

Declaration of Ryan Barbour

I, Ryan Barbour, do declare as follows, I submit this declaration to be used in support of George Young's challenge to H.R.S. 134-8 ban on assault pistols. This Declaration is intended to clarify common ambiguity, dispel misinformation, and assist the court in making an informed decision regarding the lethality of "assault" firearms.

Contact Information

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I am an expert on the topic of firearms due to the following;

I have close to thirteen (13) years time in service with the United States Marine Corps. As a Marine my primary billet is a Platoon Commander in a Tank unit. I am responsible for the health, welfare, training, morale, and discipline of sixteen (16) Marines. Additional responsibilities are to tactically employ, operate, and control four (4) M1A1 Main Battle Tanks. My secondary billet is a Master Gunner. In this capacity I develop, monitor, and critique unit gunnery and tactical training. I am the company's primary weapons expert and I advise Commander's on the M1A1's automotive and weapons capabilities during operational planning. I have designed and observed numerous live fire ranges. I have served two (2) combat tours in Iraq where I personally witnessed various firearms functioning in live, real world scenarios. I am intimately familiar with various firearms' lethality.

The following is a list of pertinent classes and training I have completed:

- Marine Combat Training (2001)
- M1A1 Armor School (2001)
- Desert Operations 0354BZ (2002)
- Operating M1A1 Tank 1843AZ (2002)
- M1A1 Armament & Ammunition 1844ZZ (2002)
- Tank Gunnery and Direct Fire Procedures 1846ZZ (2002)
- Warfighting 8014ZZ (2003)
- Anti Armor Operations 0365ZZ (2003)
- Warfighting Tactics 8015ZZ (2003)
- Military Studies 8013ZZ (2003)
- Weapons 8017ZZ (2003)
- Warfighting Techniques and Strategies 8016ZZ (2003)

- Warfighting Techniques 8103ZZ (2005)
- M1A1 Master Gunner Course (2007)
- Military Operations on Urban Terrain 0366BZ (2008)
- Terrorism Awareness 0210CZ (2008)
- Military Studies 8102ZZ (2008)
- Basic Forward Observation Procedures 0861ZZ (2008)

Pertinent Military Certifications:

- DOD Security Clearance
- M1A1 Master Gunner, Master Gunner Branch, School of Armor Ft. Knox, KY
- Range Safety Officer U.S. Army Mountain Division Ft. Carson, CO
- Range Safety Officer Marine Corps Air Station (MCAS) Miramar, CA
- Range Safety Officer Marine Corps Air Ground Combat Center (MCAGCC) 29 Palms, CA
- Range Safety Officer Marine Corps Base (MCB) Camp Pendleton, CA

H.R.S §134-1 defines an “assault pistol” as having at least two of the following attributes.

- (1) An ammunition magazine which attaches to the pistol outside of the pistol grip;

The location of the magazine does not impact the effectiveness of a firearm. Regardless of weapon specific component locations, a firearm still has to feed, chamber, lock, fire, extract, and eject (cycle of operation). For example bullpup weapons such as the Steyer AUG, have the pistol grip and firing mechanism in front of the magazine and have similar characteristics as fire arms without these features.

- (2) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;

Barrel extender: Adds to distance/accuracy of the firearm. Longer barrels assist in decreasing a projectiles yawl. In layman’s terms, yawl is equivalent to a football being thrown that does not have a tight spiral. Decreasing a round’s yawl in flight, increases the rounds overall accuracy. Rifles are infinitely more accurate than pistols. This is in no small part a result of a rifle’s longer barrel length. However, longer barrels make handguns harder to conceal. Compared to a rifle, a handgun’s advantage lays in the ability to be concealed, light weight, ease of maneuvering, and use within tight quarters.

Flash suppressor: Disperses expanding propellant gas behind a round’s projectile (within the barrel) in equal pattern as it exits the muzzle. This helps with recoil management (muzzle climb). Decreasing a pistol’s recoil helps to maintain control of the firearm while shooting. This is not a factor when firing in a controlled/sustained firing rhythm.

Forward hand grip: They do not aid with the functionality of a handgun.

Silencer: The proper nomenclature for this is a suppressor. Suppressors do not “silence” firearms. Suppressors are a series of empty baffles that allow the expanding propellant gas to escape in a controlled manner. The end result is a firearm with decreased noise levels when fired. They simply reduce noise to decibels that are less harmful to the inner ear. A firearm with a suppressor is not silent.

- (3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;

Shroud: Heat shield. It protects the shooter from burns. Many shrouds are not designed to be grabbed. Handguns are almost universally held by the grip even when using two hands.

- (4) A manufactured weight of fifty ounces or more when the pistol is unloaded;

With polymer pistols such as Glocks, handguns have become more lightweight. Lighter weight handguns similar to Glock are just as lethal as aluminum or steel built pistol. No such research provides for a lighter pistol increasing its lethality.

