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Exhibit "16"

1 **CALIFORNIA PENAL CODE SECTION 12050, et al.**

2 **SECTION 12050**

3 (a)(1)(A) The sheriff of a county, upon proof that the
4 person applying is of good moral character, that good cause
5 exists for the issuance, and that the person applying
6 satisfies any one of the conditions specified in
7 subparagraph (D) and has completed a course of training as
8 described in subparagraph (E), may issue to that person a
9 license to carry a pistol, revolver, or other firearm
10 capable of being concealed upon the person in either one
11 of the following formats:

12 (i) A license to carry concealed a pistol, revolver,
13 or other firearm capable of being concealed upon the person.

14 (ii) Where the population of the county is less than 200,000
15 persons according to the most recent federal decennial
16 census, a license to carry loaded and exposed in that county
17 a pistol, revolver, or other firearm capable of being
18 concealed upon the person.

19 (B) The chief or other head of a municipal police department
20 of any city or city and county, upon proof that the person
21 applying is of good moral character, that good cause exists
22 for the issuance, and that the person applying is a resident
23 of that city and has completed a course of training as
24 described in subparagraph (E), may issue to that person a
25 license to carry a pistol, revolver, or other firearm
26 capable of being concealed upon the person in either one
27 of the following formats:

28 (i) A license to carry concealed a pistol, revolver,
or other firearm capable of being concealed upon the person.

(ii) Where the population of the county in which the city is
located is less than 200,000 persons according to the most
recent federal decennial census, a license to carry loaded
and exposed in that county a pistol, revolver, or other
firearm capable of being concealed upon the person.

(C) The sheriff of a county or the chief or other head of a
municipal police department of any city or city and county,
upon proof that the person applying is of good moral
character, that good cause exists for the issuance, and that
the person applying is a person who has been deputized
or appointed as a peace officer pursuant to subdivision (a) or
(b) of Section 830.6 by that sheriff or that chief of police
or other head of a municipal police department, may issue to
that person a license to carry concealed a pistol, revolver,
or other firearm capable of being concealed upon the person.
Direct or indirect fees for the issuance of a license
pursuant to this subparagraph may be waived. The fact that

1 an applicant for a license to carry a pistol, revolver,
2 or other firearm capable of being concealed upon the person has
3 been deputized or appointed as a peace officer pursuant to
4 subdivision (a) or (b) of Section 830.6 shall be considered
5 only for the purpose of issuing a license pursuant to this
6 subparagraph, and shall not be considered for the purpose
7 of issuing a license pursuant to subparagraph (A) or (B).

8 (D) For the purpose of subparagraph (A), the applicant shall
9 satisfy any one of the following:

10 (i) Is a resident of the county or a city within the county.

11 (ii) Spends a substantial period of time in the applicant's
12 principal place of employment or business in the county or a
13 city within the county.

14 (E)(i) For new license applicants, the course of training
15 may be any course acceptable to the licensing authority,
16 shall not exceed 16 hours, and shall include instruction on
17 at least firearm safety and the law regarding the
18 permissible use of a firearm. Notwithstanding this clause,
19 the licensing authority may require a community college
20 course certified by the Commission on Peace Officer
21 Standards and Training, up to a maximum of 24 hours, but
22 only if required uniformly of all license applicants without
23 exception.

24 (ii) For license renewal applicants, the course of training
25 may be any course acceptable to the licensing authority,
26 shall be no less than four hours, and shall include
27 instruction on at least firearm safety and the law regarding
28 the permissible use of a firearm. No course of training
shall be required for any person certified by the licensing
authority as a trainer for purposes of this subparagraph, in
order for that person to renew a license issued pursuant to
this section.

(2)(A)(i) Except as otherwise provided in clause (ii),
subparagraphs (C) and (D) of this paragraph, and
subparagraph (B) of paragraph (4) of subdivision (f), a
license issued pursuant to subparagraph (A) or (B)
of paragraph (1) is valid for any period of time not to exceed
two years from the date of the license.

(ii) If the licensee's place of employment or business was
the basis for issuance of the license pursuant to
subparagraph (A) of paragraph (1), the license is valid for
any period of time not to exceed 90 days from the date
of the license. The license shall be valid only in the county
in which the license was originally issued. The licensee
shall give a copy of this license to the licensing authority
of the city, county, or city and county in which he or she
resides. The licensing authority that originally issued the

1 license shall inform the licensee verbally and in writing in
2 at least 16-point type of this obligation to give a copy
3 of the license to the licensing authority of the city, county,
4 or city and county of residence. Any application to renew
5 or extend the validity of, or reissue, the license may be
6 granted only upon the concurrence of the licensing authority
7 that originally issued the license and the licensing
8 authority of the city, county, or city and county in which
9 the licensee resides.

10 (B) A license issued pursuant to subparagraph (C)
11 of paragraph (1) to a peace officer appointed pursuant to
12 Section 830.6 is valid for any period of time not to exceed
13 four years from the date of the license, except that the
14 license shall be invalid upon the conclusion of the person's
15 appointment pursuant to Section 830.6 if the four-year
16 period has not otherwise expired or any other condition
17 imposed pursuant to this section does not limit the validity
18 of the license to a shorter time period.

19 (C) A license issued pursuant to subparagraph (A) or (B)
20 of paragraph (1) is valid for any period of time not to exceed
21 three years from the date of the license if the license is
22 issued to any of the following individuals:

23 (i) A judge of a California court of record.

24 (ii) A full-time court commissioner of a California court
25 of record.

26 (iii) A judge of a federal court.

27 (iv) A magistrate of a federal court.

28 (D) A license issued pursuant to subparagraph (A) or (B)
of paragraph (1) is valid for any period of time not to exceed
four years from the date of the license if the license is
issued to a custodial officer who is an employee of the
sheriff as provided in Section 831.5, except that the
license shall be invalid upon the conclusion of the person's
employment pursuant to Section 831.5 if the four-year period
has not otherwise expired or any other condition imposed
pursuant to this section does not limit the validity of the
license to a shorter time period.

