sauer claimed it did not track revenue and profits from specific product lines but stated that AR-15-style rifles make up approximately 3% of its total revenues—financial figures that it has refused to provide to the Committee.

Bushmaster claimed to the Committee that as a “new company,” it had no financial data from the previous owners of the Bushmaster trademark, despite public reporting that the 2020 sale of the brand to Franklin Armory included “historic sales, vendor and customer data, and the technical data packages for numerous Bushmaster-branded firearms.”<sup>18</sup>

<b>Figure 1: AR-15-Style Rifle Revenue and Recent Mass Murders</b>		
	<i>AR-15-Style Rifle Revenue, 2012-2021</i>	<i>Recent Mass Murders with the Company's AR-15-Style Rifles</i>
SMITH & WESSON	At Least \$695 Million	Highland Park (7 dead) Parkland (17 dead) San Bernadino (14 dead)
RUGER	\$514 Million	Sutherland Springs (25 dead) Boulder (10 dead)
DANIEL DEFENSE	\$528 Million	Uvalde (21 dead) Las Vegas (60 dead)*
SIG SAUER	REFUSED	Orlando (49 dead) Las Vegas (60 dead)*
BUSHMASTER	\$2.9 Million (2021 Only)	Buffalo (10 dead) Sandy Hook (27 dead)

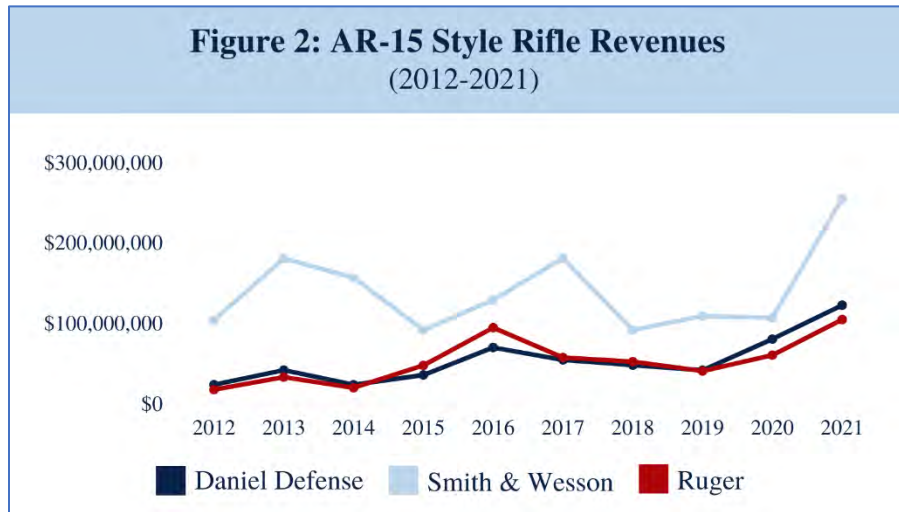
\* Killer used weapons from multiple companies

Figure 2 below shows annual rifle revenues for Smith & Wesson, Daniel Defense, and Ruger from 2012 through 2021.<sup>19</sup> Each of these companies has seen significant increases in revenue from assault weapons since 2019. Daniel Defense’s revenue from AR-15-style rifles tripled from \$40 million in 2019 to over \$120 million in 2021. Ruger’s gross earnings from AR-15-style rifles also nearly tripled from 2019 to 2021, increasing from \$39 million to over \$103 million. Smith & Wesson provided only data on gross revenues from all long-gun sales, which

<sup>18</sup> *Bushmaster Announces a Comeback*, Guns.com (Feb. 15, 2021) (online at [www.guns.com/news/2021/02/15/bushmaster-announces-a-comeback](http://www.guns.com/news/2021/02/15/bushmaster-announces-a-comeback)).

<sup>19</sup> Smith & Wesson produced only total long-gun revenues but asserted that assault rifles make up more than half of all such sales. Sig Sauer claimed it does not track AR-15-style revenues but estimates these weapons encompass 3% of total revenue. Bushmaster, because it claims to be an entirely new company, produced sales figures only for 2021.

include AR-15-style rifles. The company's revenue from that broad category of weapon more than doubled between 2019 and 2021, from \$108 million to \$253 million.



During the Committee's June 8, 2022, hearing on gun violence, gun industry expert Nick Suplina noted that "the gun industry has grown tremendously over the last two decades, business is booming, [and] profits are breaking records." He further remarked that "so are rates of gun violence."<sup>20</sup> According to data from the Centers for Disease Control and Prevention and other sources, 2020 and 2021 witnessed the highest gun-related death totals in the United States in decades.<sup>21</sup>

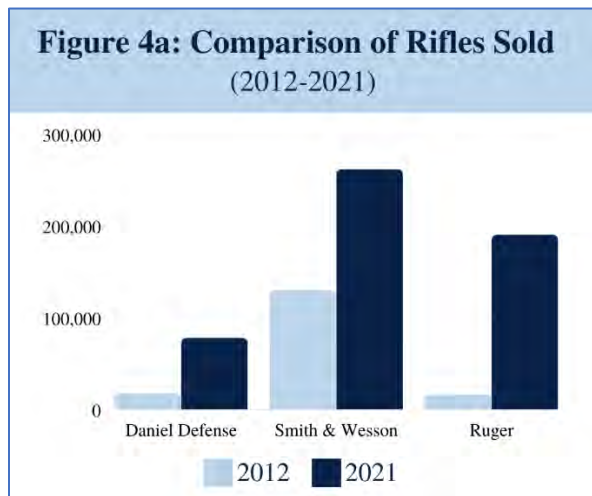
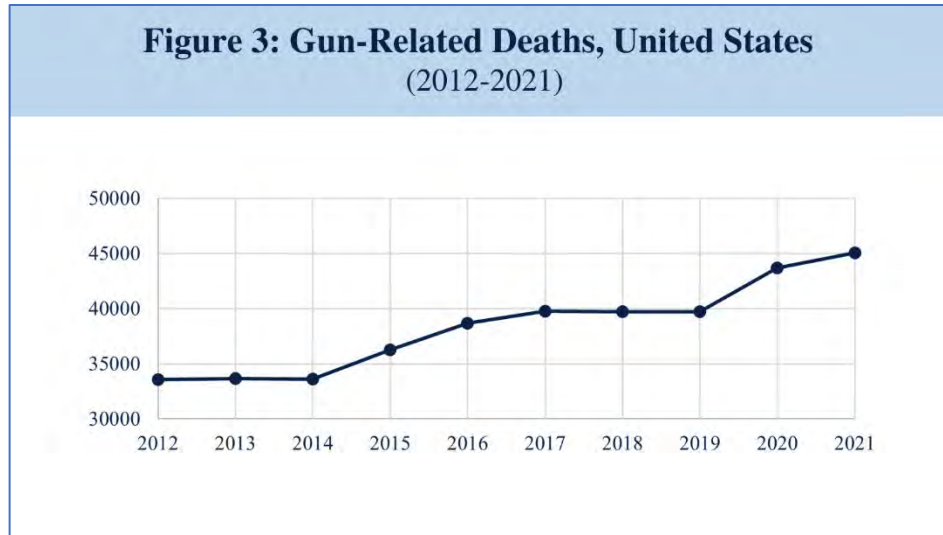
Studies by the Harvard Injury Control Research Center have found a strong correlation between an increase in gun availability and rates of homicides, suicides, and accidental gun deaths.<sup>22</sup> Figure 3 below shows the annual number of gun-related deaths from 2012 through 2021.<sup>23</sup> Figures 4a and 4b show internal rifle sales data from this same period. Daniel Defense and Ruger's figures are for "AR platform" rifles only. Smith & Wesson reported total long gun sales, although the company reported that AR-15-style rifles comprise more than half of that category. Sig Sauer and Bushmaster refused to provide concrete information on the number of AR-15-style rifles sold during this requested time-period.

<sup>20</sup> Committee on Oversight and Reform, Testimony of Nick Suplina, *Hearing on The Urgent Need to Address the Gun Violence Epidemic* (June 8, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Suplina%20Testimony.pdf>).

<sup>21</sup> National Safety Council, *Safety Topics: Gun Data Details* (online at <https://injuryfacts.nsc.org/home-and-community/safety-topics/guns/data-details/>) (accessed June 23, 2022); Centers for Disease Control and Prevention, *Fatal Injury and Violence Data* (online at [www.cdc.gov/injury/wisqars/fatal.html](http://www.cdc.gov/injury/wisqars/fatal.html)) (accessed July 19, 2022); Gun Violence Archive, *Past Summary Ledgers* (online at [www.gunviolencearchive.org/past-tolls](http://www.gunviolencearchive.org/past-tolls)) (accessed July 18, 2022).

<sup>22</sup> Harvard T.H. Chan School of Public Health, Harvard Injury Control Research Center, *Firearms Research—Homicide* (online at [www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/](http://www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/)) (accessed July 14, 2022).

<sup>23</sup> Gun Violence Archive, *Past Summary Ledgers* (online at [www.gunviolencearchive.org/past-tolls](http://www.gunviolencearchive.org/past-tolls)) (accessed July 18, 2022).



**Figure 4b: Comparison of Rifles Sold (2012-2021)**

Manufacturer	2012	2021	% Increases
Daniel Defense	17,427	77,958	347%
S&W	260,369	523,650	101%
Ruger	16,665	190,374	104%

Figures 4a and 4b include “AR platform” rifles sold by Daniel Defense and Ruger and all long guns sold by Smith & Wesson.

The Committee’s findings are consistent with longstanding trends of the gun industry. Gun sales tend to peak in the immediate aftermath of elections, civil unrest, and mass shootings, resulting partly from consumer anxieties and panic-purchasing.<sup>24</sup> This pattern culminated in record-breaking sales numbers for all firearm types during the coronavirus pandemic.<sup>25</sup> A June 2021 Smith & Wesson investor presentation bragged, “In a year of turmoil, we gained market

<sup>24</sup> *An Arms Race in America: Gun Buying Spiked During the Pandemic. It’s Still Up.*, New York Times (May 29, 2021) (online at [www.nytimes.com/2021/05/29/us/gun-purchases-ownership-pandemic.html](https://www.nytimes.com/2021/05/29/us/gun-purchases-ownership-pandemic.html)); *The Pandemic and Fears of Civil Unrest Led to a Historic Boom in Gun Sales This Year*, BuzzFeed News (Nov. 3, 2020) (online at [www.buzzfeednews.com/article/peteraldhous/2020-record-us-gun-sales-election](https://www.buzzfeednews.com/article/peteraldhous/2020-record-us-gun-sales-election)).

