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

13 STEVEN RUPP, et al.,

14 Plaintiffs,

15 vs.

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

19 Defendant.  
20

Case No.: 8:17-cv-00746-JLS-JDE

**EXPERT WITNESS REBUTTAL  
REPORT OF ASHLEY  
HLEBINSKY**

1           1.     I am a firearms historian, museum professional, and public educator,  
2 specializing in material culture studies, as well as a firearms and ammunition-related  
3 museum consultant, expert witness, freelance writer, and guest lecturer. Previously, I  
4 served as the Robert W. Woodruff Curator-in-Charge of the Cody Firearms Museum  
5 (henceforth to be known as the CFM), where I curated and managed a collection of  
6 around 7,000 firearms from the 1200s through modern day, with over 20,000 related  
7 artifacts, including ammunition, edged weapons, and accoutrements. I also served as  
8 the Project Director on the museum's full-scale multimillion dollar renovation,  
9 responsible for every aspect including but not limited to research, content,  
10 exhibition, and installation, which reopened in 2019. In Summer 2022, I co-founded  
11 the University of Wyoming College of Law's Firearms Research Center with  
12 Second Amendment Scholar and University of Wyoming Law Professor, George  
13 Mocsary.

14           2.     I have been retained by the Plaintiff's in this matter to provide historical  
15 testimony on firearms technology, regarding California Penal Code 30515(a), with  
16 an emphasis on the history of technology in relation to specific features listed within  
17 the Penal Code, including but not limited to repeaters and magazine-fed repeaters,  
18 some with capacities greater than ten rounds, pistol grips, and thumbhole stocks. I  
19 will also provide a brief look into general laws that existed at the time of the United  
20 States' Founding (ca 1791) and Second Founding (ca 1868) Eras to provide context  
21 and/or reference for any possible analogous comparisons as defined in the *New York*  
22 *State Rifle and Pistol Association, Inc. v. Bruen* (henceforth to be referred to as  
23 *Bruen*) ruling by the Supreme Court. This report was prepared for *Rupp v. Bonta*,  
24 Central District case number 8:17-cv-00746-JLS-JDE. I have been retained to write  
25 a report at the rate of \$450/hour.

26 **Background and Qualifications**

27           3.     I have spent the last fifteen years immersed in the study of firearms  
28 history, technology, and culture. I earned both bachelor's and master's degrees in

1 American History from the University of Delaware, during which I studied firearms  
2 history and culture and instructed undergraduate students about military weaponry  
3 throughout history. Much of my work since then focuses heavily on material culture  
4 surrounding the macro-history of firearms and how their developments have affected  
5 industry, culture, and society for centuries. I have been fortunate to work in some of  
6 the largest collections in the United States, beginning my career as a researcher and  
7 fellow in the Smithsonian Institution's National Firearms Collection housed in the  
8 National Museum of American History.

9       4.       Additionally, I spent a decade working with and running the only  
10 accredited firearms museum in the United States, the CFM, a part of the Buffalo Bill  
11 Center of the West, which receives approximately 200,000 visitors annually. Of the  
12 200,000 people, it is estimated, based on initial survey data for the renovation, that  
13 only 50% of those people admit to having a background or specified interest in  
14 firearms. During my tenure, I also served as Project Director of the museum's full-  
15 scale multimillion-dollar renovation. With the aid of my team, I was responsible for  
16 all facets of the renovation including but not limited to concept, content, fundraising,  
17 and collections management. Final content for the museum was reviewed internally  
18 and by an external panel of experts, including academic historians, museum  
19 professionals, teachers, public educators, gun collectors, and people unfamiliar with  
20 firearms, as well as people with a range of different political views on guns. The  
21 resulting museum, which reopened July 2019, provides a more interpretive space to  
22 facilitate productive dialogue on firearms and their roles in history. Throughout this  
23 museum, terminology and definitions play a significant role in educating both  
24 visitors not familiar with firearms and those who consider themselves aficionados.  
25 Because roughly half of the museum's audience is not familiar with firearms, we  
26 dedicated an entire gallery at the front of the museum to understanding the basics of  
27 firearms past and present, their features, ammunition, and safety. Since its opening,  
28 the museum has received favorable reviews from the Wall Street Journal and

1 National Public Radio for its accessibility to diverse audiences and thoughtful  
2 handling of what can be a sensitive topic. It has also been praised for its efforts to  
3 educate on and impact firearms safety.<sup>1</sup>

4         5.       During my time at the CFM and through my consulting, I have become  
5 nationally known for and sought after to provide a material culture perspective on  
6 firearms history that is often lacking in much of modern, academic, and legislative  
7 discussions on firearms. I guide museums as well other non- and for-profit  
8 organizations and government entities on the interpretation and understanding of that  
9 history. I have recently prepared declarations regarding the history of magazines and  
10 repeaters for *Ocean State Tactical et al v Rhode Island*, *Virginia Duncan v Bonta*,  
11 *State of Washington v Federal Way Discount Guns et al* and *Oregon Firearms*  
12 *Federation et al v Oregon*. In May 2021, I testified in front of the Senate Judiciary  
13 Subcommittee on the Constitution’s Hearing regarding “Ghost Guns,” for which I  
14 researched and discussed the long history of privately made firearms and evolution  
15 of arms technology from the colonies through the 1960s. Because I have worked in  
16 several national collections that have upwards of 10,000 firearms each – collections  
17 that range from the earliest through most recent technology – I have developed a  
18 broad understanding of how firearms have evolved. Additionally, I have had the rare  
19 opportunity to work with, see, study and handle many of the firearms referenced in  
20 this report.

21         6.       In addition to my historical scholarship, I also have played a role in  
22 public education around firearms. I have been responsible for the education of tens  
23 of thousands of students from elementary through college levels, teaching not only  
24 firearms safety and basics, but the historical and technical evolution of the firearm.

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25         <sup>1</sup> Rothstein, Edward. “Handled With Care” *The Wall Street Journal*. September  
26 27, 2019 <<https://www.wsj.com/articles/handled-with-care-11569601047>> Accessed  
27 12/15/22. Kudelska, Kamila. “Firearms Museum Focuses on Gun Safety, History  
28 and Culture.” *NPR*. August 25, 2019  
<<https://www.npr.org/2019/08/25/753448348/firearms-museum-focuses-on-gun-safety-history-and-culture>> Accessed 12/15/22.

1 In 2017, I developed the first full-scale symposium in the United States dedicated to  
2 the study of firearms as material culture, which reoccurs annually. These symposia  
3 were organized to bring together firearms scholars from around the world to discuss  
4 their collections but also to create metrics to analyze the quality of scholarship that  
5 already has been done in the field. The study of firearms is a complicated one,  
6 especially since much of the information about the objects themselves have  
7 traditionally been conducted by well-known firearms researchers and collectors.  
8 However, not all those people fall under traditional definitions of academic  
9 scholarship. On the other side, because of limitations in the study of firearms,  
10 academic research often has flaws in terms of a general understanding of the  
11 firearms themselves.<sup>2</sup> We have worked to lessen that gap to create more balanced  
12 scholarship. To continue that mission, I sit on the Editorial Board for the recently  
13 revived, peer-reviewed arms journal, Armax, and I recently co-founded the  
14 University of Wyoming College of Law's Firearms Research Center in 2022.  
15 Despite its location in the College of Law, this new center intends to encourage  
16 research of all types related to arms and ammunition.

17 7. Currently as a museum consultant, I am in the process of building  
18 several museums with heavy emphasis on firearms collections. I also conduct  
19 workshops on firearms, survey collections, and curate exhibitions at institutions such  
20 as the Houston Museum of Natural Science, CM Russell Museum & Complex, and  
21 the Mob Museum. I have served as a scholar and a panelist for the National Park  
22 Service and the Organization of American Historians on a forthcoming Coltsville

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23  
24 <sup>2</sup> For example, in Dr. Vorenberg's declaration, he states multiple times when  
25 trying to support his arguments that a Spencer rifle is a four-shot repeater, and a  
26 Sharps rifle is a seven-shot repeater. However, the Spencer is a seven-shot repeater  
27 and the Sharps rifle is, in fact, a single shot. I can only assume Dr. Vorenberg  
28 confused the round count of the Spencer. In terms of the Sharps rifle, my assumption  
would be that at some point in his studies he saw that there was a lesser known four-  
barrel pepperbox pistol bearing the Sharps name, which was made through separate  
companies than the rifle, and that he confused the two. However, he clearly believes  
he is talking about a rifle that actually does not exist.

1 National Historic Site. I am also an expert witness, freelance writer, guest lecturer,  
2 on-camera firearms historian, and television producer. A current copy of my  
3 Curriculum Vitae summarizing my education and experience is attached at the end  
4 of this document as **Exhibit 1**.

#### 5 **Prior Expert Witness Testimony**

6 Oregon Firearms Federation et al v Oregon, December 2022  
7 State of Washington v Federal Way Discount Guns et al, December 2022  
8 Virginia Duncan et al v Bonta, November 2022  
9 Ocean State Tactical et al v Rhode Island, October 2022  
10 Senate Judiciary Subcommittee on the Constitution, Stop Gun Violence:  
11 Ghost Guns, May 2021  
12 Franklin Armory et al v Rob Bonta, February 2021  
13 FN Herstal v Sturm, Ruger & Co, January 2021  
14 Sturm, Ruger & Co. v American Outdoor Brands Corp., October 2020  
15 Guedes v BATFE, June 2019  
16 Miller v Becerra (Bonta), November 2019  
17 Regina (Nova Scotia) v Clayton, January 2019  
18 Garrison v Sturm, Ruger & Company, Inc. 2018

#### 14 **Scope of Work**

15 8. This report will provide a brief look at firearms and their features  
16 relevant to California Penal Code 30515(a). Firstly, the report will provide a  
17 statement on the long history of the interconnectivity between military and civilian  
18 arms. It will address how the advancement of technology often was driven by the  
19 civilian market; the multi-purpose use of early arms for civilians and the military;  
20 the private acquisition of firearms to be used on the battlefield; and the postwar  
21 weapons surpluses that have flooded and continue to flood the civilian market.  
22 Secondly, it will provide a brief history of features identified in the Penal Code. It  
23 will conclude with a look at historically relevant laws through the end of the  
24 nineteenth century in order of importance as defined in *Bruen*.

25 9. For this report, please note that I will, at one point, refer to the historical  
26 and technical term, assault rifle. I use that term as defined by the Defense  
27 Intelligence Agency (1970) to mean a machine gun that is single soldier portable,  
28 selective fire (meaning it has both automatic and semi-automatic functions) and

1 chambers an intermediate cartridge from a detachable magazine. Rather than the  
2 California definition which applies to strictly semi-automatic firearms. I will also  
3 make a distinction between repeater and magazine-fed repeater. A magazine is a  
4 vital part of the firearm; it is a container, detachable or fixed, that holds ammunition  
5 while it feeds into a repeating firearm. In the periods being discussed, there are  
6 repeating firearms that do not use magazines, such as revolvers, which use a rotating  
7 cylinder that is as important and integral as a magazine is in order to fire a gun.  
8 When I am discussing a repeater that has a magazine, I will qualify it as such.  
9 Additionally, I will use capacity to refer specifically to the number of rounds of  
10 ammunition that can be held within a firearm. When I am discussing magazine  
11 capacity, I will qualify it as such.

## 12 **General Statement of the Interconnectivity of Sport and War**

13       10. The expression weapon of war is used a lot in modern and historical  
14 discussions surrounding firearms. Today, it is used as an umbrella term to describe a  
15 range of different firearms that people perceive as being useful to warfare, regardless  
16 of whether they were actually used on or designed for the battlefield. How the  
17 expression is used today implies a distinct line between firearms made for the  
18 military and firearms made for the civilian market. However, that line for seven  
19 hundred years has always been blurred.

20       11. Once firearms were developed, technology often advanced too quickly  
21 for common battlefield use, finding popularity in the civilian market. Military  
22 firearms in a general sense were limited by tactics, government bureaucracy, and  
23 expense, while civilian arms until recently were predominantly limited by individual  
24 budget. Additionally, civilian arms can be employed for far greater number of uses,  
25 including hunting, self-defense, and target shooting. The earliest firearms technology  
26 appeared on the battlefield by the thirteenth century. The hand cannon, or  
27 handgonne, was little more than the name suggests, a cannon for your hands. The  
28 user utilized a touchhole and external fire source to ignite powder and fire the gun.

1 This primitive technology may not have been designed for a sporting purpose, but  
2 once it was designed, inventors pushed the boundaries, capabilities, and usages of  
3 firearms into the future. And while the hand cannon specifically may not have been  
4 used for sport, other military weapons of the time such as longbows and crossbows  
5 were popularly used for target shooting competitions in fairs during the Middle  
6 Ages.