(3) For purposes of this subdivision, a city or county may
be considered an applicant's "principal place of employment
or business" only if the applicant is physically present in
the jurisdiction during a substantial part of his or her
working hours for purposes of that employment or business.

(b) A license may include any reasonable restrictions
or conditions which the issuing authority deems warranted,
including restrictions as to the time, place, manner, and

1 circumstances under which the person may carry a pistol,
2 revolver, or other firearm capable of being concealed upon
the person.

3 (c) Any restrictions imposed pursuant to subdivision (b)
shall be indicated on any license issued.

4 (d) A license shall not be issued if the Department
5 of Justice determines that the person is prohibited by state
or federal law from possessing, receiving, owning,
6 or purchasing a firearm.

7 (e)(1) The license shall be revoked by the local licensing
8 authority if at any time either the local licensing
authority is notified by the Department of Justice that a
9 licensee is prohibited by state or federal law from owning
or purchasing firearms, or the local licensing authority
10 determines that the person is prohibited by state or federal
law from possessing, receiving, owning, or purchasing a
firearm.

11 (2) If at any time the Department of Justice determines that
12 a licensee is prohibited by state or federal law from
possessing, receiving, owning, or purchasing a firearm, the
13 department shall immediately notify the local licensing
authority of the determination.

14 (3) If the local licensing authority revokes the license,
15 the Department of Justice shall be notified of the
revocation pursuant to Section 12053. The licensee shall
16 also be immediately notified of the revocation in writing.

17 (f)(1) A person issued a license pursuant to this
18 section may apply to the licensing authority for an amendment to the
license to do one or more of the following:

19 (A) Add or delete authority to carry a particular pistol,
20 revolver, or other firearm capable of being concealed upon
the person.

21 (B) Authorize the licensee to carry concealed a pistol,
22 revolver, or other firearm capable of being concealed upon
the person.

23 (C) If the population of the county is less than 200,000
24 persons according to the most recent federal decennial
census, authorize the licensee to carry loaded and exposed
25 in that county a pistol, revolver, or other firearm capable
of being concealed upon the person.

26 (D) Change any restrictions or conditions on the license,
27 including restrictions as to the time, place, manner, and
circumstances under which the person may carry a pistol,
28 revolver, or other firearm capable of being concealed upon

1 the person.

2 (2) When the licensee changes his or her address, the
3 license shall be amended to reflect the new address and a
4 new license shall be issued pursuant to paragraph (3).

5 (3) If the licensing authority amends the license, a new
6 license shall be issued to the licensee reflecting the
7 amendments.

8 (4)(A) The licensee shall notify the licensing authority in
9 writing within 10 days of any change in the licensee's place
10 of residence.

11 (B) If the license is one to carry concealed a pistol,
12 revolver, or other firearm capable of being concealed upon
13 the person, then it may not be revoked solely because the
14 licensee changes his or her place of residence to another
15 county if the licensee has not breached any conditions
16 or restrictions set forth in the license and has not become
17 prohibited by state or federal law from possessing,
18 receiving, owning, or purchasing a firearm. However, any
19 license issued pursuant to subparagraph (A) or (B)
20 of paragraph (1) of subdivision (a) shall expire 90 days after
21 the licensee moves from the county of issuance if the
22 licensee's place of residence was the basis for issuance
23 of the license.

24 (C) If the license is one to carry loaded and exposed a
25 pistol, revolver, or other firearm capable of being
26 concealed upon the person, the license shall be revoked
27 immediately if the licensee changes his or her place
28 of residence to another county.

(5) An amendment to the license does not extend the original
expiration date of the license and the license shall be
subject to renewal at the same time as if the license had
not been amended.

(6) An application to amend a license does not constitute an
application for renewal of the license.

(g) Nothing in this article shall preclude the chief
or other head of a municipal police department of any city from
entering an agreement with the sheriff of the county in
which the city is located for the sheriff to process all
applications for licenses, renewals of licenses, and
amendments to licenses, pursuant to this article.

(Added by Stats. 1953, c. 36, p. 656, § 1. Amended by
Stats. 1969, c. 1188, p. 2318, § 1; Stats. 1970, c. 1478,
p. 2923, § 1; Stats. 1977, c. 987, p. 2970, § 3; Stats. 1992,
c. 1340, § 9; Stats. 1993, c. 1167, § 2; Stats. 1997,
c. 408, § 1; Stats. 1997, c. 744, § 2; Stats. 1998, c. 110,

1 § 2; Stats. 1998, c. 910, § 1; Stats. 1999, c. 142, § 1;
Stats. 2000, c. 123, § 1; Stats. 2008, c. 698, § 14.)

2 **SECTION 12050.2**

3 Within three months of the effective date of the act adding this
4 section, each licensing authority shall publish and make available a
5 written policy summarizing the provisions of subparagraphs (A) and (B)
of paragraph (1) of subdivision (a) of Section 12050.

6 (Added by Stats. 1998, Ch. 910, § 2. Effective January 1, 1999.)

7 **SECTION 12051**

8 (a)(1) The standard application form for licenses described
9 in paragraph (3) shall require information from the
10 applicant including, but not limited to, the name,
occupation, residence and business address of the applicant,
his or her age, height, weight, color of eyes and hair, and
reason for desiring a license to carry the weapon.

11 Applications for licenses shall be filed in writing, and
12 signed by the applicant. Any license issued upon the
13 application shall set forth the licensee's name, occupation,
14 residence and business address, his or her age, height,
15 weight, color of eyes and hair, the reason for desiring a
license to carry the weapon, and shall, in addition, contain
a description of the weapon or weapons authorized to be
carried, giving the name of the manufacturer, the serial
number, and the caliber. The license issued to the licensee
may be laminated.

16 (2) Applications for amendments to licenses shall be filed
17 in writing and signed by the applicant, and shall state what
18 type of amendment is sought pursuant to subdivision (f)
of Section 12050 and the reason for desiring the amendment.