<sup>25</sup> *Id.*

share” and concluded, “we’re just getting started.”<sup>26</sup> The editor of a gun industry trade magazine described the first year of the coronavirus pandemic, when gun sales and gun deaths reached unprecedented levels, as a moment of “opportunity” for gun manufacturers.<sup>27</sup>

### III. GUN MANUFACTURERS’ MARKETING PRACTICES

The Committee’s investigation found that gun manufacturers’ multimillion-dollar marketing campaigns have emphasized the AR-15-style rifle’s military roots and its capacity to kill. The investigation also showed that gun makers use aggressive financing tactics to entice buyers. This is consistent with testimony at the Committee’s June 8, 2022, hearing from Nick Suplina, who explained that “in a now crowded field, manufacturers of these guns are trying to market in increasingly brazen ways, often touting the deadliness of products, glorifying combat, and attempting to appeal to younger audiences.”<sup>28</sup>

#### A. Selling Guns to Mass Shooters on Credit

Documents obtained by the Committee show that gun manufacturers use a variety of incentives and tactics to increase sales, including allowing their products to be purchased easily online, and offering rebates, free gifts, and financing opportunities for purchasing their weapons. Although these sales and financing innovations are not unique to the gun industry, these products are far more dangerous than other consumer goods. Daniel Defense, the manufacturer of the rifle purchased and used by the Uvalde shooter, offers its firearms for sale through a buy-now, pay-later, financing system advertised on the front page of its website.<sup>29</sup> To order the exact weapon used by the shooter in Uvalde requires just five clicks, and a pickup at a local gun store which includes a background check and proof of age.<sup>30</sup>

Several Daniel Defense advertisements obtained by the Committee emphasize generous financing packages for its assault rifles. The advertisement shown below is for the exact weapon used in the Uvalde shooting.<sup>31</sup> The company’s website advertises financing approvals “in

---

<sup>26</sup> *Shootings Have Surged—and Gun Companies Have Made Billions*, Rolling Stone (May 27, 2022) (online at [www.rollingstone.com/politics/politics-news/gun-profits-surge-violence-1359155](http://www.rollingstone.com/politics/politics-news/gun-profits-surge-violence-1359155)).

<sup>27</sup> *Id.*

<sup>28</sup> Committee on Oversight and Reform, Testimony of Nick Suplina, Senior Vice President for Law and Policy, Everytown for Gun Safety, *Hearing on The Urgent Need to Address the Gun Violence Epidemic* (June 8, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Suplina%20Testimony.pdf>).

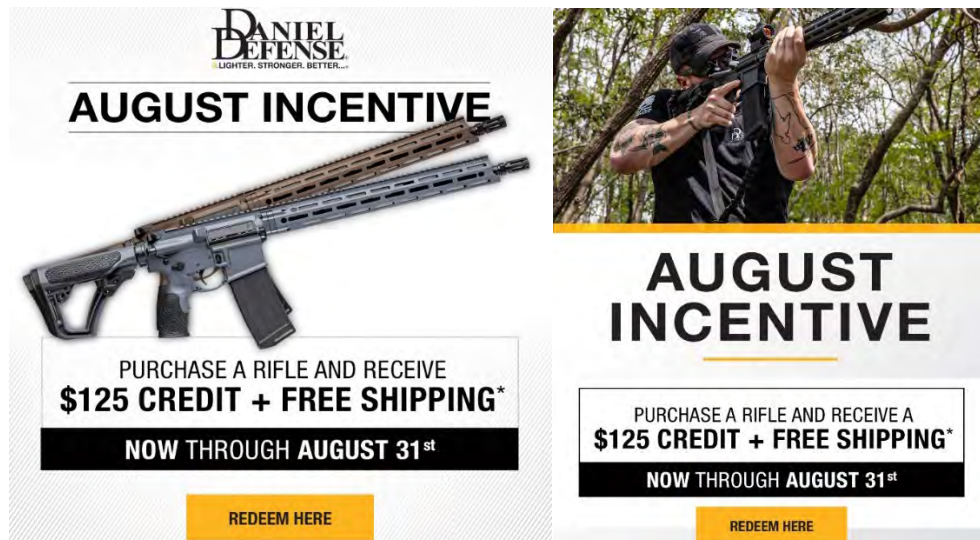
<sup>29</sup> *Buy Now, Pay Later Dragged into Uvalde Shooting Controversy*, Australian Financial Review (May 30, 2022) (online at [www.afr.com/markets/equity-markets/buy-now-pay-later-dragged-into-uvalde-shooting-controversy-20220529-p5apdi](http://www.afr.com/markets/equity-markets/buy-now-pay-later-dragged-into-uvalde-shooting-controversy-20220529-p5apdi)); Daniel Defense, *Shooting Sports Financing* (online at <https://danieldefense.com/daniel-defense-financing>) (accessed June 23, 2022).

<sup>30</sup> *We Ordered the Same Gun Used in Uvalde. Here’s How Easy It Was.*, Quartz (May 26, 2022) (online at <https://qz.com/2170207/we-ordered-the-ar-15-rifle-used-in-uvalde-heres-how-easy-it-is/>).

<sup>31</sup> *Uvalde Victims Demand Answers from Daniel Defense—Maker of Rifle Used by Shooter*, Forbes (June 4, 2022) (online at [www.forbes.com/sites/annakaplan/2022/06/04/uvalde-victims-demand-answers-from-daniel-defense-maker-of-rifle-used-by-shooter/?sh=9b16322324f9](http://www.forbes.com/sites/annakaplan/2022/06/04/uvalde-victims-demand-answers-from-daniel-defense-maker-of-rifle-used-by-shooter/?sh=9b16322324f9)).



seconds,” making it easier to purchase a more expensive firearm.<sup>32</sup> Public reporting on prior mass shooting events uncovered that mass shooters have utilized multiple credit cards to accumulate weapons and ammunition.<sup>33</sup>



## B. Emphasizing Military and Law Enforcement Connections

The Committee has obtained documents showing that gun manufacturers seek to leverage the military lineage of the AR-15 to increase sales to civilians, depicting their AR-15-style rifles with military and law enforcement units and alongside their uniforms. These advertisements draw a direct connection between AR-15-style weapons on the civilian market and weapons of war, whose sole purpose is to inflict as many casualties in combat as possible.

One advertisement produced to the Committee—shown below—depicts a Smith & Wesson M&P rifle, a variant of the AR-15, as “the chosen one” that is “selected by professionals,” featuring the insignia of police, sheriff, highway patrol, and other law enforcement. In a complaint to the Federal Trade Commission alleging unfair and deceptive marketing practices, the Brady Center to Prevent Gun Violence and Everytown for Gun Safety have alleged that Smith & Wesson advertisements contain false endorsements from military and law enforcement. The complaint details that “only a small percentage of Smith & Wesson’s

<sup>32</sup> Daniel Defense, *Shooting Sports Financing* (online at <https://danieldefense.com/daniel-defense-financing>) (accessed July 11, 2022).

<sup>33</sup> *How Banks Unwittingly Finance Mass Shootings*, New York Times (Dec. 24, 2018) (online at <https://nytimes.com/interactive/2018/12/24/business/dealbook/mass-shootings-credit-cards.html>).

overall sales are to law enforcement, and those appear to be mostly handguns, not rifles.” The complaint also notes that Smith & Wesson has secured only one military contract in the past decade, a 2012 contract to deliver 250 revolvers destined for Thailand.<sup>34</sup>



Young people with an affinity for law enforcement and the military have purchased assault weapons marketed in this manner, and some of these young people have used them to kill civilians. The shooters in the Parkland, Florida; Kenosha, Wisconsin; and Poway, California; synagogue shootings were all teenagers drawn to the military and law enforcement. The Parkland shooter was a student in his Junior Reserve Officer Training Corps class and member of the school's air rifle team, while Kyle Rittenhouse, who fatally shot two people and injured a third at a Black Lives Matter protest in Kenosha, Wisconsin, planned a career in law enforcement after being turned away from the military. The Poway, California, shooter wrote a militaristic, anti-Semitic manifesto and described himself as a soldier defending his country. All three used Smith & Wesson M&P rifles, like the one pictured above.<sup>35</sup>

Sig Sauer also prominently features its military connections in advertisements to civilian gun buyers. Sig Sauer advertisements obtained by the Committee make explicit visual and textual connections between their AR-15-style civilian rifles and the military. The advertisement for the company's popular SIG MCX Virtus AR-15 platform, below, exemplifies several of these techniques.

<sup>34</sup> Letter from Brady: United Against Gun Violence and Everytown for Gun Safety to Acting Director Samuel Levine, Bureau of Consumer Protection, Federal Trade Commission (Aug. 17, 2021) (online at <https://everytownlaw.org/wp-content/uploads/sites/5/2021/08/2021.08.17-SW-FTC-Submission.pdf>).

<sup>35</sup> *Id.*

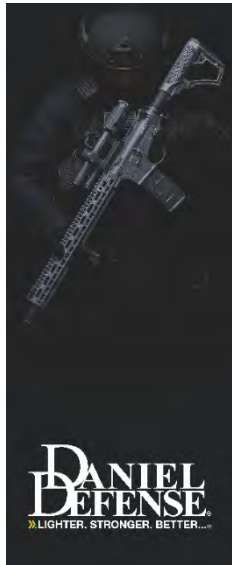


Though the rifle is being advertised to civilians, the advertisement shows five men in a destroyed building in a warzone. All are wearing military-style camouflage and tactical gear emblazoned with camouflage American flags and are carrying military versions of the Sig Sauer rifle. The rifle held by one the central kneeling figures appears to be modified with a grenade launcher. The text of the advertisement emphasizes that the rifle's "modularity" makes it "ready for every possible mission."

Sig Sauer's website reinforces the impression that this rifle, despite being sold to civilians, is intended for military use. The product page for the "patrol" version of the MCX Virtus boasts that the original version of the rifle was "conceived for the demands of the Special Operations community" and describes the rifle as "the apex predator of the carbine world."<sup>36</sup>

<sup>36</sup> Sig Sauer, *Sig MCX Virtus Patrol* (online at [www.sigsauer.com/sig-mcx-virtus-patrol.html](http://www.sigsauer.com/sig-mcx-virtus-patrol.html)) (accessed July 18, 2022).