7       12. The first true ignition system, the matchlock, was developed around  
8 1400. This firearm, which utilized a burning match cord, was a popular military arm  
9 used for centuries around the world. By the end of the 1400s, however, matchlocks  
10 and subsequent ignition systems also began appearing in early target shooting  
11 competitions.<sup>3</sup> Another example of a firearm being adopted for civilian use dates a  
12 century after the matchlock. In the first decade of the 1500s, a highly advanced  
13 handgun was developed, the wheel-lock. This gun, developed for use on horseback,  
14 was operated by the turning of a spring-loaded wheel. While it saw some battlefield  
15 use, it was expensive and difficult to repair. As a result, it was used for specialized  
16 purpose on the battlefield in Europe, but not as much in the colonies. However, the  
17 technology was considered so advanced, some European countries made and used  
18 wheel-locks for sport into the 1800s. Another example of superior technology being  
19 used by civilians rather than military is rifling. Rifling, the boring out of the inside  
20 of a barrel with spiral lands and grooves to spin a projectile, thus making it more  
21 accurate, was developed at the turn of the sixteenth century and appeared  
22 predominantly in civilian arms, with a few military exceptions from the American  
23 Revolution, until just before the turn of the twentieth century when military tactics  
24 finally caught up to the technology.<sup>4</sup>

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25       <sup>3</sup> Matchlocks and wheel-locks can be seen depicted in period imagery and in  
26 medals for shooting competitions

27       <sup>4</sup> Examples of rifled matchlocks do exist. Rifled wheel-locks are far more  
28 common as they were so often used for hunting. Halbrook, Stephen. *America's Rifle:  
The Case for the AR-15*, pg. 101: "Around 1450, a German gunsmith cut spiral lands  
and grooves inside a gun barrel...such guns were called riffeln"



1        13. Before the ability to mass manufacture firearms, guns often were  
2 privately made by gunsmiths. Although two armories did exist in the United States  
3 around the time of the Founding Era, many guns for the battlefield were made or  
4 assembled by individuals or received via foreign aid.<sup>5</sup> It is estimated that 2,500-  
5 3,000 gunsmiths worked in the colonies alone.<sup>6</sup> They, as private citizens, were  
6 responsible for making guns for both the military and civilians. While the standard  
7 infantry arm during the American Revolution was a smoothbore (no rifling) musket,  
8 there were some regiments during the War that used a common civilian firearm at  
9 the time, the American long rifle. The long rifle was a modified design from the  
10 German Jaeger (Hunting) Rifle that tended to have a longer barrel and a smaller  
11 caliber than its German counterpart. The rifle was the superior firearm in terms of  
12 accuracy compared to the inaccurate smoothbore musket. However, because of the  
13 type of projectile employed at the time – a round musket ball – the process to load  
14 was slower for rifles because the ball had to fit snugly within the lands and grooves  
15 of the rifling. There was a trade off in terms of effectiveness for specific purposes.<sup>7</sup>  
16 However, there are examples of long rifles that were made with two barrels to  
17 compensate for that limitation.<sup>8</sup> The long rifle in the colonies served as a multi-  
18 purpose tool. It was capable of being used for hunting, self-defense, and target

19 \_\_\_\_\_  
20 <sup>5</sup> Springfield Armory was the first armory that began production in 1794  
21 <<https://www.nps.gov/spar/learn/historyculture/index.htm>> Accessed 10/25/22. The  
22 second armory was Harpers Ferry Armory and Arsenal, which began construction in  
23 1799 <<https://www.nps.gov/hafe/learn/historyculture/harpers-ferry-armory-and-arsenal.htm>> Accessed 10/25/22

24 <sup>6</sup> Moller, George D. *American Military Shoulder Arms: Volume 1*. University of  
25 New Mexico Press, 2011. P.107

26 <sup>7</sup> Until the development of a successful conically shaped bullet (rather than a  
27 round musket ball) by Claude Etienne Minie and modified by James Burton at  
28 Harpers Ferry, rifling was expensive and slow to load. For a round ball to effectively  
spin in rifling, it had to fit perfectly which slowed the loading process. However, it  
was perfect for target shooting as well as hunting and specialized military use. Since  
tactics by the military were still shoulder-to-shoulder fighting, accuracy was not of  
prime importance, so militaries used smoothbore (unrifled) barrels for their standard  
equipment.

<sup>8</sup> Examples can be found in the Cody Firearms Museum.

1 shooting. Important to note though that unless being made for large-scale military  
2 adoption, such as the smoothbore musket, and/or produced with the use of parts kits  
3 ordered from overseas, many civilian arms were made at the behest of individuals or  
4 in small runs.

5 14. Target shooting was a part of American culture before the formation of  
6 the United States with colonists taking part in competitions known as “Rifle  
7 Frolics.” In fact, David Ramsay in his “History of the American Revolution” (1789)  
8 spoke about the Battle of Bunker Hill (1775). He wrote, “None of the provincials in  
9 this engagement were riflemen, but they were all good marksmen. The whole of  
10 their previous military knowledge had been derived from hunting, and the ordinary  
11 amusements of sportsmen. The dexterity which by the long habit they had acquired  
12 in hitting beasts, birds, and marks, was fatally applied to the destruction of the  
13 British officers.”<sup>9</sup> This tradition has continued throughout American history,  
14 especially after the Civil War. For example, the National Rifle Association was  
15 founded by Union officers in 1871, and its core purpose was “to promote and  
16 encourage rifle shooting on a scientific basis.” What resulted was the proliferation of  
17 international shooting competitions.<sup>10</sup> Another example is the Olympic sport of  
18 Biathlon, a sport which involves both skiing and target shooting, dating to 1767 in  
19 Europe. It was initially created for government use in places like Norway. That  
20 purpose persisted for centuries, even after becoming an international sport. In the  
21 1930s, Finnish troops still used skis and rifles for patrol. Until recently, the firearms  
22 used in Biathlon and other disciplines of the shooting sports, often used modified  
23  
24  
25

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26 <sup>9</sup> Halbrook, Stephen. *The Founders of the Second Amendment: Origins of the*  
27 *Right to Bear Arms*. Pg. 96-97

28 <sup>10</sup> The National Rifle Association of America was founded after the National  
Rifle Association in the United Kingdom (1859). <<https://home.nra.org/about-the-nra/>> Accessed 10/25/22

1 versions of center-fire NATO cartridge firearms.<sup>11</sup> By the nineteenth century,  
2 progress on manufacturing processes allowed more firearms of more varieties to be  
3 available to the US government as well as civilians. Many of the repeaters of all  
4 sorts produced during this century came in specific models indicating sporting vs  
5 military variants.<sup>12</sup>

6 15. The line between military and civilian arms was certainly blurred at the  
7 founding of the country and thereafter, as was the role of the civilian and soldier. In  
8 the colonies and in early America, certain citizens were required to serve in their  
9 militias with firearm and ammunition requirements and some soldiers carried their  
10 personal firearms into battle. By the American Civil War, it was not unheard of for  
11 soldiers to privately purchase firearms that the US government had not adopted or  
12 did not issue to them for use in battle. After the war, even issued weapons that were  
13 used in war were often sold on the civilian market. After the Civil War, soldiers  
14 could buy their firearms and many dealers and distributors sold the surplus in mass  
15 in their catalogs or at stores for even lower prices. According to Springfield Armory  
16 National Historic Site, “many thousands [of] cheap surplus weapons were released  
17 into private hands through General Orders 101, providing rifles, pistols, carbines,  
18 and muskets that found their ways into the hands of Americans in the decades  
19 following the Civil War.”<sup>13</sup> The tradition of selling military arms to civilians  
20 continues today with firearms such as the Springfield Model 1903 bolt action rifle  
21

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22 <sup>11</sup> An example of a centerfire modified firearm can be found in the Cody  
23 Firearms Museum. Here is a succinct summary of the history of the biathlon  
24 <<https://minnesotabiathlon.com/about-biathlon/the-history-of-biathlon/>> 10/25/22

25 <sup>12</sup> Flayderman, Norm. *The Flayderman's Guide to Antique American*  
26 *Firearms...and their Values*. 9<sup>th</sup> Ed (2019). This book is considered the gold  
27 standard in the evaluation of antique American made firearms. It provides not only  
28 firearms organized by manufacturer but also by type, such as repeater, sporting  
military etc. Here is just one example: pgs. 694-695

<sup>13</sup> Springfield Armory details this information here  
<<https://www.nps.gov/spar/learn/historyculture/a-springfield-rifle-musket.htm>>  
Accessed 10/24/22

1 and even with semi-automatics such as the M1 Garand rifle and the Model 1911  
2 pistol.<sup>14</sup>

3 16. There has always been an ebb and flow of civilian and military firearms  
4 for centuries, some with clearer lines than others. However, the assertion that  
5 historically a gun could be completely understood as only for war in a time when  
6 there was such interchangeability, is presentist at best.

7 **HISTORICAL REVIEW OF FIREARM FEATURES: CAL. PENAL CODE**  
8 **§ 30515(a)**

9 17. There are many terms used to qualify rifles, pistols, and shotguns  
10 regulated in California under this code. A few overarching categorical terms that  
11 appear across the type of firearm are the terms: repeater, magazine (fixed or  
12 detachable), centerfire, and semi-automatic.

13 ***Repeater***

14 18. It is important to note that while this report will acknowledge the  
15 ceiling of ten rounds, it is unfair to assume that a person until recently would make a  
16 clear distinction between capacities under and over ten rounds and is historically  
17 arbitrary, particularly for the time frames being discussed.<sup>15</sup>

18 19. The concept of a repeating firearm dates to the earliest technology of  
19 firearms. Hand cannons even came in repeating variations.<sup>16</sup> While some repeaters  
20 were employed or simply attempted on the battlefield, repeating technology would  
21 not be widely popular for use in war until the late nineteenth century. That did not

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22 <sup>14</sup> Today, postwar weapon surplus guns including several semi-automatic  
23 firearms such as the M1 Garand are sold through the Civilian Marksmanship Unit  
24 <<https://thecmp.org/sales-and-service/1911-information/>> <<https://thecmp.org/sales-and-service/services-for-the-m1-garand/>> Accessed 11/25/22

25 <sup>15</sup> The federal government itself did not make this distinction until the 1990s.  
26 This date is referencing the Public Safety and Recreational Firearms Use Protection  
27 Act (1994). There are many resources that showcase the number of repeaters and  
28 their varied capacities available in this time frame in the United States, but the place  
that aggregates them the best is Flayderman, Norm. *The Flayderman's Guide to  
Antique American Firearms...and their Values*. 9<sup>th</sup> Ed.

<sup>16</sup> An example can be found in the Cody Firearms Museum Collection

1 mean however that innovation in repeating technology was stymied. In fact, it was  
2 quite the opposite. Without the confines of wartime tactics and budget, many  
3 repeating firearms were commissioned by civilians who utilized them. The simplest  
4 method of producing arms capable of firing more than one round at a time initially  
5 was to fit a firearm with more than one barrel. However, due to weight limitations,  
6 gunmakers began experimenting with other means of producing repeating arms  
7 during the sixteenth century. One of the first methods attempted involved  
8 superimposed loads, which were successive charges of powder and ball on top of  
9 each other that were separated by wadding or the projectile itself in one barrel. They  
10 were fitted with locks that either had multiple cocks and pans or a single lock that  
11 could slide upon a rail. One such example was a sixteen-shot firearm made in  
12 1580.<sup>17</sup>

13         20. By the 1630s, a Dutch gun making family, Kalthoff, began  
14 experimenting with a design that allowed up to fifteen shots to be fired in rapid  
15 succession. It utilized a tubular magazine located in a pistol's butt or a fowling  
16 piece's stock to hold powder and balls.<sup>18</sup> This system was so innovative it was  
17 reproduced and modified for over 150 years. Also, by the mid-seventeenth century  
18 in Italy, other magazine-fed repeaters were being developed. According to the Royal  
19 Armouries (Leeds), the earliest example can be found at the Musée de l'Armée  
20 which was made by Giacomo Berselli of Bologna in the late 1660s.<sup>19</sup> However,  
21 more well-known is Michele Lorenzoni of Florence. He developed a magazine-fed  
22 repeater, in pistol and rifle form, known as the Lorenzoni system. This design was  
23

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24         <sup>17</sup> This firearm was on display at the National Firearms Museum's location in  
25 Missouri. Winant, Lewis. "A 16-Shot Wheel Lock," *America's 1<sup>st</sup> Freedom* (2014).

26         <sup>18</sup> Some of this research was compiled by the late historian, Herbert G. Houze  
27 and was featured in the Houston Museum of Natural Science's *The Art of the Hunt:  
Decorated European Sporting Arms from 1500-1800* (2019).