19 (3)(A) Applications for amendments to licenses, applications
20 for licenses, amendments to licenses, and licenses shall be
uniform throughout the state, upon forms to be prescribed by
the Attorney General. The Attorney General shall convene a
21 committee composed of one representative of the California
State Sheriffs' Association, one representative of the
22 California Police Chiefs' Association, and one
representative of the Department of Justice to review, and
23 as deemed appropriate, revise the standard application form
for licenses. The committee shall meet for this purpose if
24 two of the committee's members deem that necessary. The
application shall include a section summarizing the
25 statutory provisions of state law that result in the
automatic denial of a license.

26 (B) The forms shall contain a provision whereby the
27 applicant attests to the truth of statements contained in
the application.

1 (C) An applicant shall not be required to complete any
2 additional application or form for a license, or to provide
3 any information other than that necessary to complete the
4 standard application form described in subparagraph (A),
5 except to clarify or interpret information provided by the
6 applicant on the standard application form.

7 (D) The standard application form described in
8 subparagraph (A) is deemed to be a local form expressly
9 exempt from the requirements of the Administrative
10 Procedures Act, Chapter 3.5 (commencing with Section 11340)
11 of Part 1 of Division 3 of Title 2 of the Government Code.

12 (b) Any person who files an application required by
13 subdivision (a) knowing that statements contained therein
14 are false is guilty of a misdemeanor.

15 (c) Any person who knowingly makes a false statement on the
16 application regarding any of the following shall be guilty
17 of a felony:

18 (1) The denial or revocation of a license, or the denial
19 of an amendment to a license, issued pursuant to Section 12050.

20 (2) A criminal conviction.

21 (3) A finding of not guilty by reason of insanity.

22 (4) The use of a controlled substance.

23 (5) A dishonorable discharge from military service.

24 (6) A commitment to a mental institution.

25 (7) A renunciation of United States citizenship.

26 (Added by Stats. 1953, c. 36, p. 656, § 1. Amended by
27 Stats. 1953, c. 692, p. 1960, § 1; Stats. 1977, c. 996,
28 p. 2994, § 1; Stats. 1981, c. 945, § 1; Stats. 1992,
c. 1340, § 10; Stats. 1993, c. 1167, § 3; Stats. 1994,
c. 716, § 4; Stats. 1998, c. 910, § 3; Stats. 2003, c. 541,
§ 2.)

SECTION 12052

23 (a) The fingerprints of each applicant shall be taken and
24 two copies on forms prescribed by the Department of Justice
25 shall be forwarded to the department. Upon receipt of the
26 fingerprints and the fee as prescribed in Section 12054, the
27 department shall promptly furnish the forwarding licensing
28 authority a report of all data and information pertaining to
any applicant of which there is a record in its office,
including information as to whether the person is prohibited
by state or federal law from possessing, receiving, owning,

1 or purchasing a firearm. No license shall be issued by any
2 licensing authority until after receipt of the report from
the department.

3 (b) However; if the license applicant has previously applied
4 to the same licensing authority for a license to carry
5 firearms pursuant to Section 12050 and the applicant's
6 fingerprints and fee have been previously forwarded to the
7 Department of Justice, as provided by this section, the
8 licensing authority shall note the previous identification
numbers and other data that would provide positive
identification in the files of the Department of Justice on
the copy of any subsequent license submitted to the
department in conformance with Section 12053 and no
additional application form or fingerprints shall be
required.

9 (c) If the license applicant has a license issued pursuant
10 to Section 12050 and the applicant's fingerprints have been
11 previously forwarded to the Department of Justice, as
12 provided in this section, the licensing authority shall note
13 the previous identification numbers and other data that
14 would provide positive identification in the files of the
Department of Justice on the copy of any subsequent license
submitted to the department in conformance with
Section 12053 and no additional fingerprints shall be
required.

15 (Added by Stats. 1953, c. 36, p. 657, § 1. Amended by
16 Stats. 1953, c. 692, p. 1960, § 2; Stats. 1959, c. 1856,
17 p. 4410, § 1; Stats. 1971, c. 1309, p. 2602, § 3, eff.
18 Nov. 1, 1971; Stats. 1972, c. 1377, p. 2845, § 91;
19 Stats. 1992, c. 1340, § 11; Stats. 1992, c. 1341, § 12;
20 Stats. 2008, c. 698, § 15.)

21 **SECTION 12052.5**

22 The licensing authority shall give written notice to the applicant
23 indicating if the license is approved or denied within 90 days of the
24 initial application for a new license or a license renewal or 30 days
25 after receipt of the applicant's criminal background check from the
26 Department of Justice, whichever is later.

27 (Added by Stats. 1998, Ch. 910, § 4. Effective January 1, 1999.)

28 **SECTION 12053**

(a) A record of the following shall be maintained in the office of the
licensing authority:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.

1 (3) The issuance of a license.

2 (4) The amendment of a license.

3 (5) The revocation of a license.

4 (b) Copies of each of the following shall be filed immediately by
the issuing officer or authority with the Department of Justice:

5 (1) The denial of a license.

6 (2) The denial of an amendment to a license.

7 (3) The issuance of a license.

8 (4) The amendment of a license.

9 (5) The revocation of a license.

10 (c) Commencing on or before January 1, 2000, and annually thereafter,
11 each licensing authority shall submit to the Attorney General the total
12 number of licenses issued to peace officers, pursuant to subparagraph (C)
13 of paragraph (1) of subdivision (a) of Section 12050, and to
14 judges, pursuant to subparagraph (A) or (B) of paragraph (1)
of subdivision (a) of Section 12050. The Attorney General shall
collect and record the information submitted pursuant to this
subdivision by county and licensing authority.

15 (Amended by Stats. 1998, Ch. 910, § 5. Effective January 1,
1999.)