Daniel Defense also uses military tropes and references in its marketing materials to civilians. Although 90% of the company's sales are direct to consumers, its advertisements heavily emphasize the military lineage and tactical uses of its products.<sup>37</sup> The advertisement to the left depicts a Daniel Defense rifle in the hands of a person wearing all black tactical gear and helmet, suggestive of a special forces operative. One description in the product pages of its website emphasizes that the rail system on its AR-15-style rifle "has been in use by US Special Operations Command (SOCOM)" for many years.<sup>38</sup>

Ruger did not produce any marketing materials to the Committee that referenced military or law enforcement themes. In 2010, however, the company used military themes to market weapons of war to civilians. As documented by the Violence Policy Center, Ruger advertised its Mini-14 Tactical Rifle (below) as "Combat Customized."<sup>39</sup>



### C. Linking Violence and Gun Ownership to Masculinity

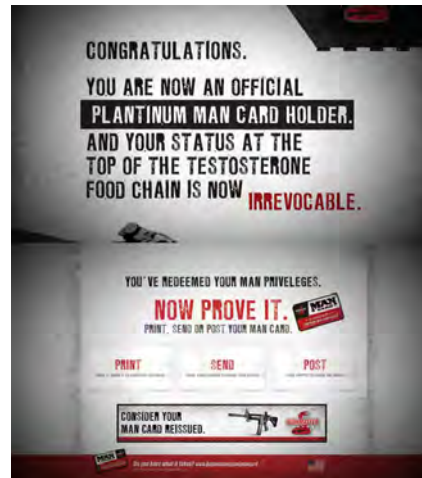
Advertisements obtained by the Committee also seek to appeal to consumers' masculinity, suggesting that purchasing an assault rifle will allow the consumer to retain their "manhood." One Bushmaster advertisement depicts an AR-15 with the caption, "Consider your mancard reissued." Another advertisement suggests that by purchasing an AR-15, "your status at the top of the testosterone food chain is now irrevocable." One commentator found that the

<sup>37</sup> *Congressional Committee Demands Answers from Daniel Defense, Other Gun Manufacturers*, Savannah Morning News (June 3, 2022) (online at [www.savannahnow.com/story/news/local/2022/06/03/uvalde-shooting-ar-15-style-rifle-daniel-defense-bryan-county-ga-house-committee/7473708001/](http://www.savannahnow.com/story/news/local/2022/06/03/uvalde-shooting-ar-15-style-rifle-daniel-defense-bryan-county-ga-house-committee/7473708001/)).

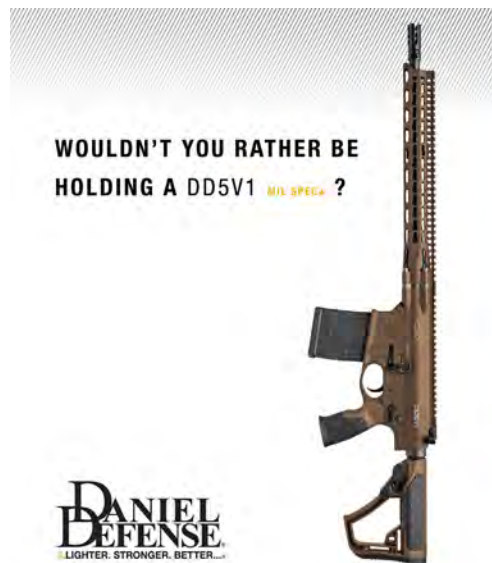
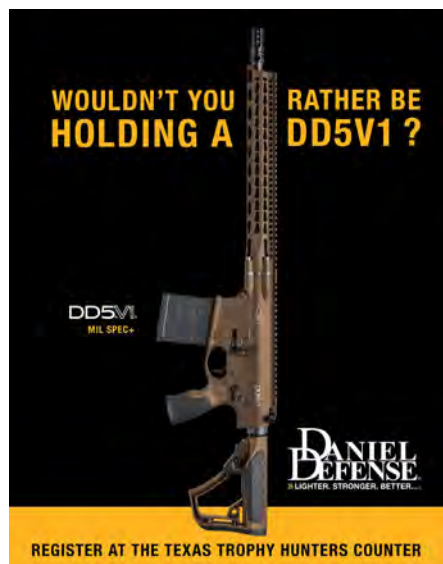
<sup>38</sup> Daniel Defense, *M4A1 CALIFORNIA COMPLIANT* (online at <https://danieldefense.com/m4a1-california-compliant.html>) (accessed July 20, 2022).

<sup>39</sup> Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market* (June 2011) (online at <https://vpc.org/studies/militarization.pdf>).

intended effect of these advertisements appeared to be to “humiliate men into arming themselves with combat weapons.”<sup>40</sup>



Numerous Daniel Defense advertisements obtained by the Committee also make overt appeals to masculinity. Multiple advertisements intended for placement in men’s bathrooms depict AR-15 style weapons with the suggestive text, “Wouldn’t you rather be holding a DD5V1?” The DDD5V1 is Daniel Defense’s AR-15-style rifle.



Gun manufacturer advertisements often combine the promise of an adrenaline rush with violent undertones. One Smith & Wesson advertisement obtained by the Committee depicts spent shell casings, its M&P rifle, and the caption, “Kick Brass.” The advertisement claims the rifle will deliver “Pure Adrenaline.”

<sup>40</sup> *How Gun Makers Bait Insecure Young Men into Buying Weapons*, MSNBC (Feb. 20, 2022) (online at [www.msnbc.com/opinion/msnbc-opinion/gun-maker-sandy-hook-settlement-exposed-predatory-ads-n1289394](http://www.msnbc.com/opinion/msnbc-opinion/gun-maker-sandy-hook-settlement-exposed-predatory-ads-n1289394)).



Other manufacturers have used similar advertising techniques. In April 2022, Remington settled a landmark lawsuit for \$73 million with the parents of children killed in Sandy Hook Elementary School, marking the first time since the enactment of the Protection of Lawful Commerce in Arms Act (PLCAA) that a firearm manufacturer was held liable for the destruction and death caused by its product. The Sandy Hook plaintiffs argued the civil case under a recently passed New York State law that enabled manufacturers to be sued for creating a “public nuisance” that endangers the public’s safety and health. Plaintiffs successfully argued that Remington “tapped into anxieties of masculinity” to sell firearms to “impressionable” and lonely young men who are prone to violence.<sup>41</sup>

#### **D. Marketing to Violent White Supremacists**

The firearm industry has been marketing directly and indirectly to white supremacist and extremist organizations for years, playing on fears of government repression against gun owners and fomenting racial tensions. The increase in racially motivated violence has also led to rising rates of gun ownership among Black Americans, allowing the industry to profit from both white supremacists and their targets.

Extremist imagery has frequently appeared on merchandise available at large industry-sponsored conventions such as the National Shooting Sports Foundation (NSSF) Shot Show and the NRA Annual Meeting, as well as in advertisements by major gun manufacturers.<sup>42</sup> One Daniel Defense inventory catalogue from 2017 features an image of a shooter with a tattoo of a Norse symbol known as the Valknot. This symbol is closely associated with transnational white

---

<sup>41</sup> *Id.*

<sup>42</sup> *The Gun Industry Created a New Consumer. Now It's Killing Us*, The Atlantic (July 25, 2022) (online at [www.theatlantic.com/ideas/archive/2022/07/firearms-industry-marketing-mass-shooter/670621/](https://www.theatlantic.com/ideas/archive/2022/07/firearms-industry-marketing-mass-shooter/670621/)).



supremacists and is identified as a hate symbol by the Anti-Defamation League.<sup>43</sup> The Valknot has become a recurring symbol in right-wing militant and extremist contexts. The self-anointed “QAnon Shaman,” who attacked the Capitol during the January 6 insurrection, has a Valknot tattoo on his chest.<sup>44</sup>



One example of explicit marketing to white supremacists is Palmetto State Armory’s “Big Igloo Aloha” AK-47-style assault rifle, shown below.<sup>45</sup> The name of the rifle is a reference to the “Boogaloo Movement,” a group of anti-government extremists and white supremacists who believe a second civil war or race war is imminent, and who often wear floral print shirts with similar patterns. Individuals associated with the “Boogaloo Movement” have been involved in numerous violent acts and criminal conspiracies, including the 2020 murder of two law enforcement and security officers in California, and a plot to kidnap Michigan Governor Gretchen Whitmer and violently overthrow the state government.<sup>46</sup>

---

<sup>43</sup> *Why Far-right Extremists Co-opt Norse Symbolism*, The Week (June 20, 2022) (online at [www.theweek.co.uk/news/crime/957122/why-far-right-extremists-co-opt-norse-symbolism](http://www.theweek.co.uk/news/crime/957122/why-far-right-extremists-co-opt-norse-symbolism)); Anti-Defamation League, *Hate Symbol—Valknot* (online at [www.adl.org/resources/hate-symbol/valknot](http://www.adl.org/resources/hate-symbol/valknot)) (accessed June 29, 2022).

<sup>44</sup> *Id.*

<sup>45</sup> *POTD: PSA “Big Igloo Aloha” Custom Series AK*, The Firearm Blog (Feb. 3, 2020) (online at [www.thefirearmblog.com/blog/2020/02/03/potd-psa-big-igloo-aloha-custom-ak/](http://www.thefirearmblog.com/blog/2020/02/03/potd-psa-big-igloo-aloha-custom-ak/)).

<sup>46</sup> Southern Poverty Law Center, *“Boogaloo Boy” Arrested in Texas, Charged with Plotting to Murder Cops on Facebook Live* (May 15, 2020) (online at [www.splcenter.org/hatewatch/2020/05/15/boogaloo-boy-arrested-texas-charged-plotting-murder-cops-facebook-live](http://www.splcenter.org/hatewatch/2020/05/15/boogaloo-boy-arrested-texas-charged-plotting-murder-cops-facebook-live)); *41-year Sentence for Ex-Air Force Sergeant Who Killed Guard*, Associated Press (June 3, 2022) (online at <https://apnews.com/article/us-air-force-san-francisco-oakland-police-government-and-politics-54ee0fa4316354d893b691c5f8d44023>); *Whitmer Conspiracy Allegations Tied to*



Top, members of the Boogaloo Boys. Bottom left, Palmetto State Armory's "Big Igloo Aloha" rifle. Bottom right, Daniel Defense's floral accessorized rifle.<sup>47</sup>

In June 2021, Daniel Defense posted a photo of its M4A1 assault rifle, accessorized with a similar floral pattern, on its Instagram account.

Gun retailers have also used extremist advertising materials. Big Daddy Unlimited (BDU) is a licensed retailer of all five gun manufacturers under investigation by the Committee and frequently appears at gun conventions such as the NSSF Shot Show.<sup>48</sup> Following Kyle

<sup>47</sup> "Boogaloo" Movement, NBC News (Oct. 8, 2020) (online at [www.nbcnews.com/tech/tech-news/whitmer-conspiracy-allegations-tied-boogaloo-movement-n1242670](http://www.nbcnews.com/tech/tech-news/whitmer-conspiracy-allegations-tied-boogaloo-movement-n1242670)).

<sup>48</sup> What Do You Do When Extremism Comes for the Hawaiian Shirt?, New York Times (June 29, 2020) (online at [www.nytimes.com/2020/06/29/style/boogaloo-hawaiian-shirt.html](http://www.nytimes.com/2020/06/29/style/boogaloo-hawaiian-shirt.html)).