28         <sup>19</sup> For more information, visit: <https://royalarmouries.org/stories/our-collection/the-christmas-connection-to-captain-souths-lorenzoni-pistol-our-collection/> Accessed 10/24/22

1 copied and modified by numerous designers after its invention with various  
2 configurations and magazine capacities. One such firearm was designed by British  
3 gunsmith, John Cookson in the late seventeenth century. A gunmaker in Boston, also  
4 named John Cookson – it is not clear if this person was the same Cookson from  
5 England, a relative, or a coincidence – published an ad in the *Boston Gazette*, in  
6 1756, advertising a nine-shot repeating firearm. Around the same time a Cookson-  
7 type twelve-shot repeater was made by gunmaker John Shaw.<sup>20</sup> Another example  
8 from the 1750s in America is the Belton repeating fusil. This gun was invented by  
9 Joseph Belton around 1758. Not a magazine repeater like the Lorenzoni, the Belton  
10 utilized superimposed loads. Notably, he petitioned the Continental Congress during  
11 the American Revolution to adopt his firearm. In 1776, he wrote Congress saying he  
12 designed a firearm that could fire eight shots in three seconds. Benjamin Franklin  
13 wrote to George Washington in support of the idea.<sup>21</sup> Washington ordered one  
14 hundred Belton firearms for use in the Continental Army. However, this order was  
15 canceled because, as this report has previously stated, cost is often an impediment to  
16 battlefield adoption. It is alleged that Belton then sold his firearms to the public.<sup>22</sup> A  
17 few decades later around 1779, the Girardoni (also spelled Girandoni) air rifle was  
18

19 <sup>20</sup> An example of this firearm can be found in the National Firearms Museum  
20 <[https://www.nramuseum.org/the-museum/the-galleries/the-road-to-american-](https://www.nramuseum.org/the-museum/the-galleries/the-road-to-american-liberty/case-22-the-paper-cartridge/cookson-volitional-repeating-flintlock.aspx)  
21 liberty/case-22-the-paper-cartridge/cookson-volitional-repeating-flintlock.aspx> It is  
22 also discussed here: <[http://firearmshistory.blogspot.com/2014/02/the-cookson-](http://firearmshistory.blogspot.com/2014/02/the-cookson-repeater.html)  
23 repeater.html> Accessed 10/24/22

24 <sup>21</sup> These letters can be found here:  
25 <<https://founders.archives.gov/documents/Washington/03-05-02-0311>> Accessed  
26 10/22/22

27 <sup>22</sup> What is believed to be the prototype of the Belton fusil is in the Smithsonian  
28 Institution's National Firearms Collection:<  
29 [https://americanhistory.si.edu/collections/search/object/nmah\\_440031](https://americanhistory.si.edu/collections/search/object/nmah_440031)> Accessed  
30 10/22/22. Additionally, Rock Island Auctions, who has sold recently several  
31 reproduction Beltons provides an overview of this history  
32 <[https://www.rockislandauction.com/riac-blog/assault-weapons-before-the-second-](https://www.rockislandauction.com/riac-blog/assault-weapons-before-the-second-amendment#:~:text=The%20Belton%20%22Roman%20candle%22%20fusil%20is%20the%20first,a%20chained%20charge%20much%20like%20a%20Roman%20candle)  
33 amendment#:~:text=The%20Belton%20%22Roman%20candle%22%20fusil%20is  
34 %20the%20first,a%20chained%20charge%20much%20like%20a%20Roman%20ca  
35 ndle> Accessed 10/22/22

1 developed. It was a repeating arm that could fire twenty-two rounds from a tubular  
2 magazine.<sup>23</sup> This design also was copied by gunmakers around the world.<sup>24</sup> The  
3 actual Girardoni was used by Meriweather Lewis on the Lewis and Clark Expedition  
4 (1804-1806). This air rifle had also been in service with the Austrian military, but  
5 light weight examples were produced in sporting variations.<sup>25</sup>

6 21. Around the ratification of the Second Amendment, other repeaters were  
7 being developed throughout the world, including volley guns, such as the Nock  
8 volley gun and Duck's Foot pistol.<sup>26</sup> There is also a surviving example of a firearm  
9 commissioned by an individual during this same time frame. It is a fourteen-barrel  
10 double Nock volley gun-style rifle. Each set of seven barrels has its own lockplate  
11 and trigger. To better facilitate loading, the firearm came with a speed loader that  
12 allowed the user to pour the charge into a small device that the user could then pour  
13 down seven barrels simultaneously. This firearm was a sporting arm. To facilitate  
14 accuracy at such a large size, it has a hand rest forward of trigger, under the barrels.

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15 <sup>23</sup> Kopel, David. "The History of Firearms Magazines and Magazine  
16 Prohibitions." Albany Law Review, Vol. 88, 2015, pg. 853

17 <sup>24</sup> An example of a Russian copy of a Girardoni Rifle can be found in the Cody  
Firearms Museum

18 <sup>25</sup> For more information on Lewis and Clark and the Girardoni, the most  
comprehensive research on the Girardoni air rifle was done by scholar Michael  
19 Carrick. His research is footnoted in this summary article of the Lewis and Clark  
firearms that can be found here:

20 <[http://www.westernexplorers.us/Firearms\\_of\\_Lewis\\_and\\_Clark.pdf](http://www.westernexplorers.us/Firearms_of_Lewis_and_Clark.pdf)> Accessed  
21 10/22/22 Additionally, Ian McCollum, one of the foremost authorities on firearms  
technology in the United States, has done several videos and articles about the  
22 firearm. This is one article he wrote

23 <<https://www.forgottenweapons.com/rifles/girardoni-air-rifle/>> Accessed  
10/22/2022. A surviving example of a Girardoni can be found:

24 <<https://www.nramuseum.org/guns/the-galleries/a-prospering-new-republic-1780-to-1860/case-8-romance-of-the-long-rifle/girardoni-air-rifle-as-used-by-lewis-and-clark.aspx>> Accessed 10/22/22 Rock Island sold a sporting variation in 2018:

25 <<https://www.rockislandauction.com/detail/75/3293/girandoni-system-repeating-air-gun>> Accessed 10/22/22

26 <sup>26</sup> An example of the Duck's Foot Pistol can be found here:

27 <<https://www.recoilweb.com/ducks-foot-pistol-old-school-172784.html>> Accessed  
1/31/23. An example of the Nock Volley Gun can be found here:

28 <<https://armourersbench.com/2020/01/12/nock-volley-gun/>> Accessed 1/31/23

1 In the event the user only wanted to use one set of seven barrels, he had a  
2 replaceable stock made with one lockplate and trigger.<sup>27</sup> In America Joseph Gaston  
3 Chambers devised a repeating musket that could fire, according to him, twenty  
4 rounds a minute. He approached the U.S. War Department in 1792 with his  
5 invention. The Secretary of War, Henry Knox, was interested in finding a firearm  
6 that would supply more power and requested that one of Chambers' firearms be  
7 acquired for testing. A demonstration was set up at Alexander Hamilton's "Seat" on  
8 the Schuylkill.<sup>28</sup> Furthermore, Chambers petitioned Thomas Jefferson for help  
9 spreading the word of his invention. To which Jefferson referred him to the US  
10 Patent Office.<sup>29</sup> His invention was not adopted initially with concerns for structural  
11 stability, but his repeating muskets, pistols and seven-barreled swivel guns were  
12 adopted by the US Navy and Pennsylvania for the War of 1812. Between September  
13 1813 and September 1814, Philadelphia based arms makers would produce at least  
14 fifty-three seven-barreled swivel guns that could fire two-hundred bullets a piece,  
15 two hundred repeating muskets, and one hundred repeating pistols. Outside of the  
16 United States, European countries were also interested in his inventions.<sup>30</sup> Another  
17 repeater designed in 1821 was known as the Jennings repeating flintlock. It was  
18 capable of firing twelve rounds before having to reload.<sup>31</sup>

19 22. The above text serves merely as an example of the numerous types of  
20 repeating firearms which existed leading up to, around, and directly after the time of  
21

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22 <sup>27</sup> McCollum, Ian. Forgotten Weapons:

23 <<https://www.youtube.com/watch?v=ivdlcHUwaEw>> Accessed 1/31/23

24 <sup>28</sup> Fagal, Andrew J.B. "The Promise of American Repeating Weapons, 1791-  
25 1821. *Age of Revolutions*. As of the time of this article, Fagal was an assistant editor  
26 at Princeton University's Papers of Thomas Jefferson.

27 <[https://ageofrevolutions.com/2016/10/20/the-promise-of-american-repeating-  
28 weapons-1791-1821/](https://ageofrevolutions.com/2016/10/20/the-promise-of-american-repeating-weapons-1791-1821/)> 1/31/23

29 Interactions can be found here:

30 <[https://founders.archives.gov/?q=Joseph%20chambers%20burst&s=1111311111  
&sa=&r=1&sr=>](https://founders.archives.gov/?q=Joseph%20chambers%20burst&s=1111311111&sa=&r=1&sr=>)> Accessed 1/31/23

31 Fagal

31 Flayderman, Pg 683



1 the ratification of the Second Amendment and in some cases had direct ties to  
2 Founding Fathers. While some criticize these repeaters as “one-off examples,” it is  
3 important to keep in mind that this was typical as they were often made by private  
4 gunsmiths and sometimes individually commissioned. During the Founding Era and  
5 after, firearms at large weren’t produced in volume as they would have been by the  
6 late nineteenth century in an industrialized America. Another argument is that these  
7 guns only predominantly existed in Europe. However, the existence of a technology  
8 in one country does not preclude the knowledge of it elsewhere, which is evident  
9 since surviving examples from America are sometimes styled after contemporary  
10 European designs. Some also argue that individual models could be considered  
11 unsuccessful by modern and/or historic standards. However, just because some  
12 firearms designs had flaws, imperfections, or issues, does not mean the technology  
13 ceases to exist or should be ignored. It is interesting to note that the reason we are  
14 aware of these firearms, in most cases, is, in fact, that an example has survived. So  
15 many artifacts are lost over time, that it is impressive that these individual or  
16 limited-run firearms were deemed significant enough in their time of invention and  
17 beyond to be preserved into the present.

18       23. Prior to the American Civil War, there were many makers and  
19 manufacturers of repeating firearms, however, the tradition of individual gunmakers  
20 was still prominent. As manufacturing processes advanced, these concepts evolved  
21 into repeaters produced in greater and more standard quantities. The transition of  
22 firearms being made by private gunmakers began shifting to factories by the mid-  
23 nineteenth century. Inline manufacturing, interchangeable parts, and mass  
24 production impacted not only the types of firearms that were available, but also  
25 quantity and quality. While repeating firearms, magazine-fed or not, exceeded ten-  
26 rounds centuries prior, the number of distinct types of repeaters by the middle of the  
27 nineteenth century was staggering.

1           24.    With these industrial changes, repeaters continued to evolve as they had  
2 for centuries. Pepperbox pistols, a revolving pistol with multiple barrels that were  
3 manually rotated on a central axis, were popular in the United States by the 1830s,  
4 some were even taken out west with California gold miners. One maker of  
5 pepperboxes alone, Ethan Allen, between the 1840s and 1850s made over forty  
6 variations of this style of firearm.<sup>32</sup> While many pepperbox pistols typically fired  
7 four to six shots, some were capable of firing twelve, eighteen, or twenty-four  
8 rounds.<sup>33</sup> It becomes difficult to quantify the number of repeaters on the market  
9 though because makers were so plentiful. In 1836, a year before Samuel Colt's first  
10 patent in England of his revolving mechanism, the patent process was standardized  
11 through the United States Patent Act. That year, Samuel Colt took out two patents  
12 for five or six-shot revolving rifles and pistols. As a result, he owned the legal right  
13 to produce, essentially the revolver, until it expired in the mid-1850s. This Act  
14 created a flurry of production, innovation, and design especially towards repeaters  
15 and magazines to varying degrees of success. The fact though that so many people  
16 were trying to design the next great repeater shows the desire to capitalize on this  
17 technology.<sup>34</sup>

18           25.    It has been cited and challenged that the Winchester Model 1866 was  
19 the first magazine-fed repeater that held more than ten rounds to achieve commercial  
20 success.<sup>35</sup> The Winchester Model 1866 lever action rifle was the first firearm sold  
21 using the Winchester name. Between 1866 and 1898, approximately 170,101 Model  
22 1866s, in .44 Rimfire, were produced. Of that model alone, around ten variations  
23

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24           <sup>32</sup> Flayderman, pg. 56-61

25           <sup>33</sup> Kopel, pg. 854. Additionally, pinfire pistols and long guns can be found in  
26 museum collections with capacities greater than ten rounds

27           <sup>34</sup> Examples of these patented repeaters include Volcanic lever actions, the Jarre  
28 Harmonica pistol and rifle, Porter and Genhart turret rifles, Josselyn Chain  
Revolvers etc. More successfully were revolvers and repeaters by Smith & Wesson,  
Remington, Merwin & Hulbert, Henry, Winchester etc.