16 **SECTION 12054**

17 (a) Each applicant for a new license or for the renewal of a license
18 shall pay at the time of filing his or her application a fee determined
19 by the Department of Justice not to exceed the application processing
20 costs of the Department of Justice for the direct costs of furnishing the
21 report required by Section 12052. After the department establishes
22 fees sufficient to reimburse the department for processing costs, fees
23 charged shall increase at a rate not to exceed the legislatively approved
24 annual cost-of-living adjustments for the department's budget. The
25 officer receiving the application and the fee shall transmit the fee,
26 with the fingerprints if required, to the Department of Justice. The
licensing authority of any city, city and county, or county may charge an
additional fee in an amount equal to the actual costs for processing the
application for a new license, excluding fingerprint and training costs,
but in no case to exceed one hundred dollars (\$100), and shall transmit
the additional fee, if any, to the city, city and county, or county
treasury. The first 20 percent of this additional local fee may be
collected upon filing of the initial application. The balance of the fee
shall be collected only upon issuance of the license.

27 The licensing authority may charge an additional fee, not to exceed
28 twenty-five dollars (\$25), for processing the application for a license

1 renewal, and shall transmit an additional fee, if any, to the city, city
2 and county, or county treasury. These local fees may be increased at a
3 rate not to exceed any increase in the California Consumer Price Index as
4 compiled and reported by the California Department of Industrial
5 Relations.

6 (b) In the case of an amended license pursuant to subdivision (f)
7 of Section 12050, the licensing authority of any city, city and
8 county, or county may charge a fee, not to exceed ten dollars (\$10),
9 except that the fee may be increased at a rate not to exceed any increase
10 in the California Consumer Price Index as compiled and reported by the
11 California Department of Industrial Relations, for processing the amended
12 license and shall transmit the fee to the city, city and county,
13 or county treasury.

14 (c) If psychological testing on the initial application is required by
15 the licensing authority, the license applicant shall be referred to a
16 licensed psychologist used by the licensing authority for the
17 psychological testing of its own employees. The applicant may be charged
18 for the actual cost of the testing in an amount not to exceed one hundred
19 fifty dollars (\$150). Additional psychological testing of an applicant
20 seeking license renewal shall be required only if there is compelling
21 evidence to indicate that a test is necessary. The cost to the applicant
22 for this additional testing shall not exceed one hundred fifty dollars
23 (\$150).

24 (d) Except as authorized pursuant to subdivisions (a), (b), and (c), no
25 requirement, charge, assessment, fee, or condition that requires the
26 payment of any additional funds by the applicant may be imposed by any
27 licensing authority as a condition of the application for a license.

28 (Amended by Stats. 1998, Ch. 910, § 6. Effective January 1,
1999.)

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Exhibit "17"

1 **CALIFORNIA PENAL CODE SECTIONS 12031(a) and 12031(b)**

2 (a) (1) A person is guilty of carrying a loaded firearm when he or she
3 carries a loaded firearm on his or her person or in a vehicle while in
4 any public place or on any public street in an incorporated city or in
5 any public place or on any public street in a prohibited area
6 of unincorporated territory.

7 (2) Carrying a loaded firearm in violation of this section is
8 punishable, as follows:

9 (A) Where the person previously has been convicted of any felony,
10 or of any crime made punishable by this chapter, as a felony.

11 (B) Where the firearm is stolen and the person knew or had reasonable
12 cause to believe that it was stolen, as a felony.

13 (C) Where the person is an active participant in a criminal street
14 gang, as defined in subdivision (a) of Section 186.22, under the Street
15 Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with
16 Section 186.20) of Title 7 of Part 1), as a felony.

17 (D) Where the person is not in lawful possession of the firearm, as
18 defined in this section, or is within a class of persons prohibited from
19 possessing or acquiring a firearm pursuant to Section 12021 or
20 12021.1 of this code or Section 8100 or
21 8103 of the Welfare and Institutions Code, as a
22 felony.

23 (E) Where the person has been convicted of a crime against a person
24 or property, or of a narcotics or dangerous drug violation, by imprisonment
25 in the state prison, or by imprisonment in a county jail not to exceed
26 one year, by a fine not to exceed one thousand dollars (\$1,000), or by
27 both that imprisonment and fine.

28 (F) Where the person is not listed with the Department of Justice
pursuant to Section 11106, as the registered owner of the pistol,
revolver, or other firearm capable of being concealed upon the person, by
imprisonment in the state prison, or by imprisonment in a county jail not
to exceed one year, or by a fine not to exceed one thousand dollars
(\$1,000), or both that fine and imprisonment.

(G) In all cases other than those specified in subparagraphs (A) to
(F), inclusive, as a misdemeanor, punishable by imprisonment in a county
jail not to exceed one year, by a fine not to exceed one thousand dollars
(\$1,000), or by both that imprisonment and fine.

(3) For purposes of this section, "lawful possession of the firearm"
means that the person who has possession or custody of the firearm either
lawfully acquired and lawfully owns the firearm or has the permission
of the lawful owner or person who otherwise has apparent authority to
possess or have custody of the firearm. A person who takes a firearm
without the permission of the lawful owner or without the permission of a
person who has lawful custody of the firearm does not have lawful

1 possession of the firearm.

2 (4) Nothing in this section shall preclude prosecution under
3 Sections 12021 and 12021.1 of this code, Section 8100 or
4 8103 of the Welfare and Institutions Code, or any other
5 law with a greater penalty than this section.

6 (5) (A) Notwithstanding paragraphs (2) and (3) of subdivision (a)
7 of Section 836, a peace officer may make an arrest without a warrant:

8 (i) When the person arrested has violated this section, although
9 not in the officer's presence.

10 (ii) Whenever the officer has reasonable cause to believe that the
11 person to be arrested has violated this section, whether or not this
12 section has, in fact, been violated.

13 (B) A peace officer may arrest a person for a violation
14 of subparagraph (F) of paragraph (2), if the peace officer has probable cause to believe
15 that the person is carrying a loaded pistol, revolver, or other firearm
16 capable of being concealed upon the person in violation of this
17 section and that person is not listed with the Department of Justice pursuant to
18 paragraph (1) of subdivision (c) of Section 11106 as the registered
19 owner of that pistol, revolver, or other firearm capable of being
20 concealed upon the person.

21 (6) (A) Every person convicted under this section who has previously
22 been convicted of an offense enumerated in Section 12001.6,
23 or of any crime made punishable under this chapter, shall serve a term of at
24 least three months in a county jail, or, if granted probation or if the
25 execution or imposition of sentence is suspended, it shall be a condition
26 thereof that he or she be imprisoned for a period of at least three
27 months.