<sup>49</sup> Big Daddy Unlimited, Big Daddy Unlimited Brands (online at <https://bigdaddyunlimited.com/big-daddy-unlimited-brands>) (accessed June 30, 2022); Shot Show Planner, Big Daddy Unlimited—Exhibitor (online at

Rittenhouse's 2021 acquittal on charges of homicide, BDU made a post to its company social media accounts with an image of Rittenhouse alongside its products, with the caption "Be a Man Among Men." The text refers to the slogan of the Rhodesian colonist army, which has become a source of inspiration in white supremacist circles.<sup>49</sup> White supremacist Dylann Roof, who murdered nine Black churchgoers in 2015, created a manifesto that was posted to a website called "The Last Rhodesian." Roof's manifesto included "photographs of himself wearing a jacket with a patch of the green-and-white Rhodesian flag."<sup>50</sup> BDU has claimed there was no connection between its graphic and its racist connotations.<sup>51</sup>

There have been an increasing number of mass shootings in recent years carried out by shooters acting on their white supremacist beliefs, including the shootings in Buffalo, El Paso, and at the Tree of Life Synagogue in Pittsburgh.<sup>52</sup>

As a result of the increase in racially motivated violence, firearms manufacturers profit from the business of both white supremacists and those extremists' targets. Gun ownership among Black Americans has soared by more than 50% since 2020, in response to increasing gun violence and the spike in anti-Black hate crimes.<sup>53</sup> The firearms industry has capitalized on this fear and begun marketing directly to minority communities with taglines such as "it's a jungle out there," and "mi casa no es su casa."<sup>54</sup> This marketing has increased the number of guns in these communities, which are already the most negatively impacted by rampant gun violence. Black Americans experience gun violence and assaults at dramatically higher rates than other ethnicities.<sup>55</sup>

## **E. Marketing Through Video Games**

---

[https://n1b.goexpsoftware.com/events/ss22/goExpo/exhibitor/viewExhibitorProfile.php?\\_\\_id=2290](https://n1b.goexpsoftware.com/events/ss22/goExpo/exhibitor/viewExhibitorProfile.php?__id=2290)) (accessed June 30, 2022).

<sup>49</sup> *Gun Sellers' Message to Americans: Man Up*, New York Times (June 22, 2022) (online at [www.nytimes.com/2022/06/18/us/firearm-gun-sales.html](https://www.nytimes.com/2022/06/18/us/firearm-gun-sales.html)); *Rhodesia's Dead—but White Supremacists Have Given It New Life Online*, New York Times (Apr. 10, 2018) (online at [www.nytimes.com/2018/04/10/magazine/rhodesia-zimbabwe-white-supremacists.html](https://www.nytimes.com/2018/04/10/magazine/rhodesia-zimbabwe-white-supremacists.html)). *The Gun Industry Created a New Consumer. Now It's Killing Us*, The Atlantic (July 25, 2022) (online at [www.theatlantic.com/ideas/archive/2022/07/firearms-industry-marketing-mass-shooter/670621/](https://www.theatlantic.com/ideas/archive/2022/07/firearms-industry-marketing-mass-shooter/670621/)).

<sup>50</sup> *Id.*

<sup>51</sup> Big Daddy Unlimited Intel, *Big Daddy Unlimited in the New York Times* (June 21, 2022) (online at <https://intel.bigdaddyunlimited.com/bdu-ny-times/?amp=1>).

<sup>52</sup> *White Supremacist Extremism Takes Up Arms in the United States*, El País (May 22, 2022) (online at <https://english.elpais.com/international/2022-05-22/white-supremacism-takes-up-arms-in-the-united-states.html>).

<sup>53</sup> *Why More Black People Are Looking for Safety in Gun Ownership*, NBC News (June 14, 2022) (online at [www.nbcnews.com/news/nbcblk/black-people-are-looking-safety-gun-ownership-rcna32150](https://www.nbcnews.com/news/nbcblk/black-people-are-looking-safety-gun-ownership-rcna32150)); *Black Americans Flock to Gun Stores and Clubs: "I Needed to Protect Myself,"* The Guardian (Apr. 5, 2021) (online at [www.theguardian.com/us-news/2021/apr/05/us-gun-ownership-black-americans-surge](https://www.theguardian.com/us-news/2021/apr/05/us-gun-ownership-black-americans-surge)).

<sup>54</sup> Violence Policy Center, *How the Firearms Industry and NRA Market Guns to Communities of Color* (Jan. 2021) (online at [www.vpc.org/studies/marketingexecsum2021.pdf](https://www.vpc.org/studies/marketingexecsum2021.pdf)).

<sup>55</sup> Everytown for Gun Safety, *Impact of Gun Violence on Black Americans* (online at [www.everytown.org/issues/gun-violence-black-americans/](https://www.everytown.org/issues/gun-violence-black-americans/)) (accessed June 30, 2022).



Documents provided to the Committee show how manufacturers use the imagery of first-person shooter video games to market their products. Below is a comparison of two Smith & Wesson M&P advertisements and the video game Call of Duty Modern Warfare, in which the player is using a similar M4 rifle.<sup>56</sup>

Smith and Wesson advertisements:



Call of Duty Modern Warfare video game:



Gun manufacturers also enter into licensing agreements to have their weapons featured in first-person shooter video games. Ralph Vaughn, who negotiates licensing agreements with game developers on behalf of sniper rifle manufacturer Barrett, said: “It is hard to qualify to

<sup>56</sup> Reddit, *Just Found Out About the Cleanest Iron Sight for the M4* (May 3, 2020) (online at [www.reddit.com/r/modernwarfare/comments/gcnhdr/just\\_found\\_out\\_about\\_the\\_cleanest\\_iron\\_sight\\_for/](https://www.reddit.com/r/modernwarfare/comments/gcnhdr/just_found_out_about_the_cleanest_iron_sight_for/)) (accessed July 25, 2022).

what extent rifle sales have increased as a result of being in games, but video games expose our brand to a young audience who are considered possible future owners.”<sup>57</sup>

#### IV. THE GUN INDUSTRY’S FAILURE TO TRACK CRIMES AND DEATHS CAUSED BY ITS’ PRODUCTS

The Committee’s investigation found that the five gun manufacturers under review do not have any systems in place to monitor and analyze deaths and injuries associated with their products.<sup>58</sup> In response to the Committee’s inquiries, all five companies asserted that they do not monitor or track injuries and deaths caused by their AR-15-style rifles, either from accidental discharge, product malfunction, or deliberate use, nor do they track crimes committed with the products.

- **Bushmaster** represented that it “does not formally ‘monitor’ or ‘track’” incidents,<sup>59</sup> and also claimed that there were no such deaths or injuries with its products, even though the mass shooter in Buffalo used a Bushmaster-brand assault weapon to kill ten people.<sup>60</sup>
- **Ruger** emphasized that the company becomes aware of deaths, injuries, and crimes associated with its products only through its “customer service department, through media reports, or occasionally in connection with actual or potential litigation.” Ruger maintained that it deals with each customer claim of injuries or deaths associated with its products individually, and “does not create or maintain records based upon the nature of the injury claimed.”<sup>61</sup>
- **Sig Sauer** asserted that it does “not have the means” to track such incidents.<sup>62</sup>

---

<sup>57</sup> These licensing agreements provide a steady source of income for the gun manufacturers, ranging from 5-10% of the retail price, or involving fixed royalties. *Shooters: How Video Game Fund Arms Manufacturers*, Eurogamer (May 14, 2019) (online at [www.eurogamer.net/shooters-how-video-games-fund-arms-manufacturers](http://www.eurogamer.net/shooters-how-video-games-fund-arms-manufacturers)).

<sup>58</sup> Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Launches Investigation into Manufacturers of Assault Weapons Used in Mass Shootings* (May 27, 2022) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-launches-investigation-into-manufacturers-of-assault-weapons>).

<sup>59</sup> Internal letter from Bushmaster Firearms International to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (June 3, 2022).

<sup>60</sup> *Buffalo Supermarket Shooting: What Do We Know So Far?*, Associated Press (May 16, 2022) (online at <https://apnews.com/article/buffalo-shooting-what-to-know-bcb5e0bd2aedb925d20440c2005ffef8>).

<sup>61</sup> Internal letter from Sturm, Ruger & Company, Inc. to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (June 3, 2022).

<sup>62</sup> Internal letter from Sig Sauer, Inc. to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (June 6, 2022).

- Both **Daniel Defense** and **Smith & Wesson** asserted that they do “not monitor or track this information.”<sup>63</sup>

In response to the Committee’s request for internal company analyses of the use of their assault weapons “in mass shootings or other homicides,” the “risks posed” by the marketing or sale of these weapons, and “the ability to modify these weapons to increase their lethality,” none of the five companies produced a single document.

These gun companies fail to track the deaths and crimes caused by their products even though they are included in a tracing process run by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). When law enforcement seizes a gun at a crime scene, they contact ATF’s National Tracing Center to track the firearm from the manufacturer, through dealers and retailers, and into the hands of the most recent buyer.<sup>64</sup> During this tracing process, ATF works directly with firearm manufacturers to gain information about the gun.<sup>65</sup> Despite their involvement in this tracing process, each company claimed that they do not monitor or track this information.

As the Committee has previously demonstrated, a “small number of retailers” are often responsible for supplying an inordinate number of guns used in crimes, suggesting that industry attention to where and how their products are misused by criminals could help curb violent crime or rising homicide rates.<sup>66</sup>

Gun manufacturers’ failure to monitor injuries, deaths, and crimes associated with their products also stands in stark contrast with other consumer product industries, which are required to alert the public to risk of harm from their products through Consumer Product Safety Commission (CPSC). Manufacturers, importers, distributors, and retailers of consumer products must notify the CPSC within 24 hours if they become aware of information suggesting their product “creates an unreasonable risk of serious injury or death.”<sup>67</sup>

Other industries have similar requirements. For instance, the Food and Drug Administration (FDA) requires companies with prescription drugs to submit detailed “adverse event” information to FDA, and manufacturers of medical devices are “required to report to the FDA when they learn that any of their devices may have caused or contributed to a death or serious injury.”<sup>68</sup>

---

<sup>63</sup> Internal letter from Daniel Defense to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (June 6, 2022); Internal letter from Smith & Wesson to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (June 7, 2022)

<sup>64</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Tracing Center* (online at [www.atf.gov/firearms/national-tracing-center](http://www.atf.gov/firearms/national-tracing-center)) (accessed June 23, 2022).

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

<sup>66</sup> 6 Gun Shops, 11,000 “Crime Guns”: A Rare Peek at the Pipeline, New York Times (Apr. 28, 2022) (online at [www.nytimes.com/2022/04/28/us/politics/gun-shops-weapons-resell.html](http://www.nytimes.com/2022/04/28/us/politics/gun-shops-weapons-resell.html)).

<sup>67</sup> 15 U.S.C. § 2064(b).