<sup>35</sup> Kopel, pg. 869

1 existed. It was hoped that the Winchester Model 1866 would see successful adoption  
2 by the US military, however, it did not. Only a small percentage, roughly 1/3 of total  
3 production, were made ultimately for use by foreign militaries.<sup>36</sup> According to  
4 another statistic, between 1861 and 1877, a total of 164,466 Henry and all models of  
5 Winchester were made, with approximately 56,000 going to foreign governments.<sup>37</sup>  
6 This number, even with the inclusion of other models, still is only 1/3 of all sales.  
7 The Winchester factory records before 1900, show that only 3,835 musket  
8 configurations of the Model 1866 were produced, beginning after serial number  
9 124,995.<sup>38</sup> However, it should also be noted that while reference to this military  
10 contract exists in secondary source material, primary source evidence of foreign  
11 contracts are not well documented and in some cases, questionable.<sup>39</sup> In reference to  
12 his Model 1866, Oliver Winchester referred to it as “one of [the company’s] best  
13 sporting guns” in a letter, dating 1871, to prominent gunmaker R.S. Lawrence.<sup>40</sup> In

14 <sup>36</sup> Flayderman’s also provides the number of Mexican contract firearms there  
15 were. The records are not complete for the Model 1866. The Records can be found  
16 in the Cody Firearms Museum’s Records Office. Here is a breakdown of what has  
survived through the Winchester collector.

17 <https://winchestercollector.org/models/model-1866/> This article also provides a  
breakdown of other military contracts. <

18 <https://www.americanrifleman.org/content/winchester-lever-actions-go-to-war/>  
19 Accessed 10/22/22

<sup>37</sup> Michael Vorenberg Decl.

20 <sup>38</sup> McCracken Research Library. Production Serial Number Ledgers, Series 23,  
MS 20. Winchester Repeating Arms Company Archive Collection.

21 <sup>39</sup> The Cody Firearms Museum is home to the Winchester factory records,  
22 archives, and firearms collection and provides pertinent information about these  
models, including when and where it left the factory. Many analyses of Winchesters  
23 available have not originated in a study of the records. For example, in Dr.  
Vorenberg’s declaration. He claims as little as 8,000 Winchesters were in circulation  
24 in the post-Civil War South. However, this number is based on an order of 6,000  
from Governor Scott for the South Carolina Militia, 1,000 for the Metropolitan  
25 Police Force in Louisiana, and 1,000 potentially stolen firearms. It has been stated  
26 though that the government was slow to adopt this technology, despite still being  
produced into the hundreds of thousands. Therefore, it is misleading to infer these  
27 orders would be the only way to measure the number of Winchesters in the South at  
that time.

28 <sup>40</sup> Oliver F. Winchester’s letter to R.S. Lawrence, dated 10 February 1871.  
McCracken Research Library, MS20, Box 51, Folder 6

1 a Winchester testimonial from 1865, W.C. Dodge, Late Examiner of the US Patent  
2 Office, boasted that Winchester's "Magazine Rifle, with the recent improvement, is  
3 superior to any other arm ever presented to the public."<sup>41</sup> In the beginning,  
4 Winchester did lean into its previous involvement with the Henry rifle as a  
5 marketing tool because it was a known commodity, however, within a decade after  
6 the company's founding, Winchester catalogs detailing their sporting models and  
7 diverse product lines were interspersed with testimonies from hunters and civilians  
8 about their love of the technology.<sup>42</sup> The categories for their 1875 catalog reads:  
9 "Winchester's Repeating Fire-Arms, Rifled Muskets, Carbines, Hunting and Target  
10 Rifles, &c..."<sup>43</sup> One such testimonial was from famous performer, William F.  
11 Cody, proclaimed, "I have tried and used nearly every kind of gun made in the  
12 United States, and for general hunting or Indian fighting, I pronounce your improved  
13 Winchester the *boss*."<sup>44</sup> While it is true that Cody owned and used a Springfield  
14 Model 1866 Trapdoor that he named, *Lucretia Borgia*, he owned and used many  
15 firearms during this time and throughout his life. Firearms are designed with  
16 different purposes and needs in mind. The Springfield was chambered in .50-70, so  
17 it was a good option when hunting bison.<sup>45</sup> This firearm was designed by Springfield  
18 Armory's Erskine Allin and its first model was in 1866, the same year as  
19 Winchester's *first* firearm. Within less than a decade, Cody's name would become  
20 forever intertwined with Winchester. Despite the ways that Winchester chose to  
21 frame and market their firearms though, it should be noted that while advertising can  
22

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23 <sup>41</sup> Dodge is most likely referencing the 1865 King's Patent Improvement which  
24 incorporated a side loading gate to improve the speed of loading the firearm.  
25 Winchester's Repeating Firearms Rifled Muskets, Carbines, Hunting, and Target  
26 Rifles, &c...Metallic Cartridges of all Kinds, manufactured by the Winchester  
Repeating Arms Company." Catalogues Vol. 1 (1865-1881). McCracken Research  
Library TS 533.5.W5431991v1c2

27 <sup>42</sup> McCracken Research Library TS 533.5.W5431991v1c2

28 <sup>43</sup> Ibid

<sup>44</sup> Ibid, pg. 28-29

<sup>45</sup> What is left of Lucretia Borgia is at the Buffalo Bill Center of the West

1 influence a consumer, a consumer also has agency to purchase and use the product  
2 they want for their own purposes.

3         26. While Winchester would provide the United States smaller runs of their  
4 firearms designs modified for military service around the turn of the twentieth  
5 century, Winchester would not truly be seen as a military manufacturer until their  
6 involvement in World War I when government owned armories could no longer  
7 meet the demand for military arms. Winchester and other manufacturers such as  
8 Remington stepped in initially producing firearms – sometimes not even associated  
9 with their brands - invented by other designers, companies, and/or armories, such as  
10 the British Pattern 1914 Enfield and the American version, the U.S. Model 1917.  
11 These military contracts however would ultimately be the financial demise of the  
12 company as it went into receivership in 1931.<sup>46</sup>

13         27. Outside of those early small contracts, Winchester continued designing  
14 guns for the civilian market. With millions produced during this time frame, it begs  
15 the question of where those guns went since it wasn't military service. The  
16 Winchester Model 1873 boasted a production of around 720,610 manufactured in at  
17 least twelve variations, including almost 20,000 in .22 caliber rimfire – a caliber  
18 used for target shooting and varmint hunting. Model 1873 rifles were chambered in  
19 .32-20, .38-40, .44-40, and .22 caliber. The Model 1876 had a manufacturing run of  
20 63,871 firearms with around fifteen variations. This Model was a larger version of  
21 the Model 1873 and chambered in heavier calibers (.40-60, .45-60, .45-75, .50-95),  
22 which made the firearm more desirable for hunters, including President Theodore  
23 Roosevelt.<sup>47</sup> At one point, they produced an exclusive line of high-level sporting  
24 arms of the Models 1873 and 1876 known as the “1 of 100” and “1 of 1,000”  
25

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26         <sup>46</sup> This information can be found in pretty much any book about Winchester. The  
27 author also knows this information for the decade she spent running the Cody  
28 Firearms Museum, formerly known as the Winchester Museum, which is home to  
Winchester's firearms collection as well as archives from the company

<sup>47</sup> Flayderman, pg 309

1 models. Between the start of the company until 1898, Winchester released fourteen  
2 repeating models. Those models would eventually be produced in over one hundred  
3 variations, chambered for around thirty different cartridges.<sup>48</sup> Winchester continued  
4 mass producing repeating firearms throughout the rest of the nineteenth century and  
5 beyond. Considering the diversity within models, variations and especially calibers,  
6 these guns were developed for specific and sometimes divergent purposes and  
7 cannot be reduced into one category of simply being a Winchester repeater.

8         28. In fact, while Winchester may be most recognized for their lever action,  
9 they also made other repeaters, such as double barrel shotguns, straight pull and  
10 standard bolt action rifles, slide action rifles and shotguns, semi-automatic rifles and  
11 shotguns, and even machine guns. In terms of the handgun market, Winchester  
12 attempted to make revolvers in the 1870s and during World War I received a  
13 commission late in the war to make Model 1911 semi-automatic pistols. Winchester  
14 even is credited of having designed what is considered one of the earliest if not the  
15 earliest “assault rifles” per the Defense Intelligence Agency’s definition from  
16 1970.<sup>49</sup> Winchester, in 1917, designed a selective fire (meaning capable of  
17 switching between semi-automatic and automatic functions), single person portable  
18 rifle with twin top-mounted twenty-round detachable magazines, chambered for an  
19 intermediate cartridge. Not only did Winchester designer, Frank Burton, develop this  
20 firearm, he also invented an accompanying intermediate cartridge, the .345 WSL  
21 with a spitzer bullet.<sup>50</sup>

22  
23 <sup>48</sup> Flayderman, pg 306-322

24 <sup>49</sup> Not to be confused with assault weapons, according to the Defense Intelligence  
25 Agency: “Assault rifles are short, compact, selective-fire weapons that fire a  
26 cartridge intermediate in power between submachinegun and rifle cartridges.”  
27 Johnson, Harold E. *Small Arms Identification and Operation Guide – Eurasian  
28 Communist Countries*. An Army Intelligence Document. US Army Foreign Science  
and Technology Center November 1970, pg. 68.

<sup>50</sup> While there are some texts on this firearm, including Forgotten Weapons:  
<<https://www.forgottenweapons.com/burton-1917-light-machine-rifle/>> The only  
known example is in the Cody Firearms Museum. It is accompanied by field testing

1           29. As plentiful as variations in Winchester firearms are though, the above  
2 information does not take into account the gargantuan amount of ammunition  
3 Winchester manufactured. In general, not enough is said about Winchester's  
4 innovation in cartridge design and the fact that ammunition production was  
5 responsible for much of the financial success of the company. According to David  
6 Kowalski, author of the *Standard Catalog of Winchester: The Most Comprehensive*  
7 *Price Guide Ever Published*, "cartridges played a larger role in the business  
8 operations of the Winchester Repeating Arms Company (W.R.A. Co.) than most  
9 collectors realize. Because ammunition is a high-volume, high profit product, it  
10 literally carried the W.R.A. Co. for most of its existence."<sup>51</sup> Their cartridge designs  
11 were so popular that other companies, such as Colt, would offer variations of their  
12 iconic firearms, such as the Colt Single Action Army revolver, to accommodate  
13 Winchester developed cartridges, such as the .44-40. Ammunition production was so  
14 vital to Winchester that the company who bought them out of receivership, the Olin  
15 Corporation, was their ammunition competitor. Today, the only surviving thread of  
16 the company is Olin's Winchester Ammunition. The various firearms brands that  
17 bear the Winchester name, are produced by companies that license the name from  
18 Olin.

19           30. Winchester wasn't the only manufacturer though of repeating firearms  
20 in the mid to late 19<sup>th</sup> century. Other companies were producing competitive  
21 repeaters, such as the Evans Repeating Rifle, which was made between 1873 and  
22 1879. Approximately, 12,200 were made and they came in three variations, Sporting  
23 (approximately 4,350 made), Military (approximately 3,200), and Carbine (not  
24 specified as either sporting or military, approximately 4,700 made). The Evans held  
25

26 \_\_\_\_\_  
27 notes and ammunition, providing a more accurate picture of the rifle than what has  
28 been previously published. Accessed 12/19/22

<sup>51</sup> Kowalski, David D. Ed. *Standard Catalog of Winchester: The Most Comprehensive Price Guide Ever Published*. Krause Publications 2000, pg. 159.

1 magazine capacities at twenty-eight, thirty-four, and thirty-eight rounds.<sup>52</sup> The  
2 Evans as well as other companies such as the Spencer Repeating Rifle, Fogerty  
3 Repeating Rifle, Adirondack Firearms, Bullard Repeating Arms, Burgess Gun, and  
4 the Whitney Arms Companies were making repeaters. However, they are lesser  
5 known, partially because Winchester realized the value in their designs and the  
6 threat of them as a competitor, so they acquired the companies.<sup>53</sup> Other major  
7 manufacturers, such as Marlin, quickly popped up as well by the 1880s as a direct  
8 competitor to the Winchester lever action. Additionally, by the end of the 19th  
9 century, major manufacturers were making fixed and detachable magazines in  
10 quantities greater than ten that were not only lever actions rifles. In fact, between  
11 1887 and 1904, Colt manufactured an estimated 186,185 Colt Lightning slide action  
12 rifles, in small, medium, and large frames. While they came in several calibers, they  
13 also had fixed tubular magazines greater than ten rounds.<sup>54</sup> In all, there were over  
14 one hundred manufacturers or makers in the United States alone producing some  
15 type of repeating firearm leading up to and decades after the Civil War.<sup>55</sup>

## 16 *Magazines*

17 31. The report previously mentions magazine-fed repeaters such as the  
18 Lorenzoni style and the Girardoni. By the time after the standardization of the patent  
19 act, magazines also began to be patented. Even though tubular magazines existed  
20 long before, the tubular magazine was first patented in the US in the 1840s, notably  
21 with the Hunt Volitional Rifle, the oldest direct ancestor to the Winchester rifle.  
22 Magazines came in many shapes and sizes and became prevalent around this time.