28 (B) The court shall apply the three-month minimum sentence except in
unusual cases where the interests of justice would best be served by
granting probation or suspending the imposition or execution of sentence
without the minimum imprisonment required in this subdivision or by
granting probation or suspending the imposition or execution of sentence
with conditions other than those set forth in this subdivision, in which
case, the court shall specify on the record and shall enter on the
minutes the circumstances indicating that the interests of justice would
best be served by that disposition.

(7) A violation of this section which is punished by imprisonment in a
county jail not exceeding one year shall not constitute a conviction of a
crime punishable by imprisonment for a term exceeding one year for the
purposes of determining federal firearms eligibility under
Section 922(g)(1) of Title 18 of the United States Code.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a)
of Section 830.33, whether active or honorably retired, other duly

1 appointed peace officers, honorably retired peace officers listed in
2 subdivision (c) of Section 830.5, other honorably retired peace officers
3 who during the course and scope of their employment as peace officers
4 were authorized to, and did, carry firearms, full-time paid peace
5 officers of other states and the federal government who are carrying out
6 official duties while in California, or any person summoned by any
7 of those officers to assist in making arrests or preserving the peace while
8 the person is actually engaged in assisting that officer. Any peace
9 officer described in this paragraph who has been honorably retired shall
10 be issued an identification certificate by the law enforcement agency
11 from which the officer has retired. The issuing agency may charge a fee
12 necessary to cover any reasonable expenses incurred by the agency in
13 issuing certificates pursuant to this paragraph and paragraph (3).

14 Any officer, except an officer listed in Section 830.1 or 830.2,
15 subdivision (a) of Section 830.33, or subdivision (c)
16 of Section 830.5 who retired prior to January 1, 1981, shall have an endorsement
17 on the identification certificate stating that the issuing agency
18 approves the officer's carrying of a loaded firearm.

19 No endorsement or renewal endorsement issued pursuant to paragraph (2)
20 shall be effective unless it is in the format set forth in
21 subparagraph (D) of paragraph (1) of subdivision (a) of Section 12027, except
22 that any peace officer listed in subdivision (f) of Section 830.2
23 or in subdivision (c) of Section 830.5, who is retired between
24 January 2, 1981, and on or before December 31, 1988, and who is
25 authorized to carry a loaded firearm pursuant to this section, shall not
26 be required to have an endorsement in the format set forth in
27 subparagraph (D) of paragraph (1) of subdivision (a) of Section 12027
28 until the time of the issuance, on or after January 1, 1989, of a renewal
endorsement pursuant to paragraph (2).

(2) A retired peace officer, except an officer listed in
Section 830.1 or 830.2, subdivision (a)
of Section 830.33, or subdivision (c) of Section 830.5
who retired prior to January 1, 1981, shall petition the issuing agency
for renewal of his or her privilege to carry a loaded firearm every five
years. An honorably retired peace officer listed in
Section 830.1 or 830.2, subdivision (a)
of Section 830.33, or subdivision (c)
of Section 830.5 who retired prior to January 1, 1981, shall not be
required to obtain an endorsement from the issuing agency to carry
a loaded firearm. The agency from which a peace officer is honorably
retired may, upon initial retirement of the peace officer,
or at any time subsequent thereto, deny or revoke for good cause the retired
officer's privilege to carry a loaded firearm. A peace officer who is
listed in Section 830.1 or 830.2, subdivision (a)
of Section 830.33, or subdivision (c) of Section 830.5
who is retired prior to January 1, 1981, shall have his or her privilege
to carry a loaded firearm denied or revoked by having the agency from
which the officer retired stamp on the officer's identification
certificate "No CCW privilege."

(3) An honorably retired peace officer who is listed in subdivision (c)

1 of Section 830.5 and authorized to carry loaded firearms by this
2 subdivision shall meet the training requirements of Section 832 and
3 shall qualify with the firearm at least annually. The individual retired
4 peace officer shall be responsible for maintaining his or her eligibility
5 to carry a loaded firearm. The Department of Justice shall provide
6 subsequent arrest notification pursuant to Section 11105.2
7 regarding honorably retired peace officers listed in subdivision (c)
8 of Section 830.5 to the agency from which the officer has retired.

9 (4) Members of the military forces of this state or of the United
10 States engaged in the performance of their duties.

11 (5) Persons who are using target ranges for the purpose of practice
12 shooting with a firearm or who are members of shooting clubs while
13 hunting on the premises of those clubs.

14 (6) The carrying of pistols, revolvers, or other firearms capable
15 of being concealed upon the person by persons who are authorized to
16 carry those weapons pursuant to Article 3 (commencing with
17 Section 12050) of Chapter 1 of Title 2 of Part 4.

18 (7) Armored vehicle guards, as defined in Section 7521
19 of the Business and Professions Code, (A) if hired prior to January 1,
20 1977, or (B) if hired on or after that date, if they have received a
21 firearms qualification card from the Department of Consumer Affairs, in
22 each case while acting within the course and scope of their employment.

23 (8) Upon approval of the sheriff of the county in which they reside,
24 honorably retired federal officers or agents of federal law enforcement
25 agencies, including, but not limited to, the Federal Bureau
26 of Investigation, the Secret Service, the United States Customs Service, the
27 Federal Bureau of Alcohol, Tobacco, and Firearms, the Federal Bureau
28 of Narcotics, the Drug Enforcement Administration, the United States Border
Patrol, and officers or agents of the Internal Revenue Service who were
authorized to carry weapons while on duty, who were assigned to duty
within the state for a period of not less than one year, or who retired
from active service in the state.

Retired federal officers or agents shall provide the sheriff with
certification from the agency from which they retired certifying their
service in the state, the nature of their retirement, and indicating the
agency's concurrence that the retired federal officer or agent should be
accorded the privilege of carrying a loaded firearm.