<sup>68</sup> 21 C.F.R. § 314.80(a) (2014); Food and Drug Administration, *Mandatory Reporting Requirements: Manufacturers, Importers and Device User Facilities* (online at

Even where a product operates as intended, an industry typically will face legal liability where their distribution or marketing practices yield excessive or unintended use of the product. For instance, a pharmaceutical company will face legal liability for failing to curb negligent monitoring or distribution practices of dangerous drugs such as opioids. Yet the gun industry faces no such consequences for its failure to track deaths, injuries, or crimes committed with their products.

In 2005, Congress passed PLCAA which granted gun manufacturers and dealers extraordinary protections from civil liability for how they sell, market, or distribute their products. Under this liability shield, gun manufacturers and dealers possess little financial incentive to make safety improvements to their products or track gun data to ensure that the firearms they sell do not end up in the hands of criminals.

Recently, however, successful state suits in Pennsylvania, New York, Connecticut, and other jurisdictions have begun to erode PLCAA's blanket immunity for gun manufacturers and dealers. In 2022, the families of many of the Sandy Hook victims and Remington agreed to a \$73 million settlement under the legal theory that Remington's marketing practices for the Bushmaster XM-15 rifle violated the state's consumer protection law, overcoming Remington's argument that PLCAA barred the suit.<sup>69</sup> Nevertheless, as this memo demonstrates, these companies continue to design and market weapons of war to the public without adequate oversight of their products' destructive potential.

## V. CONCLUSION

The right to bear arms is protected by the Second Amendment. Firearms manufacturers, however, do not have a constitutional right to engage in the irresponsible marketing and sale of dangerous assault weapons that are used to terrorize communities across the United States.

Congress must act to rein in the irresponsible business practices of the gun industry, prohibit the sale of dangerous weapons of war to civilians, and reassess the liability protections that prevent the American people from accessing the courts to hold gun manufacturers accountable for the deadly effects of their business decisions.<sup>70</sup> Congress and federal agencies should also consider requiring death and crime reporting requirements for the gun industry, similar to those imposed on other industries, which will force manufacturers to develop compliance systems and take reasonable precautions to ensure their products are not misused. Additionally, Congress should consider imposing reasonable regulations on how the gun industry advertises its products, such as age limitations, content warnings, and further enabling agencies like the Federal Trade Commission to regulate misleading advertisements.

---

[www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/PostmarketRequirements/ReportingAdverseEvents/ucm2005737.htm](http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/PostmarketRequirements/ReportingAdverseEvents/ucm2005737.htm)) (accessed July 25, 2022).

<sup>69</sup> *Sandy Hook Families Settle with Gunmaker for \$73 Million Over Massacre*, New York Times (Feb. 17, 2022) (online at [www.nytimes.com/2022/02/15/nyregion/sandy-hook-families-settlement.html](http://www.nytimes.com/2022/02/15/nyregion/sandy-hook-families-settlement.html)).

<sup>70</sup> See H.R. 2814 (repealing PLCAA and expanding access to firearm trace data maintained by the ATF).

Finally, the Committee's investigation highlights the need for Congress to increase funding for gun research and to take additional steps to curb the gun violence epidemic in the United States.

## **EXHIBIT 86**





# Key Findings

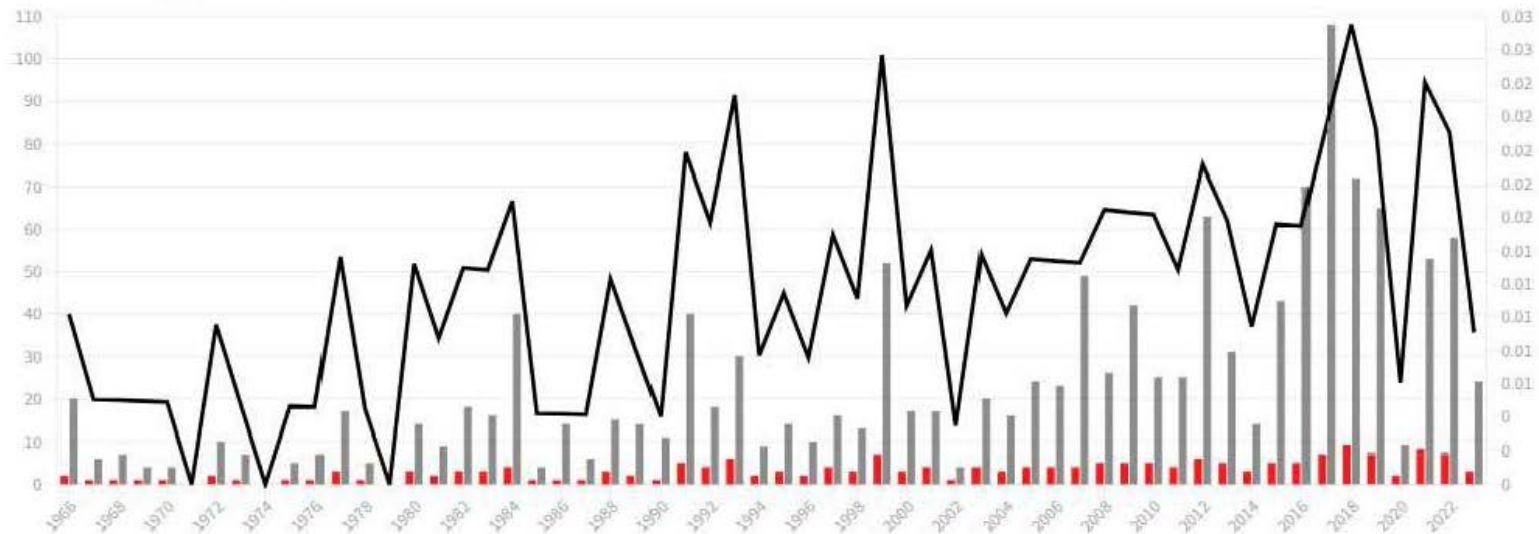
Mass public shootings today are more frequent and deadlier.

## Mass Public Shootings in the United States, 1966–present

N=188

Enter series to show

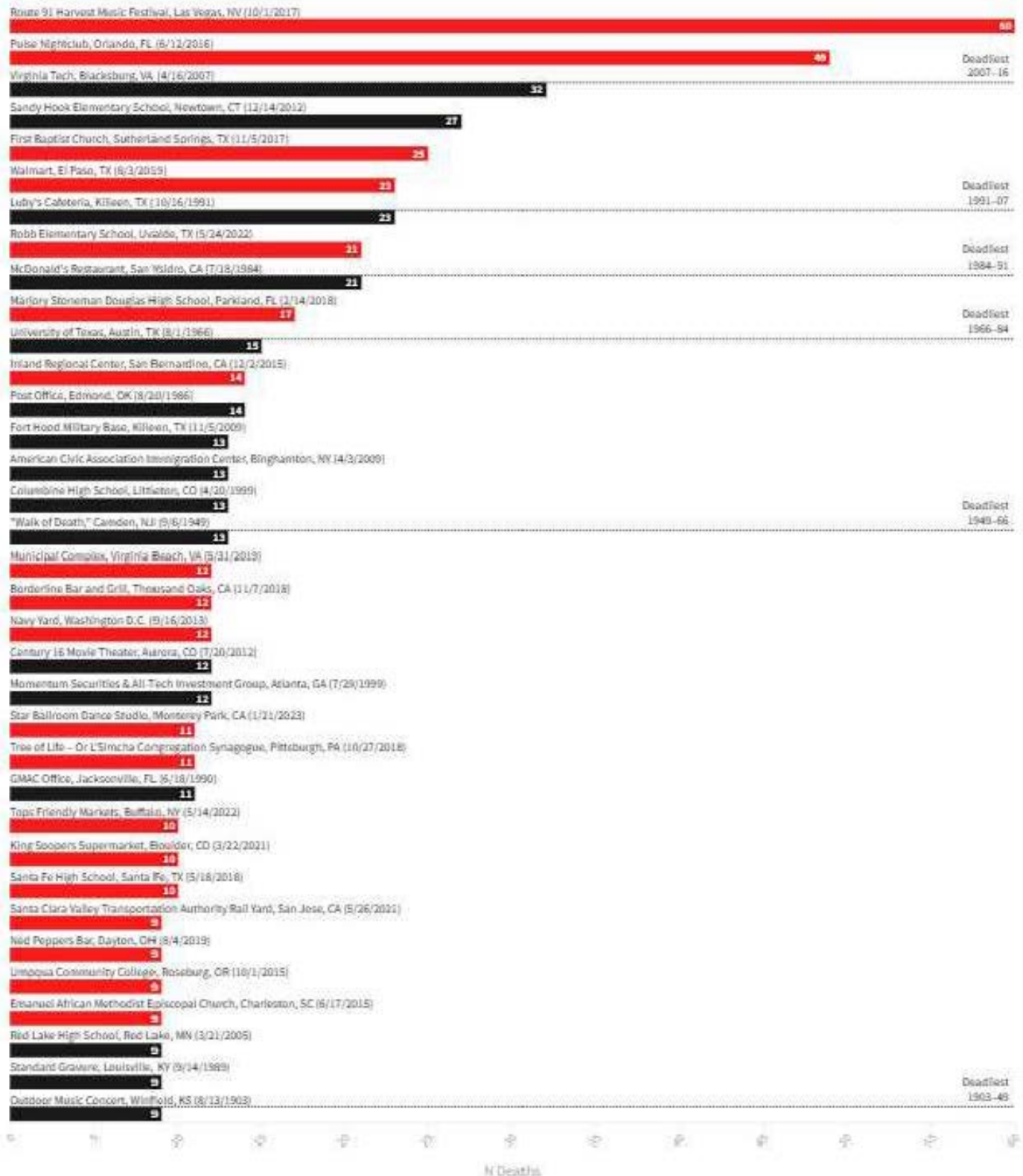
■ Rate Per Million ■ Incidents ■ Deaths



Source: [The Violence Project](#)