23  
24 <sup>52</sup> Flayderman, pg. 694-695

25 <sup>53</sup> An entire exhibit at the Cody Firearms Museum is dedicated to the many  
26 repeating arms companies that Winchester acquired. Examples are archived in the  
Winchester Arms Collection.

27 <sup>54</sup> Flayderman, page 122-123

28 <sup>55</sup> Ibid, Chapters V: A-F pages 50-299; Chapter VII: A, B, C Pages 351-387;  
Chapter VIII: A Pg458-524; Chapter XIII pages 691-697; Chapter XV: pages 709-  
733



1 For example, not all tubular magazines are fixed to the firearm, some such as the  
2 Spencer lever action repeating rifle which utilized a detachable tubular magazine  
3 from the buttstock capable of holding seven rounds. A speed loader even existed for  
4 that magazine. In the 1850s, the Genhart turret rifle had a detachable circular  
5 magazine with an externally visible shot/round counter. Between 1859 and 1862, the  
6 Jarre Harmonica Pistol and Rifle received several patents. This gun has a  
7 horizontally seated magazine that slides after each round is fired like a typewriter. It  
8 is also detachable.

9       32. In terms of box magazines specifically, early ones were patented by  
10 designers including Rollin White in 1855.<sup>56</sup> A detachable version was patented in  
11 1864 by Robert Wilson.<sup>57</sup> A vertically stacked box magazine was patented by James  
12 Paris Lee in 1879 which was applied to several rifles including the Mannlicher  
13 Model 1886 rifle.<sup>58</sup> In terms of early semi-automatic pistols, the Mauser C-96 had a  
14 fixed magazine, and the Borchardt C-93 had a detachable one. Semi-automatic  
15 models of Winchester utilized various types of magazines, including the Winchester  
16 Model 1907, a centerfire rifle capable of firing up to twenty rounds from a box  
17 magazine and the Winchester Model 1903 which could also be fixed with a lesser-  
18 known Sabo ninety-six round detachable magazine. By the end of the nineteenth  
19 century, the earliest versions of semi-automatic pistols such as the Borchardt C-93  
20 contained eight rounds from a detachable magazine (1893) and the Mauser C-96 had  
21 a ten-round magazine (1895) but also came in configurations as high as twenty  
22 rounds.<sup>59</sup> Even certain Luger semi-automatic pistols in the early 1900s had the  
23 option of thirty-two round snail drum magazines.<sup>60</sup>

24  
25 <sup>56</sup> White, Rollin. US Patent No 12648 (1855)

26 <sup>57</sup> Wilson, Robert. US Patent No 45105 (1864)

27 <sup>58</sup> Lee, James Paris US Patent No 221328 (1879)

28 <sup>59</sup> Kopel, 857 referencing *Standard Catalog of Firearms*. (2014), Gun Digest  
Books, pg. 708-709

<sup>60</sup> A version of this section on magazines and the following was initially  
completed by author for *Miller, et al. v. Bonta*

1 ***Centerfire***

2 33. The next major feature of this Penal Code is the term, centerfire. This  
3 term refers specifically to the type of ammunition the gun fires. Centerfire refers to  
4 the location of the priming compound. Self-contained cartridges typically consist of  
5 a case, primer, powder, and projectile. Centerfire has a separate primer in the center  
6 of the head of the cartridge case. This is to distinguish it from rimfire, which has an  
7 integral primer in the rim of the cartridge case. Traditionally, people are most aware  
8 of .22 caliber rimfires but there have been many larger calibers including the .44 Flat  
9 Henry Rimfire cartridge. Centerfire cartridges started in the early 1800s. In 1808,  
10 Jean Samuel Pauly invented an early form of centerfire cartridge and the true  
11 centerfire was developed in 1829 by French inventor Clement Pottet and perfected  
12 by the 1850s.

13 ***Semi-Automatic***

14 34. Finally, the term that this Penal Code addresses most of all is semi-  
15 automatic. Semi-automatic operation involves pressing a trigger to fire one round,  
16 eject a spent case, and load another to be fired on the next trigger pull. Today, a  
17 majority of firearms are semi-automatic rifles, pistols, or shotguns. Semi-automatic  
18 technology was developed in the 1880s around the same time as automatic  
19 technology. Mannlicher is generally attributed to creating the first semi-automatic  
20 rifle; handguns followed shortly after. The first mass produced semi-automatic pistol  
21 was the Hugo Borchardt designed C-93 with detachable 8-round magazine. The  
22 Mauser C-96 followed, as did the John Moses Browning's Model 1899/1900 pistol.  
23 Often in the marketing of these pistols in the late 19th and 20th centuries, the  
24 companies would refer to them as "Automatic" pistols. However, please note they  
25 are still semi-automatic in function. According to the definitions of the Gun Control  
26 Act of 1968, such firearms made before 1898 are not federally regulated firearms,  
27 they are antiques. By that definition and regulation, some semi-automatic pistols and  
28 rifles are so old, they are not legally firearms according to the federal government. In

1 the twentieth century, semi-automatic firearms used in conjunction with a variety of  
2 the features listed above have been and continue to be made into thousands of  
3 models by countless companies.

4 **The following is a list of additional features addressed in Penal Code § 30515:**

5       35. ***Pistol Grip:*** Pistol grips appear on long arms dating to at least the  
6 1700s. Single shot flintlock and later percussion pistols sometimes would have the  
7 feature of a detachable stock. When assembled these long guns would use the grip  
8 from the pistol as a maneuverable device. This trend continued with repeating arms,  
9 including several models of Colt revolvers, in the civilian and military market. The  
10 Borchardt semi-automatic pistol of 1893 and the Mauser C96 also had a detachable  
11 stock option. If a user didn't have one of these models, universal holsters to convert  
12 a pistol to a rifle with a detachable stock existed. On firearms without detachable  
13 stocks, pistol grips appear on all variances of firearms actions. Machine guns,  
14 including the Colt Model 1895, French Chauchat (1907) and several Maxim models  
15 had pistol grips. Submachine guns like the Thompson (1918) had them as well.  
16 Pistol Grips not only appear in machine guns but also other guns, such as shotguns –  
17 the Ithaca Auto & Burglar (1922), the Harrington & Richardson Handy-Gun (1921),  
18 and the Marble Game Getter (1908) – as well as semi-automatic firearms including  
19 the M1A1 Paratrooper Carbine designed with not only a pistol grip but folding stock.

20       36. ***Forward Grips:*** The aforementioned fourteen-barrel firearm (ca 1795)  
21 has a forward grip. Additionally, another example is the French Magot rifle from the  
22 1860s. Possibly one of the only copies of this gun is in the Cody Firearms Museum  
23 as it was purchased by Winchester during their lawsuit with the company  
24 Bannerman.

25       37. ***Thumbhole Stocks:*** While a traditional thumbhole stock is difficult to  
26 historically trace, their regulation has a deep impact on sporting and Olympic  
27 firearms in the modern era. The concept of a stabilizing entity to help with  
28 maneuverability and accuracy dates to the earliest civilian sporting arms firearms.

1 For example, Schuetzenfest, dating from the 1600s through today, had elaborate  
2 sporting rifles created with molded cheek pieces and places for the hand including  
3 palm rests – while not technically a thumbhole, these provided the same stability for  
4 which a thumbhole is used. German Frei pistol of the 19th and 20th centuries, used  
5 handguns that were made specifically as a stabilizing placement custom for the  
6 individual athlete. Certain Olympic rifles feature thumbhole stocks, including  
7 several models of Winchester, dating to the 1950s. This type of concept or  
8 technology is a very prominent shooting sports feature.

9       38.   ***Folding or Telescoping Stock:*** The Cody Firearms Museum has a  
10 folding stock snaphaunce blunderbuss that dates to around 1650-1700. With early  
11 firearms, folding or adjustable stocks are not necessarily common because pieces in  
12 the civilian world were made by artisans prior to mass production. However, the  
13 appearance of detachable stocks – converting a pistol to a rifle/carbine – appear in  
14 the 1700s on flintlocks and continue to be incorporated on percussion, revolver, and  
15 semi-automatic guns. The Luger Model 1902 semi-automatic carbine has an added  
16 stock to convert the pistol to a carbine. As guns begin to be mass produced on scale,  
17 various models are often made, such as a Junior or Ladies rifle that provide a  
18 different size option for the sport shooter. The flexibility of stock size is very strong  
19 in the civilian market where comfort and having firearms suited for the individual  
20 are preferable and feasible. In the early 1900s, and possibly earlier, Try Guns were  
21 carried by salesmen to allow the consumer to adjust the stock to fit them to see what  
22 size this person needed. Two examples in the Cody Firearms Museum collection are  
23 the Winchester Model 12 and LC Smith Try Guns. This lays the foundation for a  
24 consumer market interested in customizing and adjusting their stocks to fit them  
25 appropriately. Folding stocks do make appearances in the military sphere with the  
26 M1A1 Paratrooper Carbine model as well as several submachine guns.

27       39.   ***30 Inches or Less:*** The idea behind a shorter rifle is known as a  
28 carbine. While the definition can vary, it typically refers to a barrel less than 20

1 inches. Additionally, many pistols with detachable stocks fall under this category.  
2 By adding a stock to a C-93, C-96 or Luger it converts a semi-automatic pistol into a  
3 semi-automatic rifle.

4       40.   **Flash Suppressor:** Flash suppressors appear on machine guns from  
5 World War I and earlier including the Chauchat and Maxim but technically, any gun  
6 affixed with a Silencer, invented in 1902, could be considered to have a flash  
7 suppressor. Silencers were heavily marketed to the civilian population as target  
8 accessories, so this would have been available for numerous firearms models. The  
9 traditional flash hider on military arms, not classified as a machine gun, were used  
10 during WWII on guns such as the Lee-Enfield “jungle carbine” and have appeared  
11 on AR platform firearms, invented in the 1950s.

## 12 **Laws and Relevance**

13       41.   In the colonial period, the bulk of firearms laws were centered on  
14 restricting access to certain people rather than firearms themselves. Therefore, even  
15 if a firearm or weapon was specifically mentioned in a law, the type of weapon is  
16 not necessarily relevant, as other civilians were still permitted to own them even if  
17 some people were restricted. Each colony developed their own policies. In 1640,  
18 Virginia law stated, “that all such free Mulattoes, Negroes and Indians...shall appear  
19 without arms.”<sup>61</sup> South Carolina also had similar bans in 1712.<sup>62</sup> It is generally  
20  
21  
22

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23       <sup>61</sup> One of the best resources to search all firearms laws is the Repository of  
24 Historical Gun Laws, Duke University School of Law.  
25 <<https://firearmslaw.duke.edu/>> Accessed 10/25/22. However, a concise summary  
26 of these laws is also broken down by: Ekwall, Steve. *The Racist Origins of US Gun*  
27 *Control*. <[https://www.sedgwickcounty.org/media/29093/the-racist-origins-of-us-](https://www.sedgwickcounty.org/media/29093/the-racist-origins-of-us-gun-control.pdf)  
28 *gun-control.pdf*> Accessed 10/22/22 Here he references: 7 The Statues at Large;  
Being a Collection of all the Laws of Virginia, from the First Session of the  
Legislature, in the Year 1619, p. 95 (W.W. Henning ed. 1823) (GMU CR LJ, p. 67)  
<sup>62</sup> Ekwall, 7 Statutes at Large of South Carolina, p. 353-54 (D.J. McCord ed.  
1836-1873). (GMU CR LJ, p. 70)

1 understood that, while intent is debated, early laws were largely categorized by  
2 race.<sup>63</sup>