Upon approval, the sheriff shall issue a permit to the retired federal
officer or agent indicating that he or she may carry a loaded firearm in
accordance with this paragraph. The permit shall be valid for a period
not exceeding five years, shall be carried by the retiree while carrying
a loaded firearm, and may be revoked for good cause.

The sheriff of the county in which the retired federal officer or agent
resides may require recertification prior to a permit renewal, and may
suspend the privilege for cause. The sheriff may charge a fee necessary
to cover any reasonable expenses incurred by the county.

(Amended by Stats. 1999, Ch. 571, § 3. Effective January 1, 2000.)

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Exhibit "18"

LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA)

18 U.S.C. § 926B

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—
(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term “qualified law enforcement officer” means an employee of a governmental agency who—

- (1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- (2) is authorized by the agency to carry a firearm;
- (3) is not the subject of any disciplinary action by the agency;
- (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- (5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (6) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

(e) As used in this section, the term “firearm” does not include—

- (1) any machinegun (as defined in section 5845 of the National Firearms Act);
- (2) any firearm silencer (as defined in section 921 of this title); and
- (3) any destructive device (as defined in section 921 of this title).

18 U.S.C. § 926C

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—
(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term “qualified retired law enforcement officer” means an individual who—

- (1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- (2) before such retirement, was authorized by law to engage in or supervise the prevention,

1 detection, investigation, or prosecution of, or the incarceration of any person for, any violation of
law, and had statutory powers of arrest;

2 (3)

(A) before such retirement, was regularly employed as a law enforcement officer for an
aggregate of 15 years or more; or

3 (B) retired from service with such agency, after completing any applicable probationary
period of such service, due to a service-connected disability, as determined by such agency;

4 (4) has a nonforfeitable right to benefits under the retirement plan of the agency;

5 (5) during the most recent 12-month period, has met, at the expense of the individual, the State's
standards for training and qualification for active law enforcement officers to carry firearms;

6 (6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or
substance; and

7 (7) is not prohibited by Federal law from receiving a firearm.

8 (d) The identification required by this subsection is—

9 (1) a photographic identification issued by the agency from which the individual retired from
service as a law enforcement officer that indicates that the individual has, not less recently than one
year before the date the individual is carrying the concealed firearm, been tested or otherwise found
10 by the agency to meet the standards established by the agency for training and qualification for active
law enforcement officers to carry a firearm of the same type as the concealed firearm; or

11 (2)

(A) a photographic identification issued by the agency from which the individual retired
from service as a law enforcement officer; and

12 (B) a certification issued by the State in which the individual resides that indicates that the
individual has, not less recently than one year before the date the individual is carrying the concealed
13 firearm, been tested or otherwise found by the State to meet the standards established by the State for
training and qualification for active law enforcement officers to carry a firearm of the same type as
14 the concealed firearm.

15 (e) As used in this section, the term "firearm" does not include—

16 (1) any machinegun (as defined in section 5845 of the National Firearms Act);

17 (2) any firearm silencer (as defined in section 921 of this title); and

(3) a destructive device (as defined in section 921 of this title).

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Exhibit "19"

National Rifle Association recruits San Franciscans to overturn gun-control laws

By Matt Smith

published: October 14, 2009

Subject(s):
[Matt Smith on National Rifle Association recruits San Franciscans to overturn gun-control laws](#)

It's an hour before dawn, and Espanola Jackson, a 76-year-old activist known for her leading role in antidevelopment battles, is awoken by a clunk coming from the kitchen of her house, five blocks east of Candlestick Park. She sits up in her bed, takes a pair of keys out of her nightstand drawer, and steps softly toward her gun cabinet. While struggling with the lock, she hears footsteps growing louder.

Miles away from Jackson's Hunters Point home, San Francisco residents Therese Marie Pizzo and her domestic partner are on an out-of-state vacation. Two red-faced men approach them, laughing, taunting, asking menacing questions about the women's hair and clothes. Pizzo imagines reaching into her jacket to pull out a loaded pistol, but she's carrying only a pocketknife. She grabs her partner's forearm and steps back.

These scenes are fantasies. But they're based on fears described in legal complaints filed on behalf of real-life city residents Jackson and Pizzo, who are plaintiffs in separate but similar anti-gun-control lawsuits against San Francisco filed recently in federal court. Jackson is an elderly woman who keeps handguns in her home for self-defense "and other lawful purposes," according to a lawsuit filed on behalf of Jackson and several co-plaintiffs, including the National Rifle Association. Pizzo and her partner enjoy taking trips out of California; she says she applied for a concealed weapon permit to protect her against bigoted hicks, but was brushed off by the San Francisco sheriff's office. Pizzo's suit was filed by independent gun-control opponent Gary Gorski, an attorney in Fair Oaks.

On Sept. 30, the Supreme Court agreed to hear arguments that a Chicago handgun ban violates the Second Amendment. If it determines the ban is unconstitutional, Jackson and her co-plaintiffs have a good chance of striking down various San Francisco gun control laws, including a 2007 law requiring that guns be kept under lock and key. If that happens, said Calvin Massey, constitutional law professor at UC Hastings College of the Law, "San Francisco will lose this [Jackson's] lawsuit."

Pizzo's suit also seeks to overturn various San Francisco gun control laws, but goes a step further by seeking to strike down portions of the California code that give local law enforcement agencies discretion to reject applications for concealed weapons. However, under state and federal law, honorably retired police officers have the right to carry concealed weapons. In Pizzo's view, this is a violation of the constitutional guarantee to equal protection.

"If you took away the exemption for retired cops, I bet you \$20 none of these [gun control] laws would ever get passed, because cops don't want their dicks cut off," Gorski said. "The idea that retired cops are better than anyone else, that's a bunch of bullshit."

Whether a possible Supreme Court order to lift the Chicago gun ban would result in a judge ruling that California cities have to issue concealed-weapons permits "is an open question," Massey said.

NRA attorney Chuck Michel, who has been quoted calling Gorski a "well-intentioned loose cannon," said that he will ask for the Pizzo case to be put on hold, pending the Supreme Court resolution of the challenge to the Chicago gun ban. Despite their differing strategies, Michel and Gorski share the idea that they can make their clients safer by eliminating gun control.