# Over half of the 35 deadliest mass shootings in the last 100 years occurred in the last decade.

## Deadliest US Mass Public Shootings, 1903-present Last 10 Years in Red



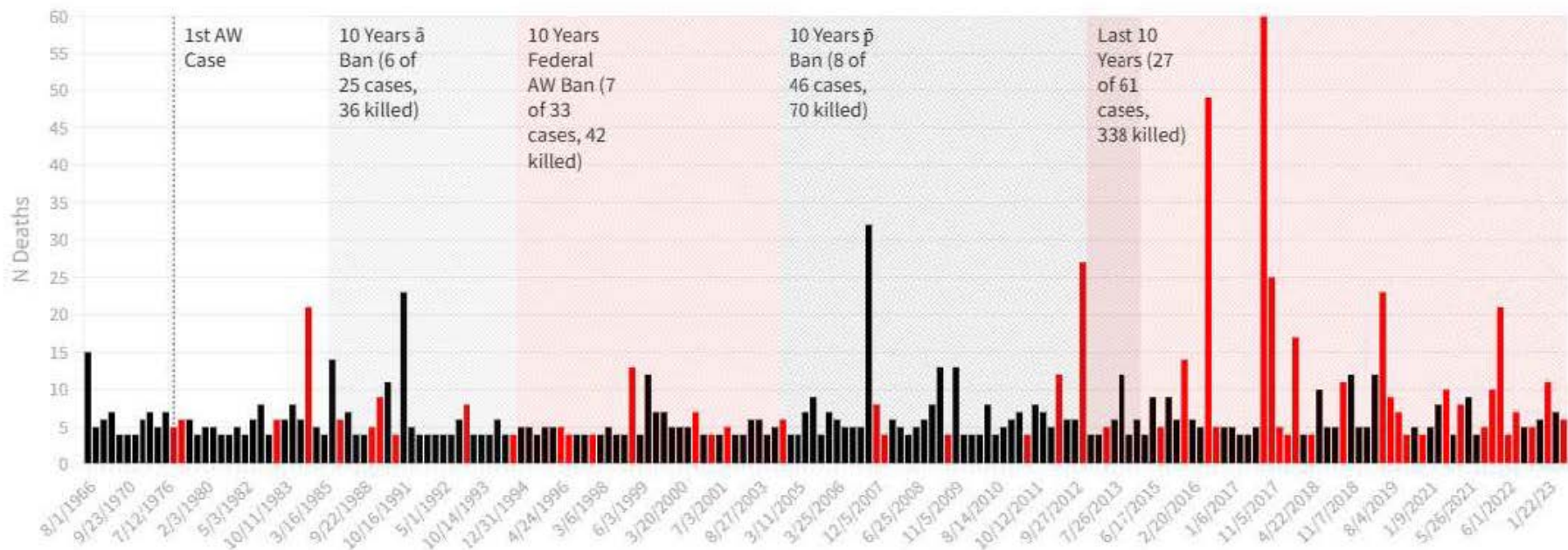
Source: [The Violence Project](#)

## Most mass shootings are committed using handguns, but assault weapons are over-represented in these cases compared to other forms of gun violence.

### Prevalence of Assault Weapons in 188 US Mass Public Shootings, 1966–present

#### Assault Weapons in Red

51 of 188 cases (27%), including 17 of the 33 deadliest mass shootings (52%), and 519 of the total 1,349 mass shooting deaths (38%)

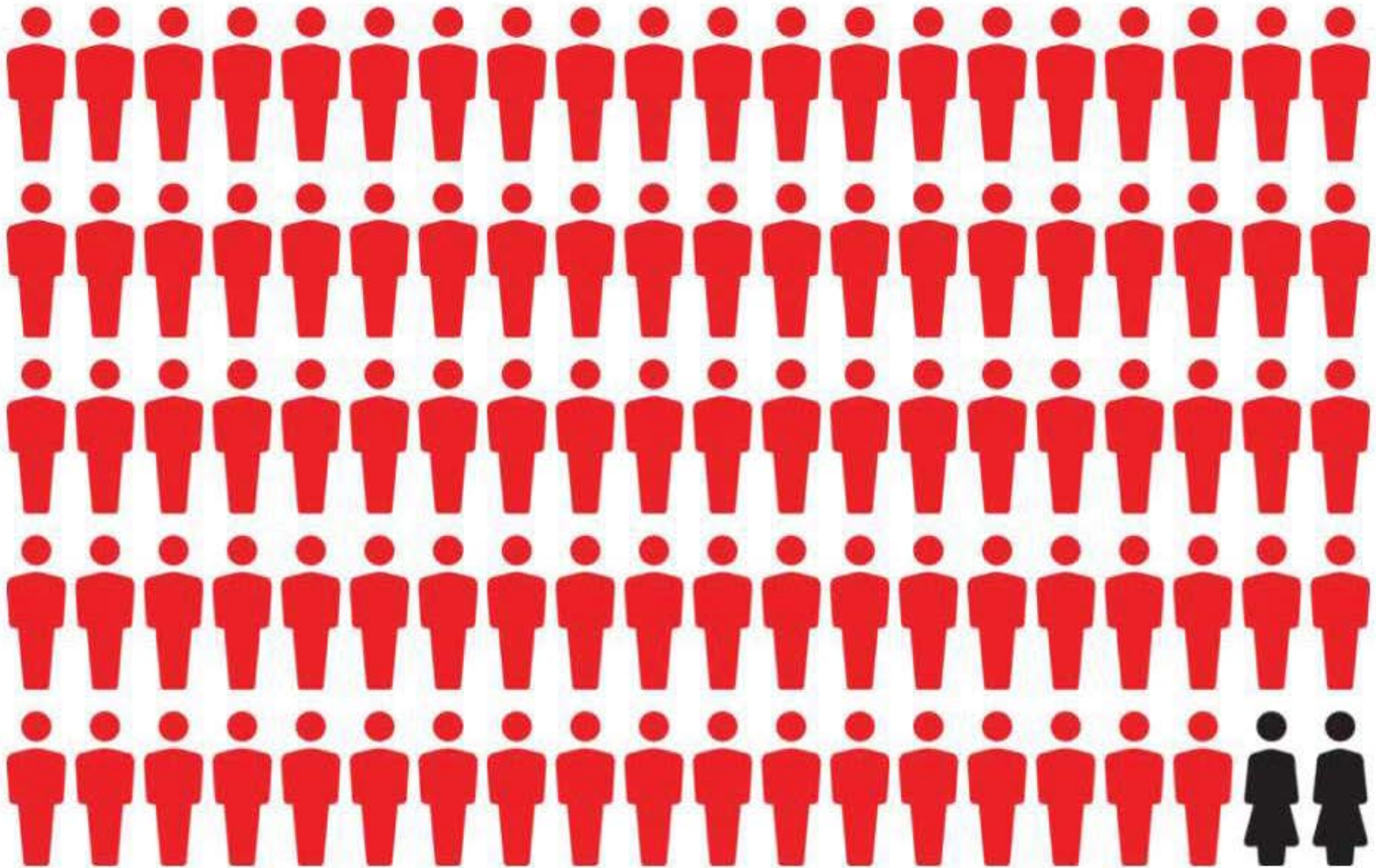


Source: [The Violence Project](#) • AW use by decade: 1966–69 = 0 of 5 mass shootings; 1970–79 = 2 of 10 shootings (20%); 1980–89 = 6 of 23 shootings (26%); 1990–99 = 7 of 37 shootings (19%); 2000–09 = 7 of 37 shootings (19%); 2010–19 = 19 of 56 shootings (34%); 2020–present = 11 out of 20 shootings (53%).

Assault weapons are defined as any automatic firearm or semi-automatic gun that can accept a detachable ammunition magazine and includes one or more additional features unnecessary for sports or self-defense, such as a folding, telescoping or thumbhole rifle stock.



98% of mass public shooters are men.

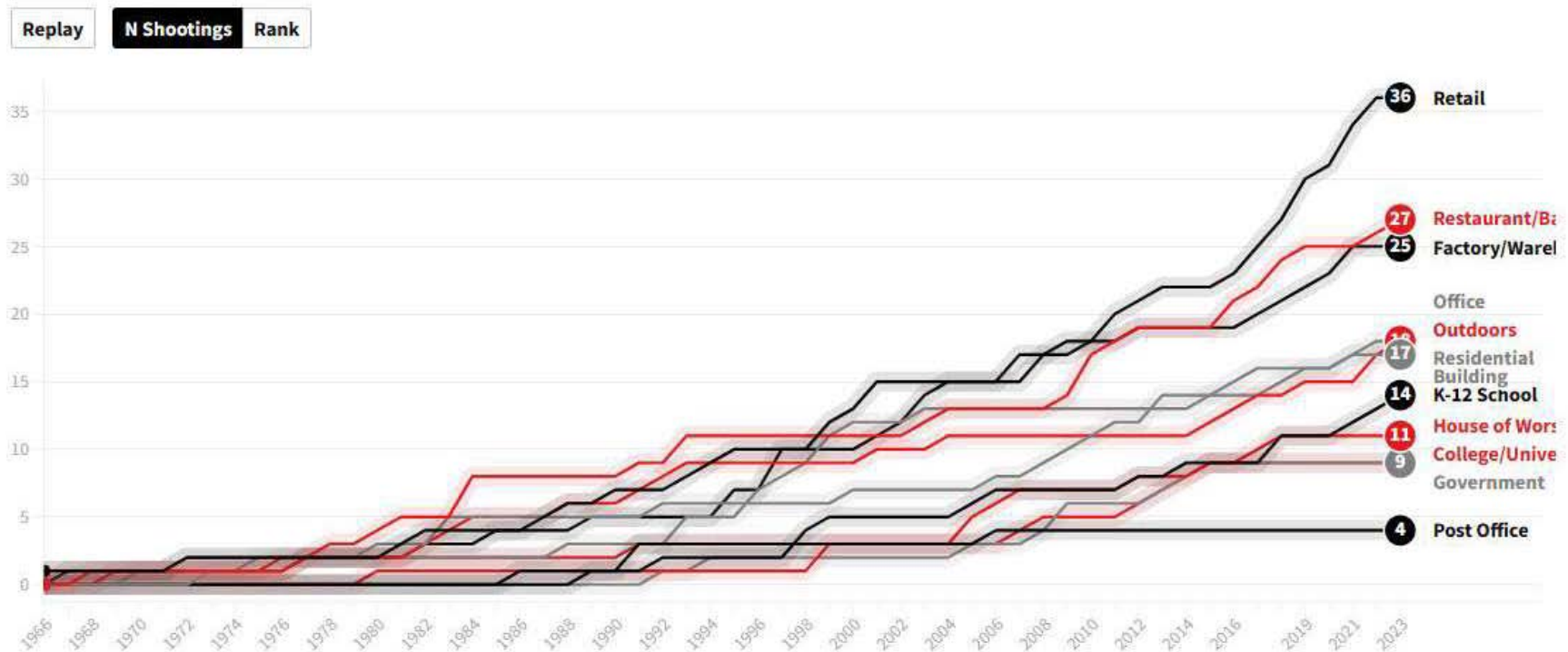


Only four of the 191 mass shooters in our database were women, two of whom partnered with a male shooter.