3 42. The British government also used regulation to control the colonists  
4 through access to gunpowder by seizing public powder houses, also referred to as  
5 “magazines.” Although it is not to be confused or conflated with the mechanical  
6 devices discussed throughout this report. They achieved this because, due to fire  
7 hazard, large stocks of black powder were kept in a communal powder house, which  
8 was a repository for both individuals and merchants to store their powder. It also  
9 provided powder for people who were unable to afford it.<sup>64</sup> In one instance of  
10 disarmament, Royal Governor Thomas Gage, in 1774, seized remaining powder in  
11 Charleston, causing a flurry of responses, known as the Powder Alarm, from the  
12 colonists that was considered preparation for the Battles of Lexington and  
13 Concord.<sup>65</sup> Shortly thereafter, King George III enacted a restriction to “prohibit the  
14 Exportation of Gunpowder.”<sup>66</sup> As a result, Revolutionary leaders, such as Paul  
15 Revere, required possession of arms and ammunition by militiamen and many  
16 required powder and projectiles in quantities greater than ten pounds and rounds  
17 respectively.<sup>67</sup>

18 43. While the ownership of gunpowder was outright encouraged, there  
19 were still very real concerns about the instability of gunpowder. It is important to  
20 note that modern gunpowder is far more stable than historic black powder. Even so,  
21 it is still recommended to be stored separately from firearms in the home even  
22

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23 <sup>63</sup> The abstract of Cramer, Clayton E. “Colonia Firearms Regulation” (April 6,  
24 2016) puts it fairly succinctly: “Firearms regulation in Colonial America was  
25 primarily focused on encouraging gun ownership for defense against external threats  
(Indians, pirates, non-British European powers) and internal threats (slave  
rebellions)”

26 <sup>64</sup> Johnson et al. Firearms Law and Second Amendment Regulation, Rights, and  
27 Policy (3rd ed. 2021), pg. 271

28 <sup>65</sup> Ibid., pg. 271

<sup>66</sup> Ibid, pg. 272

<sup>67</sup> *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1150 (S.D. Cal. 2019)

1 today.<sup>68</sup> As a result of instability, fire prevention laws were enacted, not to disarm  
2 individuals but to provide them a safe place to store their powder while also  
3 reducing the potential for fire within communities. Philadelphia in 1725 enacted a  
4 law “for the better securing of the city of Philadelphia from the Danger of  
5 Gunpowder.” Under this Act, safety was also defined as the distance of beyond two  
6 miles outside of town limits.<sup>69</sup> Similarly, Boston in 1783 also made a storage law  
7 citing the instability of black powder. “In the houses of the town of Boston, [it] is  
8 dangerous to the lives of those who are disposed to exert themselves when a fire  
9 happens to break out in town.”<sup>70</sup> The idea of a required distance in which it was safe  
10 to use black powder for firearms and also for fireworks, was echoed in these laws.  
11 While in the above example it considered distance within town limits, some places  
12 legislated a safe distance from the powder house itself. For example, in 1762, Rhode  
13 Island enacted “that no person whatsoever shall fire a gun or other fireworks within  
14 one hundred yards of the said powder house.”<sup>71</sup> Additionally, Rhode Island in 1798,  
15 provided guidance on how to safely store powder in the home. They also provided a  
16 safe space to store anything over twenty-eight pounds<sup>72</sup> These laws strongly

18 <sup>68</sup> According to the Sporting Arms and Ammunition Manufacturer’s Institute,  
19 “ammunition should be stored in a cool, dry location away from solvents and other  
20 chemical heat sources, or open flames...ammunition should be stored separately  
21 from firearms” < [https://saami.org/wp-](https://saami.org/wp-content/uploads/2018/01/SAAMI_AmmoStorage.pdf)  
22 [content/uploads/2018/01/SAAMI\\_AmmoStorage.pdf](https://saami.org/wp-content/uploads/2018/01/SAAMI_AmmoStorage.pdf)> Accessed 10/25/22

21 <sup>69</sup> 1725 Pa. Laws 31, An Act for the Better Securing of the City of Philadelphia  
22 from the Danger of Gunpowder <[https://firearmslaw.duke.edu/laws/1725-pa-laws-](https://firearmslaw.duke.edu/laws/1725-pa-laws-31-an-act-for-the-better-securing-of-the-city-of-philadelphia-from-the-danger-of-gunpowder-%c2%a7-2/)  
23 [31-an-act-for-the-better-securing-of-the-city-of-philadelphia-from-the-danger-of-](https://firearmslaw.duke.edu/laws/1725-pa-laws-31-an-act-for-the-better-securing-of-the-city-of-philadelphia-from-the-danger-of-gunpowder-%c2%a7-2/)  
24 [gunpowder-%c2%a7-2/](https://firearmslaw.duke.edu/laws/1725-pa-laws-31-an-act-for-the-better-securing-of-the-city-of-philadelphia-from-the-danger-of-gunpowder-%c2%a7-2/)> Accessed 10/25/22

23 <sup>70</sup> Thomas Wetmore, Commissioner, The Charter and Ordinances of the City of  
24 Boston <[https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-](https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the-legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-making-of/)  
25 [charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the-](https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the-legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-making-of/)  
26 [legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-](https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the-legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-making-of/)  
27 [making-of/](https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the-legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-making-of/)> Accessed 10/25/22

26 <sup>71</sup> 1762 R.I. Pub. Laws 132 <[https://firearmslaw.duke.edu/laws/1762-r-i-pub-](https://firearmslaw.duke.edu/laws/1762-r-i-pub-laws-132/)  
27 [laws-132/](https://firearmslaw.duke.edu/laws/1762-r-i-pub-laws-132/)> Accessed 10/25/22

27 <sup>72</sup> 1798-1813 R.I. Pub Laws 85 < [https://firearmslaw.duke.edu/laws/1798-1813-r-](https://firearmslaw.duke.edu/laws/1798-1813-r-i-pub-laws-85-an-act-relative-to-the-keeping-gun-powder-in-the-town-of-providence-%c2%a72/)  
28 [i-pub-laws-85-an-act-relative-to-the-keeping-gun-powder-in-the-town-of-](https://firearmslaw.duke.edu/laws/1798-1813-r-i-pub-laws-85-an-act-relative-to-the-keeping-gun-powder-in-the-town-of-providence-%c2%a72/)  
29 [providence-%c2%a72/](https://firearmslaw.duke.edu/laws/1798-1813-r-i-pub-laws-85-an-act-relative-to-the-keeping-gun-powder-in-the-town-of-providence-%c2%a72/)> Accessed 10/25/22

1 focused on safety from a perspective of fire prevention rather than a position of  
2 regulating the amount of powder one could have since powder houses were built for  
3 large storage.

4 44. Racial firearm bans continued into the nineteenth century. States  
5 including but not limited to Louisiana, South Carolina, Florida, Delaware, Maryland,  
6 North Carolina, and Mississippi enacted race bans between ratification and the  
7 American Civil War.<sup>73</sup> Some states, for a time, would permit African Americans to  
8 carry guns with court approval, but they were eventually repealed.<sup>74</sup> Several laws  
9 upheld their justification for race-based regulation on the fact that Black people were  
10 not considered citizens, which was upheld in the 1857 case of Dred Scott v  
11 Sandford.

12 45. During this period in between ratifications of the Second and the  
13 Fourteenth Amendments, some laws emerged restricting carry by any person.  
14 According to Professor of Sociology at Wake Forest University David Yamane, one  
15 of the earliest examples was in Kentucky in 1813. The General Assembly of the  
16 Commonwealth stated: “That any person in this commonwealth, who shall hereafter  
17 wear a pocket pistol, dirk, large knife, or a sword cane, concealed as a  
18 weapon...shall be fined in any sum, not less than one hundred dollars.” However,  
19 nine years later in 1822, the Kentucky Supreme Court ruled that ban violated their  
20 1792 Constitution.<sup>75</sup> Other states adopted similar carry regulations, some still only  
21 for certain groups of people.

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23  
24 <sup>73</sup> Ekwall

25 <sup>74</sup> Ibid, referring to Act of Nov. 17, 1828, Sec. 9, 1828 Fla. Laws 174, 177; Act of  
26 Jan. 12, 1828, Sec. 9, 1827 Fla. Laws 97, 100; Referring to Act of Jan. 1831, 1831,  
27 Fla. Laws 30

28 <sup>75</sup> Yamane, David. *Concealed Carry Revolution: Expanding the Right to Bear Arms in America*. A New Press (2021), pg. 17-18. David Yamane is a Sociology Professor at Wake Forest. This book was just a small portion of his larger research on gun culture that he calls, “Gun Culture 2.0.” More of his research can be found at [gunculture2point0.com](http://gunculture2point0.com)



1           46.   Despite the abolition of slavery, discriminatory laws that included  
2 firearms regulation continued. One such way that could be legally achieved was  
3 through the Black Codes. While there were many aspects of discrimination in the  
4 various state “Codes,” many included challenges to Black Second Amendment  
5 rights. For example, Alabama in 1866 not only banned Blacks from owning firearms  
6 and other weapons, but also made it illegal to lend or sell to a black person.<sup>76</sup> The  
7 Civil Rights Act of 1866, the Fourteenth Amendment and the Second Freedmen’s  
8 Bureau Act in 1866 attempted to dispel a variety of these issues.<sup>77</sup> In February 1866,  
9 the House of Representatives amended the Second Freedmen’s Bureau Act to  
10 explicitly state that people had the “full and equal benefit of all laws and  
11 proceedings for the security of person and estate *including the constitutional right to*  
12 *bear arms.*”<sup>78</sup> Following the passage of these acts, however, southern states then  
13 passed laws, known as Army/Navy Laws, in which certain firearms, such as Colt  
14 Army and Navy model revolvers were permitted while cheaper versions were not  
15 legal.<sup>79</sup> Prohibiting the proliferation of inexpensive handguns on the market,  
16 whether intentionally or unintentionally imposed a classist restriction on those who  
17 could no longer afford to arm themselves— a trend that has continued well into the  
18 modern era.

19           47.   The Enforcement Acts of 1870 and 1871 were meant to protect the  
20 rights of free men under the Fourteenth and Fifteenth Amendments. Yet these  
21 seemingly positive changes were short lived. During the 1872 election for Louisiana  
22 governor, President Ulysses S. Grant sent troops to support the Republican  
23 candidate. In response, a group of white supremacists began harassing Black and  
24 White Republicans. These tensions culminated in Black and White Republicans  
25 taking up defense in a local courthouse in Colfax, LA. In 1873, 150 white men

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27       <sup>76</sup> Ekwall

28       <sup>77</sup> A detailed explanation of this can be found in: Johnson et. al pg. 465-471

<sup>78</sup> Ibid, pg. 466

<sup>79</sup> Eckwall

1 surrounded the courthouse and at one point, would fire a cannon at the building.  
2 Note: White Republicans were given the opportunity to leave before the massacre  
3 ensued. Black Republicans were left to fight with inferior weaponry. In the end, the  
4 Black Republicans would surrender to the mob, led by a man named William  
5 Cruikshank. After surrender, somewhere between sixty to one hundred and fifty  
6 African Americans were killed.<sup>80</sup> Although Cruikshank and around ninety-six white  
7 vigilantes were charged for violating the Enforcements, only a few were convicted.<sup>81</sup>  
8 Even then, the Supreme Court, in *United States v Cruikshank* (1875), overturned the  
9 conviction ruling that the federal government could prevent private citizens, in this  
10 case KKK members, from disarming Blacks and that the matter must be relegated to  
11 the states.<sup>82</sup>

12 48. Another example concerning disarmament of a group of people  
13 occurred leading up to the American Civil War. Violent confrontations broke out in  
14 Kansas, known as Bleeding Kansas, between 1854 and 1859. At one point an anti-  
15 slavery movement of “Free Soilers” decided to arm themselves with single-shot  
16 Sharps rifles by smuggling them into the territory. However, the pro-slavery  
17 segments, under the command of a deputy federal marshal, attempted to disarm  
18 these settlers, most notably during the Sacking of Lawrence.<sup>83</sup> In response to the  
19 situation in Kansas, abolitionist Charles Sumner gave his famous speech on the floor  
20 of the United States Senate on May 19, 1856, “The Crime Against Kansas.” During  
21 which, South Carolina Senator A.P. Butler, supposedly stated that the people of  
22 Kansas should no longer possess their arms. During Sumner’s speech, he attacked  
23 Butler and affirmed the right of individuals to bear arms:

24  
25 <sup>80</sup> Johnson et al, pg. 471

26 <sup>81</sup> Ibid, pg. 471 as well as summarized in  
27 <<https://www.smithsonianmag.com/smart-news/1873-colfax-massacre-crippled-reconstruction-180958746/>> Accessed 10/25/22

28 <sup>82</sup> Ibid, pg. 471

<sup>83</sup> Ibid, pg. 456

1 “The rifle has ever been the companion of the pioneer and, under God,  
2 his tutelary protector...Never was this efficient weapon [referring to  
3 the single shot Sharps Rifle] more needed in self-defence, than now in  
4 Kansas, and at least one article in our National Constitution must be  
blotted out, before the complete right to it can in any way be  
impeached...”<sup>84</sup>