If they prevail, we will find ourselves in a country where the Second Amendment law has drifted from something reasonable — a constitutional clause enabling state militias — toward a land of illogic where the Constitution ensures public safety by enshrining citizens' rights to secretly pack guns loaded with hollow-point, or "cop-killer," bullets; where neighbors have a protected right to shoot off pistols in their backyards; and where youngsters visiting a relative's house can expect to find a Winchester resting above the couch, its place protected by the U.S. Constitution.

Gorski "wants to return us to the Wild West. He wants to see us wear a holster on the hip," said deputy city attorney Sherri Kaiser, who represents San Francisco in both cases.

In 2006, the California Supreme Court struck down a ban on private ownership of handguns in San Francisco because it was inconsistent with state law. But other local ordinances remain. Thanks to a 2007 law, San Francisco gun owners must keep their firearms in locked cabinets, or with trigger locks engaged — unless they have the weapons on their person. It is also illegal to sell bullets designed to expand on impact to produce a cantaloupe-sized flesh wound.

As a matter of practice, San Francisco issues virtually no concealed-weapons permits, under discretion allowed under state law. (Court papers indicate only one resident currently has such a permit.)

In June, gun control laws such as San Francisco's seemed imperiled when the Supreme Court struck down a Washington, D.C., handgun ban, which it ruled violated the right to bear arms.

The decision had gun-control advocates apoplectic because it represented a polar shift from conventional wisdom among legal experts that the Second Amendment didn't guarantee individuals the right to carry guns, but merely established militias such as the California National Guard.

Such a disparate range of perceived meanings has been possible because the Second Amendment is not clear. It reads, "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

Until recently, this jumble of clauses and commas was widely interpreted as an expression by the Founding Fathers that, since it's inconvenient to keep a standing army, we'd have to occasionally muster citizen militias. And they'd need arms. The ascendant, NRA-backed view says the Founding Fathers meant for citizens to keep pistols on their nightstands to repel intruders.

But the ruling on the Washington law didn't overturn other local handgun bans, because the District of Columbia is not a state. In the Chicago case, the Supreme Court is expected to decide whether handgun bans passed by local or state governments are also unconstitutional. In the meantime, Jackson's lawsuit has been stayed, pending resolution of that case.

"Obviously if the Supreme Court finds that the Second Amendment does not apply to state or local governments, the San Francisco claims will be dismissed," said Juliet Leftwich, legal director of the gun control advocacy group Legal Community Against Violence. "But we're not optimistic that will be the outcome."

If the Supreme Court does overturn Chicago's law, Jackson may very well be able to keep her guns at home, and she could reach for one someday and gun down an intruder. But if her neighbors, friends, fellow congregants, and San Francisco residents indulge their newfound right to leave unfettered firearms around their houses, it's at least as likely that someone will use one of them to shoot someone, either by accident or on purpose, who is innocent.

If Pizzo ultimately wins her case, she might get to pull a licensed Glock .45-caliber pistol from a concealed holster to frighten away gay-bashing bubbas. But she won't be the only one with a right to pack hidden heat.

"On that reasoning, lots of people should get to carry concealed weapons if they have reason to believe somebody in the big wide world should want to hurt them," Kaiser said. "The decision Pizzo and her attorneys would have is taking trigger locks off guns, loading them with flesh-shredding ammunition, and putting them on your hip as you stroll down the street."

While that may be a compelling fantasy, I don't think it was what attendees at the Constitutional Convention of 1787 had in mind.

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Exhibit "20"



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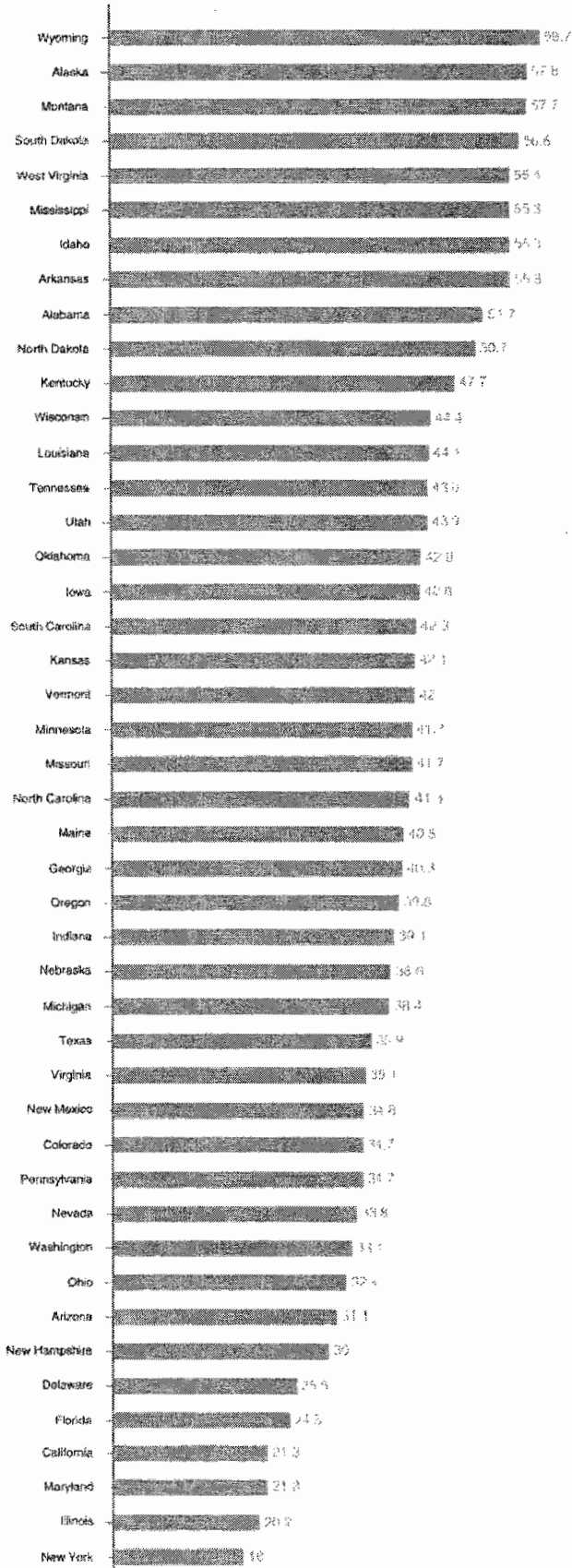
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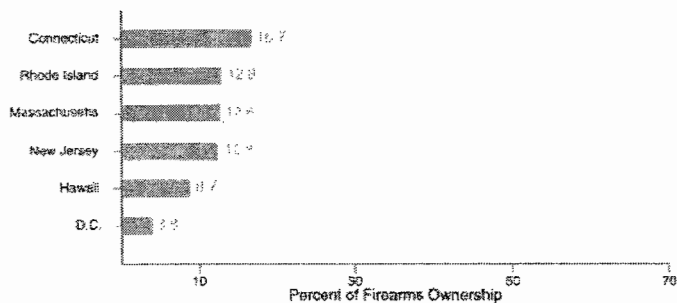
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Sources: BRFSS Survey Results 2001 for Nationwide Firearms
(<http://www.schs.state.nc.us...>)