## Mass public shootings most frequently occur at places of work and commerce, but trends change over time.

### Locations of US Mass Public Shootings, 1966–present

N=188

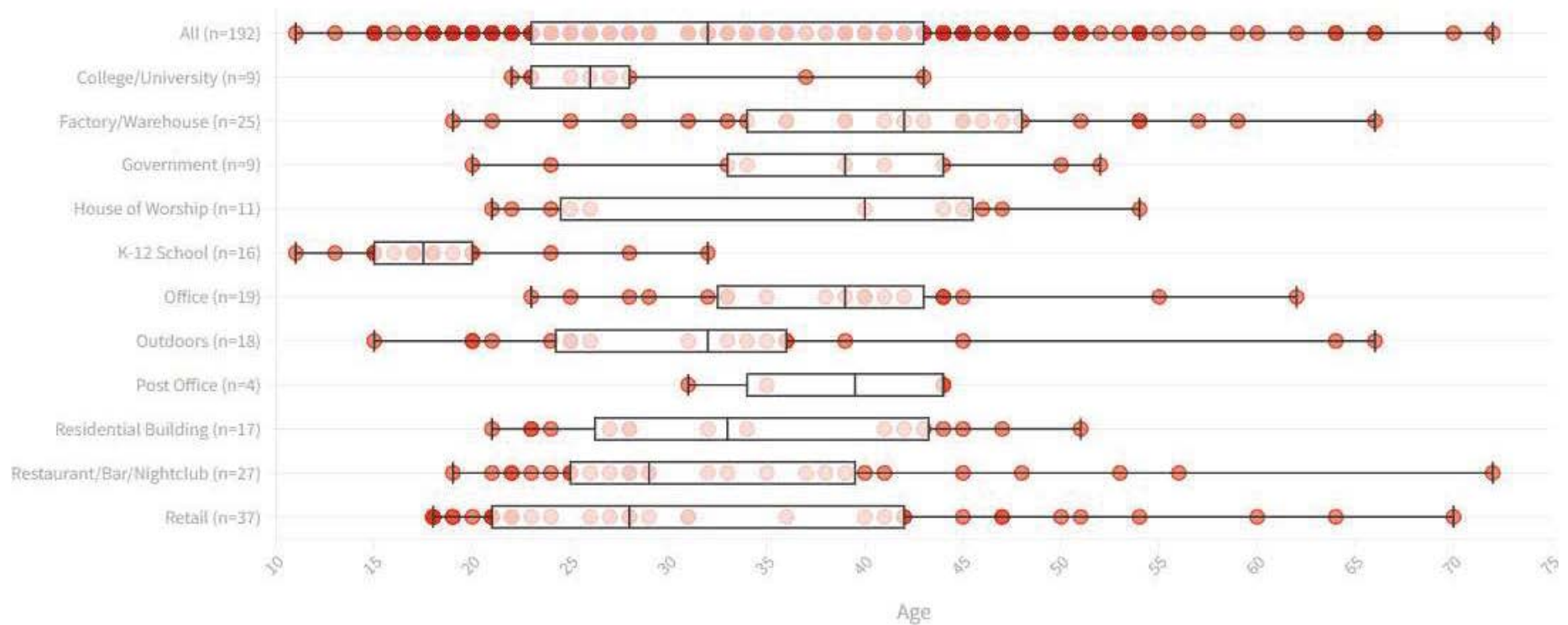


Source: [The Violence Project](#)

## The shooting location also dictates demographic trends...

### Age of US Mass Public Shooters by Location, 1966–present

N=192



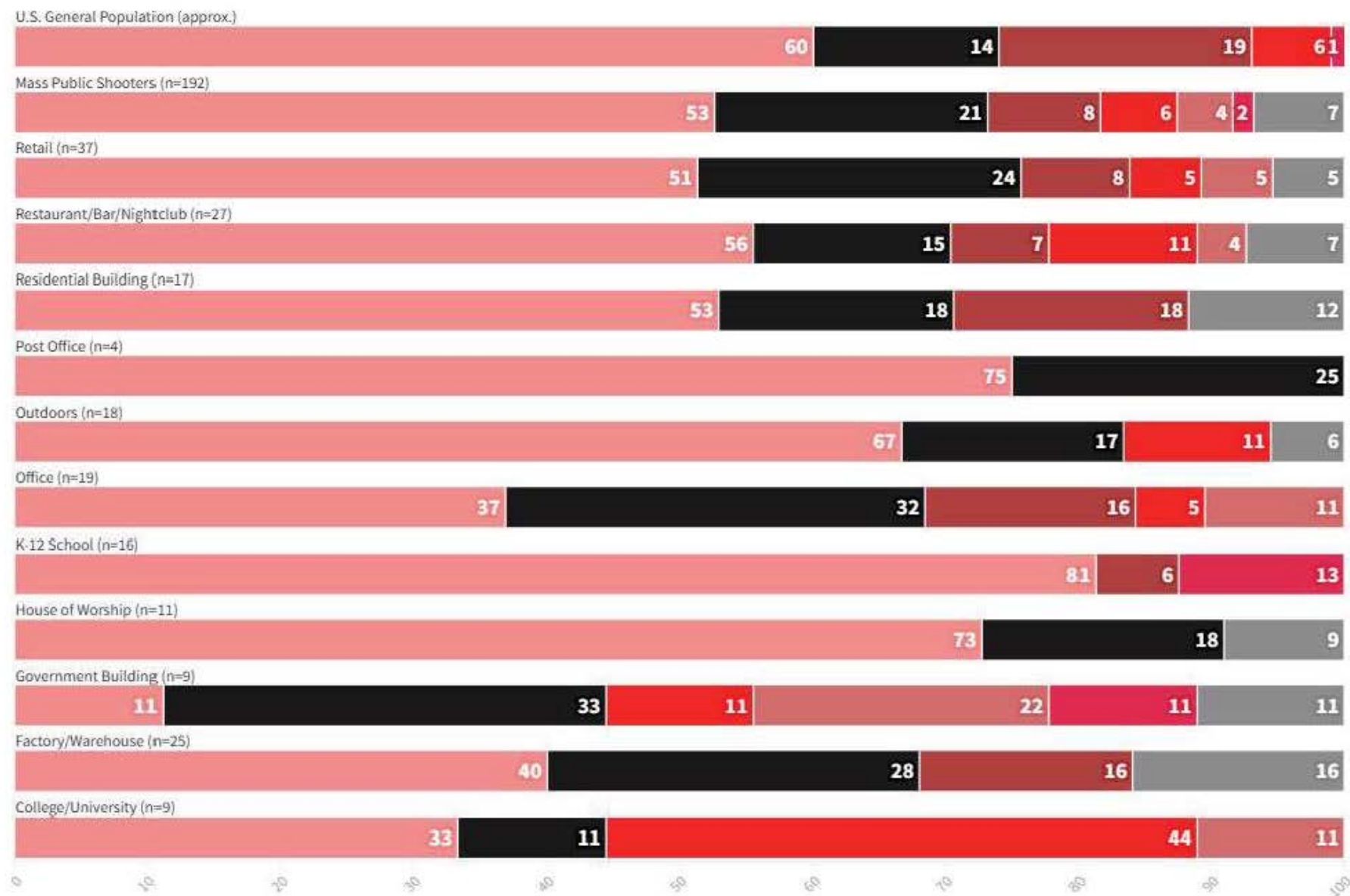
Source: [The Violence Project](#) • Range = 11–72; Mean = 34; Median = 32; Mode = 28



## Race of US Mass Public Shooters by Location, 1966-present

N=192 (% shown)

White Black Latinx Asian Middle Eastern Native American Other / Unknown



Source: [The Violence Project](#)

## Because many mass public shooters are location "insiders".

### US Mass Public Shooters with an Existing Relationship to the Shooting Site, 1966–present N=192 (% shown)



Source: [The Violence Project](#) • Defined as current or former students or employees, frequent patrons, or parishioners.

Mass shooters have many grievances, but shootings motivated by hate and fame-seeking have increased since 2015.



However, hate comes late along the pathway to violence and so-called "motives" can become labels used to explain away the problem of mass shootings. Mental illness, for example, is not a motive. If a mass shooter has a mental health diagnosis, this doesn't mean that their every action is related to that diagnosis or that their symptoms caused them to pull the trigger. All we can say with some degree of certainty is that no one living a fulfilled life perpetrates a mass shooting.

## The mental health of mass shooters is complicated.

Around 30% of mass shooters experienced **psychosis**, but perpetrators were only acting on their hallucinations and delusions in about 10% of cases.



See: Peterson, J., Densley, J., Knapp, K., Higgins, S., & Jensen, A. (2022). Psychosis and mass shootings: A systematic examination using publicly available data. *Psychology, Public Policy, and Law*, 28(2), 280–291.

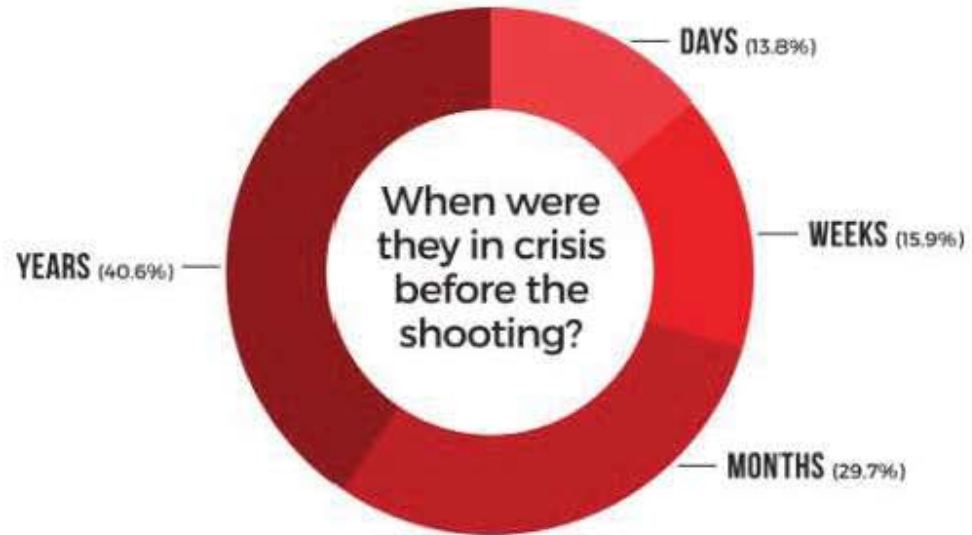
## However, many mass public shooters were suicidal.



Mass shootings are public spectacles of violence intended as final acts. Whether it's self-inflicted, or comes at the hands of police officers, or after life in prison, a mass shooting is a form of suicide. Traditional preventive measures like increased armed security or harsh criminal sentences will do little to stop them.