5 49. This speech culminated in violence against Sumner, who was beaten  
6 with a cane on the Senate floor for advocating against disarmament. Yet, even after a  
7 Civil War and thirty-five years later government disarmament would lead to the  
8 largest mass murders in American history. On December 29, 1890, Colonel James  
9 Forsyth, commander of the 7<sup>th</sup> Cavalry, ordered the Lakota to surrender their  
10 firearms leading up to their removal from the land they inhabited. It is debated  
11 exactly what happened to pull the trigger on the slaughter, but in the end, hundreds  
12 of Lakota were killed.<sup>85</sup>

13 50. After a long history of government related violence as well as private  
14 vigilantism, Black people, particularly in the South, called for their personal  
15 armament to protect themselves. Much research has been done focusing on violence  
16 against people of color as a justification for firearms restrictions, however, less  
17 explored is the fact that Black people used and relied on firearms for protection *from*  
18 violence. These two ideologies conflict with one another. On one side, it is argued  
19 that restrictive laws would reduce violence, specifically on marginalized  
20 communities. On the other, it is argued that gun ownership allows those  
21 communities the best ability to protect themselves. In this circumstance, a restriction  
22 would take away rights of the latter, putting them again at risk of violence. This  
23 desire to protect oneself with the best technology available was echoed amongst the  
24 Black community in the late nineteenth century through prominent leaders. For  
25 example, John R. Mitchell, Jr., Vice President of the National Colored Press  
26

27 <sup>84</sup> Johnson et al, pg. 456

28 <sup>85</sup> Utley, Robert M. *The Last Days of the Sioux Nation*. 2<sup>nd</sup> Ed. Yale University  
Press, pg. 211

1 Association, encouraged Black people to buy Winchesters to protect their families  
2 from the ‘two-legged animals...growling around your home in the dead of the  
3 night.’<sup>86</sup> Ida B Wells, an activist and journalist in the South, wrote in 1892, “that a  
4 Winchester rifle should have a place of honor in every black home, and it should be  
5 used for the protection which the law refuses to give.”<sup>87</sup> These activists also  
6 encouraged Black Americans to move to Oklahoma where they formed self-defense  
7 organizations. One Black journalist reported that in Oklahoma he “found in every  
8 cabin [he] visited a modern Winchester oiled and ready for use.”<sup>88</sup>

9       51. To summarize: in Kansas, pro-slavery government backed officials  
10 sought to disarm Free Soilers of their high-quality single-shot Sharps rifles. Sumner  
11 denounced this effort and started a fight with Senator Butler, who *himself* would  
12 backtrack and claim he never supported disarmament. In the Colfax massacre, Black  
13 Republicans were outgunned by a mob with superior weapons. The Wounded Knee  
14 Massacre started because of a government sanctioned disarmament of the Lakota,  
15 who had in some cases, superior weaponry. The firearms confiscated at Wounded  
16 Knee included Winchester rifles, though it did not serve them any good considering  
17 what transpired. And Black southerners particularly sought to have the best weapons  
18 available for a government they believed was not there to protect them.

19       52. Some scholars argue that the passage, despite the repeal in many  
20 instances, of state laws regulating the carry of specific types of weapons serve as  
21 sufficient evidence to support a modern magazine ban. However, it is important to  
22 reiterate that these regulations regarding specific types of weapons have occurred in  
23 some cases to take away the rights of some but not others. For laws that did include  
24 everyone, weapons typically on that list had some sort of larger counterpart, as in the

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25       <sup>86</sup> Johnson et al, p 521 referencing Giddings, Paula J. *Ida: A Sword Among Lions*  
26 (2008), pg. 153-154

27       <sup>87</sup> Johnson et al, pg. 521 referencing Wells, Ida B. *Southern Horrors*. N.Y. Age  
28 June 25, 1892. Reprinted in Wells, Ida B. *The Light of Truth: Writings of an Anti-  
Lynching Crusader*, pg. 84

<sup>88</sup> This quote is from: Johnson et. al, p 521 referencing Giddings, pg. 198

1 Army/Navy laws, which would have at least equal capacity or were still permitted  
2 via licensure. Furthermore, these laws did not explicitly concern themselves with  
3 capacity or magazines but more often the size and/or other criteria of concealment.  
4 Other laws during this period, had more to do with whether or not the government  
5 could protect you and your rights resulting in unfortunate outcomes. In the case of  
6 disarmament and the need for defense, it seems that citizens often affected by these  
7 tragedies were less concerned about a discourse on the morality of firearms  
8 technology, but instead protecting themselves with the best technology available.

9 **Conclusion**

10 53. This report has provided an outline of the origins of the features listed  
11 in the California Penal Code 30515(a) and their historical development and  
12 proliferation to show that the features restricted by California have existed in some  
13 form for centuries and yet have hardly, if at all, been regulated by government until  
14 relatively recently.

15 I declare under penalty of perjury that the foregoing is true and correct.  
16 Executed within the United States on February 3, 2023.

17  
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19 Ashley Hlebinsky  
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# **EXHIBIT 1**

**Ashley Hlebinsky Curriculum Vitae**

Ashley Hlebinsky, President, The Gun Code, LLC

[REDACTED]  
[REDACTED]  
[REDACTED]

**Education:**

Master of Arts, American History, University of Delaware, 2013

Bachelor of Arts, American History, University of Delaware, 2011

**Recent Honors/Awards:**

Second Amendment Foundation's Defender of the Constitution, 2022

National Shooting Sports Foundation and Women's Outdoor Media Association's  
Top Five Finalist, Top Woman of the Gun Industry, 2022

National Shooting Sports Foundation's SHOT Business's Top 40 under 40, 2020

Wyoming Business Report's Top 40 Under 40, 2017

National Shooting Sports Foundation & Professional Outdoor Media Association's Shooting Sports  
Communicator of the Year Award, 2017

Wyoming's Non-Profit Woman of the Year Nominee, 2017

**Selected Professional Experience:**

Co-Founder and Senior Fellow, University of Wyoming College of Law's Firearms Research  
Center, Laramie, WY, 2020 (Current)

Consulting Director, Craig Boddington Wildlife and Firearms Museum, Independence, KS, 2022  
(Current)

Consulting Curator, LA Police Museum, Pasadena, 2021 (Current)

Senior Consulting Specialist. Cowan's Auctions, Cincinnati, OH, 2021 -2022

Consultant, National Museum of Law Enforcement and Organized Crime (Mob Museum), Las  
Vegas, NV, 2016 (Current)

Guest Curator, C.M. Russell Museums and Complex, Great Falls, MT 2021 (Current)

Adjunct Scholar of Firearms History, Technology & Culture, Firearms Policy Coalition, 2020-2021

Curator Emerita & Senior Firearms Scholar, Cody Firearms Museum, Buffalo Bill Center of the  
West, 2020 – 2021.

Robert W. Woodruff Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody, WY, 2015-2020

Project Director, Cody Firearms Museum Renovation, Buffalo Bill Center of the West, Cody, WY, 2015-2019

Consulting Curator, Houston Museum of Natural Sciences, 2018

Consultant. Adirondack Experience. November 2019

Consultant. Winchester Mystery House, August 2019.

Consulting Scholar. National Park Service & Organization of American Historians, March 2019.

Consultant/Curator. Daniel Defense, Black Creek, Georgia. 2017

Associate & Acting Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody, WY, 2015

Guest Curator. C.M. Russell Museums and Complex, 2015-2016

Guest Curator. Cody Firearms Experience, 2015

Assistant Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody, WY, 2013-2014

Teaching Assistant, The Jewish Holocaust: 1933-1945, University of Delaware, 2013

Teaching Assistant, Introduction to Military History, University of Delaware, 2012

Teaching Assistant, History Education, University of Delaware, 2011

Researcher/Fellow, National Museum of American History, Smithsonian Institution, 2010-2013

Archival Assistant, University of Delaware Special Collection, 2010-2011

Firearm Intern, Soldiers and Sailors National Memorial Hall, 2008

### **Expert Witness Testimony:**

Oregon Firearms Federation, Inc et al v Oregon Governor Kate Brown et al, December 2022

Washington State v Federal Way Discount Guns et al, December 2022

Virginia Duncan et al v Rob Bonta, November 2022

Ocean State Tactical et al v Rhode Island, October 2022

Senate Judiciary Subcommittee on the Constitution, Stop Gun Violence: Ghost Guns, May 2021



Franklin Armory et al v Bonta, February 2021

FN Herstal v Sturm, Ruger & Co, January 2021

Sturm, Ruger & Co. v American Outdoor Brands Corp., October 2020

Guedes v BATFE, June 2019

Miller v Becerra (Bonta), November 2019

Regina (Nova Scotia) v Clayton, January 2019

Garrison v Sturm, Ruger & Company, Inc. 2018

### **Selected Media Work:**

Writer/Producer. *Mountain Men: Ultimate Marksman*. History Channel, May 2022 (Current)

Regular Contributor. *Our American Stories* Podcast, 2022 (Current)

Co-Host. History Unloaded Podcast. Various platforms with Wyoming Public Media, 2018-2022, 6 seasons (Current)

Producer & On Camera Expert. *Gun Stories with Joe Mantegna*, Outdoor Channel, 2015-2022, 8 seasons (Current)

Producer & On Camera Expert. *Man vs History*, History Channel & Matador Productions, 2020 (aired 2021)

Co-Host. *Master of Arms*, Discovery Channel & Matador Productions, 2018. 1 season

Consulting Producer. *Brothers in Arms*. History Channel, 2018. 1 season.

On Camera Expert. *Rob Riggle: Global Investigator*. Discovery Channel, 2020.

Recurring Expert. *Mysteries at the Museum*. Travel Channel. 2017-2019

Casting Consultant. *Gun Shop Project*, Vice Media & Cineflix Productions, 2020

On Camera Expert. *American Genius Colt V. Wesson*. National Geographic. 2015

*Also appears on:* Public Broadcasting Service, National Public Radio, Travel Channel, National Geographic, Popculture.com, Media, Entertainment, Arts, World Wide (MEAWW), Women's Outdoor News, Outdoor Life, Shooting USA, Gun Talk Media, National Shooting Sports Foundation, various firearms related podcasts.

*Has been profiled by:* *The Bourbon Review*, *Recoil Magazine*, *Outdoor Life Magazine*, *Guns.com*, *Blue Press Magazine*, and others

### **Selected Lectures/Panels:**

Guest Speaker. Gun Rights Policy Conference, October 2022

Guest Speaker. Second Amendment Foundation Legal Scholars Forum, September 2022

Guest Lecturer and Panelist. AmmCon. Second Amendment Foundation, October 2021

Guest Lecturer. Armed for Revolution. Royal Armouries, September 2021

Guest Speaker. Preserving Firearms Heritage. Gun Rights Policy Coalition, 2020

Guest Lecturer. Art of Collecting. Nevada Museum of Art. January 2020

Panelist. Firearms and Museums in the 21<sup>st</sup> Century. National Council for Public History. March 2019.

Scholars Roundtable. Coltsville National Historic Site. Organization of American Historians & National Park Service, March 2019.

Forum Speaker. The Art of the Hunt: Embellished Sporting Arms in America. New Orleans Antique Forum, August 2018

Guest Lecturer. Unloading the Gun: Firearms, History, and Museums. Yakima Valley Museum, June 2018

Guest Lecturer. Perpetrators and Protectors: The Mob, The Law and Firearms, National Museum of Law Enforcement and Organized Crime (Mob Museum), September 2017

Organizer. Arsenals of History: Firearms and Museums in the 21<sup>st</sup> Century, Buffalo Bill Center of the West, July 2017

Lecturer. The Cody Firearms Museum, Arsenals of History Symposium, Buffalo Bill Center of the West, July 2017

Moderator. Addressing the Press: Firearms and the Media, Arsenals of History Symposium, Buffalo Bill Center of the West, July 2017

Moderator. Forming an Association: Legitimizing Firearms in Academic Study, Arsenals of History Symposium, Buffalo Bill Center of the West, July 2017

Guest Lecturer. Displaying the “Politically Incorrect,” C.M. Russell Museums and Complex, May 2017

Guest Lecturer. Displaying the “Politically Incorrect,” Blackhawk Museum, March 2017

Panelist. Curator Roundtable, Firearms and Common Law Symposium, Aspen Institute, September 2016

Guest Lecturer. Displaying the “Politically Incorrect,” Canadian Guild of Antique Arms Historians, April 2016

Guest Lecturer. The Cody Firearms Museum Renovation, American Society of Arms Collectors, September 2016

Guest Lecturer. From Protector to Perpetrator: Demystifying Firearms in History, Art Institute of Chicago, November 2015

Guest Lecturer. Winchester '73: The Illusion of Movie Making, Winchester Arms Collectors Association, July 2014

Guest Lecturer. Unloading the Six Shooter: Disassembling the Glamorization and Demonization of Firearms in the Arts, Buffalo Bill Center of the West, 2011

### **Selected Firearms Exhibitions:**

Curator/Project Director. *Cody Firearms Museum Renovation*. Buffalo Bill Center of the West. 2019

Co-Curator. *The Art of the Hunt: Embellished Sporting Arms from 1500-1800*. Houston Museum of Natural Sciences. March 2019

Curator. *Glock Makes History: The Birth of the Polymer Handgun Market*. Buffalo Bill Center of the West. June 2016

Guest Curator. *Designing the American West: The Artist and the Inventor*. C.M. Russell Museum & Complex. February 2016

Curator. *The Greatest Gun Designer in History: John Moses Browning*. Buffalo Bill Center of the West. December 2015

Curator. *Journeying West: Distinctive Firearms from the Smithsonian Institution*. Buffalo Bill Center of the West. December 2015

Curator. *The Forgotten Winchester: Great Basin National Park*. Buffalo Bill Center of the West. June 2015

Curator. Western Firearms Gallery, including *Shoot for the Stars: The Tradition of Cowboy Action Shooting*. Buffalo Bill Center of the West. April 2015.