- (5) A centerfire pistol with an overall length of twelve inches or more;

Center fire refers to the ammunition. A center fire cartridge is a cartridge with a primer located in the center of the cartridge base. When this primer is struck, it sparks igniting the rounds propellant (gunpowder). Unlike rimfire cartridges, the primer in a center fire cartridge is a separate and replaceable component. This feature has two main advantages. The first is that it allows a more complete and thorough burn of propellant (gun powder). The second advantage is that it allows the cartridge to be used in reloading. A rimfire cartridge has its primer around the entire base of the round. Just like with center fire rounds, when this primer is hit, it sparks and ignites the propellant. The advantage of rimfire cartridges is that it allows the firearm to be fired with less tolerances in the machining process. Rimfire is an older technology and is primarily used with older weapons manufactured with less precise machining or new small caliber firearms (ie 22 Long Rifle). Because rimfire rounds have the characteristic of a less thorough propellant burn, the rounds tend to have less “stopping power” compared to a similar caliber in a center fire round. Generally speaking, this equates to a less effective weapon for self-defense.

- (6) It is a semiautomatic version of an automatic firearm;

Semi automatic means one round is fired per pull of the trigger. Holding the trigger down does not make the firearm continuously repeat the cycle of operation (feeding, loading, chambering, firing, extracting, ejecting). Automatic weapons continue the cycle of operation (continues to fire) with one continuous trigger squeeze. An advantage of fully automatic weapons is that they are able to continuously fire, uninterrupted operation, as long as the trigger is held down and ammunition is available. A disadvantage of fully automatic firearms is that their accuracy is dramatically reduced while firing as compared

to a semi automatic version. The difficulty spawns from rapid repeating recoil associated with such firearms. An additional disadvantage is firearm malfunctions are much more likely to occur. The continuous movement of parts combined with the rapid heating of components makes fully automatic firearms less dependable. Military and law enforcement weapons are usually in a fully automatic or have 3 round burst version. That is what makes them “assault” weapons.

The reason for my previous comments on the descriptions is so that the following will become clearer. Not a single attribute described above either increases or decreases the lethality of a firearm. Therefore these attributes associated with an “assault” pistol are not only irrelevant but arbitrary. In the hands of a trained individual, the characteristics described increase the manageability of the firearm and aid in ease of use. They do not make the weapon more lethal in untrained hands. The court needs to consider the following firearm characteristics in determining particular weapon legality based on lethality.

- (1) Ballistics refers to characteristics of a particular round. The exact same firearm is capable of shockingly various performance based solely on the ammunition used. Similarly, a particular ammunition type functions better in certain firearms as compared to others. This is true regardless of what caliber or version (semi or auto). New ammunition types continue to be developed. These newer ammunitions increase accuracy, penetration (stopping power), and decrease weapon malfunctions. Certain ammunition types are already restricted.
- (2) Similar to ballistics, rounds penetration characteristics greatly vary. Many rounds suited for target practice lack the velocity to be effective in real world scenarios. Therefore, greatly restricting the type of ammunition available does not assist in home or self defense.
- (3) Rapidly firing weapons dramatically decreases accuracy. Anyone who has ever fired a fully automatic weapon, or rapidly pulled the trigger on a semi-automatic, understands that firearms capable of firing quickly does not necessarily equate to improved lethality.
- (4) Magazine size restrictions do not decrease weapons lethality. Take for example someone who is well trained. They are given a 14 round magazine and asked to fire on multiple targets until ammunition is gone. And then given two separate magazines each with 7 rounds and asked to complete the same task. The same numbers of rounds have been fired, the same number of targets has been engaged, yet there is only a one or two second difference between the above exercises. Restrictions on magazines that limit the round count to less than 10 rounds are arbitrary. The decision to restrict magazine size has been made without looking at facts.
- (5) Weapon lethality will eventually always come down to the user. An example of this would be to take an average person and place them behind the wheel of a race car. Although the car is faster than what they are used to, the average person is not able to get

the full benefit of the cars intended purpose and characteristics. Similarly if a professional racecar driver is placed into the average sedan, that car is now capable of performance far beyond what the average driver is able to produce. The difference between each cars performance came down to who was attempting to operate it. Additionally, simply because an individual is not a professional driver does not mean the law restricts the type of vehicle that individual is able to purchase and own. Non-professional drivers own and operate ultra fast sports cars every day. These drivers do not possess the skill level capable of getting the full benefits of the performance machines they operate. Certain vehicles are restricted to use in certain areas, but the vehicles can still be owned and operated. This same reasoning should be applied to laws regarding firearms.

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

Dated April 10th , 2013. Honolulu, Hawaii

/s/Ryan Barbour

Ryan J. Barbour