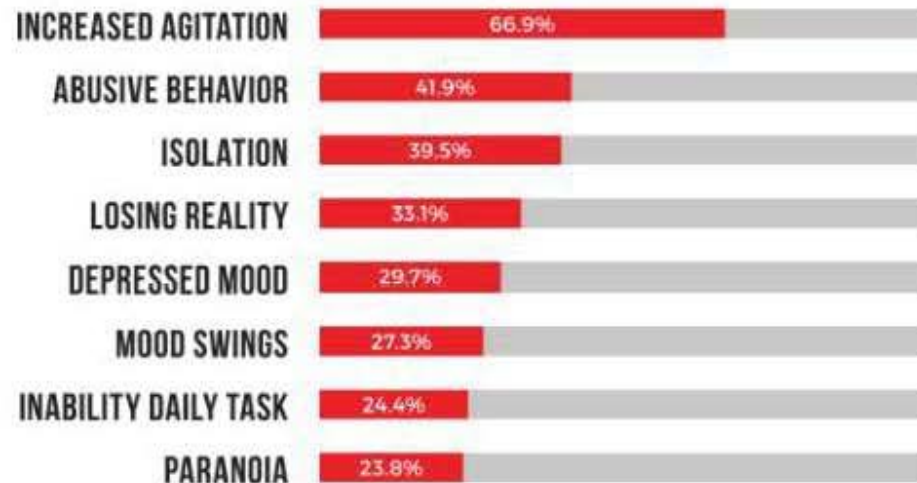
And 80% of them were in a noticeable crisis prior to their crimes.



A crisis is a time-limited event that overwhelms someone's usual coping mechanisms. It looks different for different people but usually manifests in a marked change in behavior from baseline. For example, about two-thirds of mass shooters exhibited increased agitation in the run-up to their shooting.



Most mass shooters exhibited between one and four crisis signs. However, over a third of shooters showed five or more crisis signs.



## **EXHIBIT 87**



# The only newsroom dedicated to covering gun violence.

Become a member today during our Spring Member Drive. Your tax-deductible donation will directly support our nonprofit journalism.

Join Now →

Investigating gun  
violence in America.

Donate

## Mass Shooting

# The Simple Physics That Makes Some Bullets Deadlier Than Others

How higher speed, greater mass, and more surface area increase the damage that rounds can do to human bodies.

By Alex Yablon Jun 21, 2017



**T**he bullet that struck U.S. Representative Steve Scalise last week was traveling at somewhere between 1,100 and 2,600 feet per second. The projectile, a 7.62 x 39 bullet, hit the House majority whip with between 370 and 1,550 foot-pounds of force. The rifle round, which is longer than a pistol projectile, likely also began tumbling after its point collided with his hip. That meant that the tip didn't just bore straight through him, but rather that the whole length of the projectile rotated over and over through Scalise's body, ripping a wider hole and distributing a bigger shock wave throughout his bones and tissue.




Scalise, a Republican from Louisiana whose condition has been upgraded to "serious," suffered broken bones, ruptured blood vessels, and shredded internal organs. The gunman was able to inflict such extensive damage from across a baseball field because he was using a semiautomatic rifle that may have qualified as an assault weapon, akin to a standard infantry combat weapon. Some basic physics explains why the choice of weapon, or more precisely, the choice of bullet, enabled the suspect, James Hodgkinson, who was killed by law enforcement officers, to wreak so much havoc.

Projectile weapons work by transferring kinetic energy to a target, which ripples out as a shockwave through tissue as the bullet plows through the body, leaving a cavity in its wake. The amount of energy a bullet radiates into a target is determined by a simple formula taught in high school: It's the product of one half the projectile's mass times the square of the velocity. The energy delivered to the target increases geometrically along with increases in mass, and exponentially with increases in velocity. The larger a projectile's surface area, the greater its ability to transfer its energy to the target, instead of simply penetrating straight through.

## Mass

Go beyond the headlines.

**Never miss a big story. Subscribe now.**

 Get the newsletter



According to [the Federal Bureau of Investigation](#), Hodgkinson was armed with a rifle that shot 7.62 caliber bullets. [In a statement](#), the FBI said he used a modified an SKS , the predecessor to the AK-47 which shoots the same bullets. While typical SKS rifles do not qualify as assault weapons because they have a fixed magazine and stock and lack a pistol grip, Hodgkinson's gun would have met the criteria. It was modified to accept a detachable magazine and equipped with a folding stock.

The 7.62 round is not as fast as the .223, the round fired by the AR-15 (America's most popular semiautomatic rifle), but it [hits its target with more energy](#). Tests show that while it travels at 1,154 feet per second at 500 yards, slower than the .223 at that distance, the AK's bullet can deliver 370 foot-pounds of force, more than the AR. That's because the 7.62 is almost twice as massive as a .223. In the technical language of ballistics engineers, the standard unit of measurement for a bullet's mass is grains of metal, and depending on the manufacturer, a .7.62 can weigh in at 125 grains. A .223 is just 55 grains.

The difference can be seen with pistol rounds, as well. Because it's difficult to pack enough explosive powder into a cartridge that's supposed to fit within the shooter's pistol grip, handgun designers typically try to increase firepower by sticking a bigger piece of metal on the end of a round. The .45, for instance, is slightly slower than the 9mm, but features a more massive projectile, with 250 grains of mass compared to the 9mm's typical 115 grains.

Since the mid-2000s, gunmakers catering to consumers who increasingly buy weapons for self-defense have produced fewer of the small-caliber handguns like

the .25 or .32, and more of those 9mm and larger.  
#:11415

Dr. Peter Rhee is a trauma surgeon who operated on victims of the 2011 shooting at a political event in Tucson, Arizona, in which six people were killed and 13 wounded in a hail of 9mm bullets. Rhee explained that the more massive the projectile, the more severe the wound.

“A .22 will kill you, but it won’t blow your head apart,” he said. With bigger bullets, “you will make bigger holes.”

## **Velocity**

Semiautomatic rifles don’t shoot the largest bullets on the market. In fact, the .223 projectile, a common round for the AR-15, is not much larger than many .22 rounds like the Hornet, typically used for youth shooting sports, target shooting, and hunting varmints. The .223 weighs in at 55 grains, while the .22 is usually 45 grains or smaller.

What makes the .223 potentially deadlier than the .22 is its velocity. When the .223 exits the barrel of a gun, it flies at more than 3,200 feet per second, and is still going 1,660 feet per second after traveling 500 yards. The .22, meanwhile, leaves the muzzle at 2,690 feet per second, and slows to 840 feet per second at 500 yards. At that long distance, the .223 will slam into its target with almost twice the speed of the .22. The .223 is carrying 335 foot-pounds of force, while the .22 carries 70 foot-pounds.

Slow-motion videos of ballistics tests clearly illustrate this difference. Watch the .22 and the .223 tested on blocks of ballistics gelatin, a material that mimics human tissue. The .223 generates a far larger shock wave, and penetrates farther, than the .22.

Developed in the early 1960s, the .223 round was first used in Vietnam. The U.S. military collected reports of its effects on the first Viet Cong combatants to be shot with the bullet. Here’s what they found it did to those enemies’ bodies, as republished in *New York Times* reporter C.J. Chivers’s history of the assault rifle, *The Gun*:

The secret report of Project AGILE, submitted in August 1962, was short on dispassionate observation but long on product boosterism. Like the Vietnamese colonel, Lieutenant Colonel Hallock and his team gushed with satisfaction. "On 13 April, 62, a Special Forces team made a raid on a small village," their report noted. "In the raid, seven VC were killed. Two were killed by AR-15 fire. Range was 50 meters. One man was hit in the head; it looked like it exploded. A second man was hit in the chest; his back was one big hole." A Ranger unit detailed similar effects on five guerrillas ambushed on June 9. Ranges were thirty to one hundred yards. The inventory was chilling:

Back wound, which caused thoracic cavity to explode. 2. Stomach wound, which caused the abdominal cavity to explode. 3. Buttock wound, which destroyed all of the tissue of both buttocks. 4. Chest wound from right to left, destroyed the thoracic cavity.

## **Surface area**

In the macabre world of terminal ballistics, the study of what happens when projectiles actually strike, much can be made of over-penetration: the phenomenon of bullets passing clean through their targets. That's a problem, because the force that continues to propel the bullet has essentially been wasted, not transferred to the target.

That problem is solved by making more of a bullet's surface area actually come in contact with its target. Rifle rounds have an elongated, oblong shape and so they often tumble. When they strike, the bullets rotate, and more of their surface hits the body.

Bullets can also increase the surface area that transfers energy to targets by expanding, as in the case of hollow-point rounds. The wider bullet also creates a bigger cavity in whatever it passes through. "If a projectile has features that would cause it to expand upon impact," U.S. Army engineers Donald Carlucci and

Sidney Jacobson explained in the textbook *Ballistics: Theory and Design of Guns and Ammunition*, “it will cause greater trauma.”

Hollow points also create a larger temporary cavity. The temporary cavity is the hole in the target that briefly expands after immediate impact, only to collapse a fraction of a second later. While the tissue affected by the temporary cavity isn’t completely destroyed like that in the direct path of the bullet, it does suffer trauma, especially if the bullet travels past less-flexible parts of the body, like bone or dense organs like the liver, which can shatter or rupture from the shockwave.

In one case study of a 24-year-old man struck in the chest by a .40-caliber hollow-point pistol round, doctors found organ damage outside the direct path of the bullet. Though the patient survived and only had a small wound, he suffered extensive contusions throughout his lungs.

Dr. Leana Wen, a trauma surgeon and the health commissioner for Baltimore, wrote a column in the *New York Times* about the especially devastating effects of expanding rounds: “often pulverizing bones, tearing blood vessels and liquefying organs.” She remembered one young man who was admitted to her emergency room with an abdominal wound from a hollow-point round.

“Blood poured out of his chest cavity,” she wrote. “The bullet had disintegrated his spleen and torn his aorta. Four ribs had essentially turned to dust. The damage was far too extensive. He died in our E.R. He was 15.”

Ballistics engineers try to balance speed, mass, and surface area to make the most effective round possible. At The Trace, we examine what happens after bullets are sold, shot, and wound human beings. The damage is often extensive, and not just for those who die.

Shooting survivors and their caregivers describe a lifetime of chronic pain, repeated surgeries years after being shot, and challenges to everyday living that come from losing parts of vital organs, like a woman who has to buy her son expensive protein shakes after he lost much of his stomach.



We are currently looking for shooting survivors to discuss their experience and their recovery. If you have been hit with any kind of bullet — large, fast, expanding, or otherwise — please [fill out our survey](#) about your experience after being shot.

*This post has been updated to include information released by the FBI regarding the weapon used in the shooting.*

---

**Alex Yablon**  

Alex Yablon was a reporter at The Trace.

## The only newsroom dedicated to reporting on gun violence.

Your tax-deductible donation to The Trace will directly support nonprofit journalism on gun violence and its effects on our communities.

**Become a Member** 

### Up Next

## Gunman Used Heavily Restricted 'Assault Weapon' in California UPS Shooting

Sources say Jimmy Lam used a TEC-9 style pistol, illegal to sell in the state for almost two decades.

Alex Yablon and Ann Givens

Investigating gun  
violence in America. →



Newsletter



Contact Us



Facebook



Twitter



Instagram