Curator. *Steel Sculptures: Engraving Individuality from Mass Production*. Buffalo Bill Center of the West. Winter 2014.

### **Certifications:**

Certified Firearms Instructor, Basic Pistol, 2016

Certified Firearms Instructor, Personal Protection Inside the Home, 2016

Well Armed Woman Instructor Certification, 2016

Museum Studies Certification, University of Delaware, 2013

**Grants:**

National Endowment for the Humanities, 2017

Institute of Museum and Library Services, 2017

Gretchen Swanson Family Foundation, 2015, 2016, 2017, 2018, 2019, 2020

Kinnucan Arms Chair Grant, 2012

**Fellowships:**

Firearms Curatorial Resident, Buffalo Bill Center of the West, 2013

Edward Ezell Fellowship, University of Delaware, 2012

Buffalo Bill Resident Fellowship, Buffalo Bill Center of the West, 2011

**Committees and Memberships:**

Board Member – Walk the Talk America

Founding President – Association of Firearms History and Museums

- Academic association for the study of firearms history in United States

Founder – Arsenal of History Symposia Series

- First international symposia series on the academic study of firearms

Spokesperson – NSSF/AFSP Suicide Prevention and Project ChildSafe Programs  
American Alliance of Museums – Member

American Society of Arms Collectors – Member

Winchester Arms Collectors Association – Honorary

Remington Society of Arms Collectors – Member

Weatherby Collector's Association –Life Member

**Publication History**

Editorial Board – Armax Journal

**Selected Articles:**

Author. "Guns and Mental Health." *Recoil Magazine*, Upcoming

Author. "Colt Single Actions and Safety." *Armax Journal*, October 2021

Author. "Guns and Partisan Politics." *Recoil Magazine*, January 2021

Author. "Feminism & Firearms." *Recoil Magazine*, Summer 2020

Author. "Burton Light Machine Rifle." *Recoil Magazine*. October, 2019

Founder/Editor/Author. *Arsenals of History Journal*, Annual Publication, 2018 - Present

Author. "It's Complicated: The Short Answer to Firearms, Museums and History." *Journal of the Early Republic – The Panorama*, September 2018.

Contributor. "Firearms Curator Roundtable" *Technology & Culture Journal*, August 2018

Author. "Displaying the 'Politically Incorrect.'" *CLOG X Guns*: Chicago, IL, September 2017

Author. "Does History Repeat Itself? The Smith & Wesson LadySmith." *CLOG X Guns*: Chicago, IL, September 2017

Author. "Renovating the Cody Firearms Museum." *International Committee of Museums and Collections of Arms and Military History Magazine*. Issue 17, May 2017. Pg. 38 - 41

Author. "Renovating the Cody Firearms Museum." *American Society of Arms Collectors Journal*. Fall 2016.

Author. "Glock Exhibit Opening." *Glock Magazine*. Bang Media. Annual 2017

Author. "The 28 Most Notable Guns from Remington's 200-Year History." *Outdoor Life Magazine*. Bonnier Corporation, 2016

Author. "Cassie Waters: Businesswoman of the Old West." *Guns of the Old West*. Harris Publications, Spring 2016

Author. "Making History: GLOCK Pistols at the Cody Firearms Museum" *Glock Magazine*. Harris Publications. Annual 2016

Author. "Pocket Pistols: 10 Seminal Guns from the Past 300 Years." *Pocket Pistols*. Harris Publications. 2016

Author. "The Gun that Won the Western and the Unforeseen Stars of Winchester '73" *Guns of the Old West*. Harris Publications.

Author. "Frontier Profile: Jedediah Strong Smith" *American Frontiersman*. Harris Publications

Author. "Frontier Legend John Johnston." *American Frontiersman*. Harris Publications

Author. "The Guns of John Johnston." *American Frontiersman*. Harris Publications

Author. "Annie Oakley VS Lillian Smith: A Female Sharpshooter Rivarly." *Guns of the Old West*. Harris Publications, Spring 2015

Author. "Icons and Has-beens." *American Handgunner*. FMG Publications, 2014

Author. "Triggering Memory: American Identity in *Cowboys and Aliens*." *Points West*. Spring 2012

Author. "Unloading the Six-Shooter: Disassembling the Glamorization and Demonization of Firearms in the Arts." *Points West*, Fall 2011.

### **Columns:**

Author. Old School Series. *Recoil Magazine*

Author. Flashback. *Concealment Magazine*

Author/Brand Ambassador. *The Bourbon Review*.

Author. *American Association for State and Local History*. Summer 2019

Author. "Weird West: Fact or Fiction" *Guns of the Old West*. Athlon Outdoors (formerly Harris Publications)

1<sup>st</sup> Assault Rifle

Colt VS Winchester Revolver

Did Winchester Really Win the West?

Oliver Winchester's Lever Action Shotgun

Remington Cane Gun

Author. "Cowboy Action Round Up." SHOT Show New Products. *Guns of the Old West*. Athlon Outdoors (formerly Harris Publications). 2015, 2016, 2017

### **Reviews:**

Reviewer: Edited by Jonathan Obert, Andrew Poe, and Austin Sarat. Oxford: Oxford University Press, 2018. *Journal of Technology & Culture*, Fall 2019

Author. "Everybody Loves an Outlaw: Taylor's Outlaw Legacy Revolver Series." *Guns of the Old West*. Harris Publications

Reviewer: Richard Rattenbury. *A Legacy in Arms: American Firearms Manufacture, Design and Artistry, 1800-1900*. *Chronicle of Oklahoma*, Spring 2016

### **Selected Blogs & Vlogs:**

Recoil Magazine

Weekly video series beginning October 2017 to Present

Dillon Precision

Historical Videos on Ammunition (Upcoming)

Outdoor Life

Top 10 Guns in American History

Guns of the Old West: 10 Iconic Firearms and the Legendary Men (and Women)

Who Shot Them

13 of the Biggest Gun Fails in Recent Firearms History

Gun of the Week:

John Martz Luger

Apache Revolver

German Frei Pistol

King Louis XV Embellished Blunderbuss

Armalite AR-17 Shotgun

Getting the Christmas Goose with a Goose Rifle & Cutaway Suppressor

Mossberg Brownie

Wesson & Leavitt Belt Revolver

William Harnett and the Faithful Colt 1890

Winchester Model 1894 Lever Action Rifle

Ruger Semi-Automatic Pistol, 1 of 5,000

Herb Parson's Winchester Model 71 Lever Action Rifle

Lincoln Head Hammer Gun

American Trap Gun

Browning Brother's Single Shot Rifle Patent

Feltman Pneumatic Machine Gun

U.S. Springfield-Allin Conversion Model 1866 Trapdoor Rifle

Winchester Wetmore-Wood Revolver

Webley-Fosbery Automatic Revolver

Hopkins & Allen XL3 Double Action Revolver

DuBiel Modern Classic Rifle

Colt Model 1877 "Thunderer" Double Action Revolver

Tom Tobin's Colt Model 1878 Frontier Revolver

Walch 10-Shot Double Hammers Pocket Revolver

Winchester Model 1887, Serial No. 1

Deringer vs Derringer

The Forgotten Winchester 1873 of Great Basin National Park

Range 365

To the One Who Got Away

Gun Review: New Glock 19 Gen 5

Ain't She a Pistol? 10 Historic Gun Ads Featuring Women

National Shooting Sports Foundation

The Gun Vault:

Winchester 1873 Found in Great Basin National Park

Col. Jeff Cooper's Colt MK IV Series 80

500+ Year Old Firearms, Matchlocks, Flintlocks

U.S. Presidents Guns  
Cross Dominance Shotgun  
Herb Parson's Winchester Model 71 Rifle  
Audie Murphy's Colt Bisley Revolver  
4 Gauge Winchester Wildfowler  
Pocket Pistols  
Henry Ford's Winchester Model 1887 Lever Action Shotgun  
Tom Knapp's First Gun  
Buffalo Bill Cody's Winchester 1873  
Colt Model 1861 Navy Serial No. 1  
Cassie Waters' Hopkins & Allen XL3 Revolver  
Glock 17

#### The Truth About Guns

Presidential Presentation Rifles  
Factory Cut-Away M16A1  
1854 Smith & Wesson Repeating Rifle (Serial Number 8)  
Winchester World's Fair Model 1866 Deluxe Sporting Rifle  
Raymond Wielgus Collection  
Gastinne-Renette Muzzleloading Percussion Target Pistols  
Oliver Winchester's Jennings Repeater  
Henry Ford's Winchester Model 1887  
Winchester Model 1866 Musket in .44 Rimfire  
English Wheellock  
Southern Belle American Longrifle  
Annie Oakley's Model 1892 Smoothbore Rifle  
Catherine the Great of Russia's Blunderbuss Gift to King Louis XV of France  
Color Case-Hardened GLOCK 43: Merging the Old West with the New  
Buffalo Bill Center of the West – Unloading the Myth  
The Cody Firearms Museum – Yesterday, Today, and Tomorrow  
Guns of the Week – Christmas List  
Guns of the Week: December 15-19  
Guns of the Week – The Cody Firearms Museum  
Guns of the Week – German Firearms  
Guns of the Week – Scheutzenfest  
Guns of the Week – Air Guns  
Guns of the Week – Early Firearms Law  
Guns of the Week – October 13-17  
Guns of the Week – Ingenious Engineering  
Guns of the Week – Remington – Smoot  
Guns of the Week – September 22-26; 15-19; 8-12  
CSI: Firearms Museum Edition  
Confessions of a Gun Historian  
Art Guns: Aesthetics Over Function?  
What Good's a Gun Without a Firing Pin?  
Gun Installations, Trials & Tribulations  
A True Test of Marital Trust and Love  
Remembering Tom Knapp  
Cody Firearms Museum Goes Hollywood



When Will My Firearms Go On Display  
What's Your Cody Firearms Museum  
To Vlog or Not to Vlog  
We Don't Just Have Old Guns in Our Museum: SHOT Show 2014  
Taking a Staba at Displaying More Guns  
"Hi Yo Silver" Cook Away! Lone Ranger Display  
The Shooting Wire  
Winchester's 150<sup>th</sup> Anniversary Website  
Remington's 200<sup>th</sup> Anniversary Website

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2 **CERTIFICATE OF SERVICE**  
3 **IN THE UNITED STATES DISTRICT COURT**  
4 **CENTRAL DISTRICT OF CALIFORNIA**  
5 **SOUTHERN DIVISION**

6 Case Name: *Rupp, et al. v. Becerra*  
7 Case No.: 8:17-cv-00746-JLS-JDE

8 IT IS HEREBY CERTIFIED THAT:

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

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

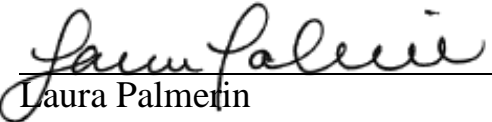
13 **EXPERT WITNESS REBUTTAL REPORT OF ASHLEY HLEBINSKY**

14 on the following party by electronic mail.

15 Xavier Becerra  
16 Attorney General of California  
17 Anna Ferrari  
18 Deputy Attorney General  
19 Email: [anna.ferrari@doj.ca.gov](mailto:anna.ferrari@doj.ca.gov)  
20 455 Golden Gate Ave., Suite 11000  
21 San Francisco, CA 94102

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

23 Executed February 3, 2023.

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Laura Palmerin