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Exhibit "21"

Notice: Trying to get property of non-object in /var/www/vhosts/gunowners.org/httpdocs/templates/rt_terrantribune_j15/rt_utils.php on line 57

Notice: Trying to get property of non-object in /var/www/vhosts/gunowners.org/httpdocs/templates/rt_terrantribune_j15/rt_utils.php on line 57

Notice: Trying to get property of non-object in /var/www/vhosts/gunowners.org/httpdocs/templates/rt_terrantribune_j15/rt_utils.php on line 60

Notice: Undefined index: in /var/www/vhosts/gunowners.org/httpdocs/templates/rt_terrantribune_j15/rt_utils.php on line 60

HOME TAKE ACTION JOIN GOA CONGRESS RESOURCES MEDIA OFFERS CONTRIBUTE CONTACT SEARCH

Mar 2004

Gun Control Fact-Sheet 2004 / From Gun Owners Foundation

by Gun Owners Foundation 8001 Forbes Place, Suite 102 Springfield, VA 22151

1. Highlights

** Guns are used 2.5 million times a year in self-defense. Law-abiding citizens use guns to defend themselves against criminals as many as 2.5 million times every year—or about 6,850 times a day.¹ This means that each year, firearms are used more than 80 times more often to protect the lives of honest citizens than to take lives.²*

** Even anti-gun Clinton researchers concede that guns are used 1.5 million times annually for self-defense. According to the Clinton Justice Department, there are as many as 1.5 million cases of self-defense with a firearm every year. The National Institute of Justice published this figure in 1997 as part of "Guns in America"—a study which was authored by noted anti-gun criminologists Philip Cook and Jens Ludwig.³*

** Concealed carry laws have reduced murder and crime rates in the states that have enacted them. According to a comprehensive study which reviewed crime statistics in every county in the United States from 1977 to 1992, states which passed concealed carry laws reduced their rate of murder by 8.5%, rape by 5%, aggravated assault by 7% and robbery by 3%.⁴*

** Anti-gun journal pronounces the failure of the Brady law. One of the nation's leading anti-gun medical publications, the Journal of the American Medical Association, found that the Brady registration law has failed to reduce murder rates. In August 2000, JAMA reported that states implementing waiting periods and background checks did "not [experience] reductions in homicide rates or overall suicide rates."⁵*

** Twice as many children are killed playing football in school than are murdered by guns. That's right. Despite what media coverage might seem to indicate, there are more deaths related to high school football than guns. In a recent three year period, twice as many football players died from hits to the head, heat stroke, etc. (45), as compared with students who were murdered by firearms (22) during that same time period.⁶*

** More guns, less crime. In the decade of the 1990s, the number of guns in this country increased by roughly 40 million—even while the murder rate decreased by almost 40% percent.⁷ Accidental gun deaths in the home decreased by almost 40 percent as well.⁸*

** CDC admits there is no evidence that gun control reduces crime. The Centers for Disease Control (CDC) has long been criticized for propagating questionable studies which gun control organizations have used in defense of their cause. But after analyzing 51 studies in 2003, the CDC concluded that the "evidence was insufficient to determine the effectiveness of any of these [firearms] laws."⁹*

** Gun shows are NOT a primary source of illegal guns for criminals. According to two government studies, the National Institute of Justice reported in 1997 that "less than two percent [of criminals] reported obtaining [firearms] from a gun show."¹⁰ And the Bureau of Justice Statistics revealed in 2001 that less than one percent of firearm offenders acquired their weapons at gun shows.¹¹*

** Several polls show that Americans are very pro-gun. Several scientific polls indicate that the right to keep and bear arms is still revered—and gun control disdained—by a majority of Americans today. To mention just a few recent polls:*

** In 2002, an ABC News poll found that almost three-fourths of the American public believe that the Second Amendment of the U.S. Constitution protects the rights of "individuals" to own guns.¹²*

** Zogby pollsters found that by a more than 3 to 1 margin, Americans support punishing "criminals who use a gun in the commission of a crime" over legislation to "ban handguns."¹³*

** A Research 2000 poll found that 85% of Americans would find it appropriate for a principal or teacher to use "a gun at school to defend the lives of students" to stop a school massacre.¹⁴*

** A study claiming "guns are three times more likely to kill you than help you" is a total fraud. Even using the low figures from the Clinton Justice Department, firearms are used almost 50 times more often to save life than to take life.¹⁵ More importantly, however, the figure claiming one is three times more likely to be killed by one's own gun is a total lie:*

** Researcher Don Kates reveals that all available data now indicates that the "home gun homicide victims [in the flawed study] were killed using guns not kept in the victim's home."¹⁶*

** In other words, the victims were NOT murdered with their own guns! They were killed "by intruders who brought their own guns to the victim's household."¹⁷*

** Gun-free England not such a utopia after all. According to the BBC News, handgun crime in the United Kingdom rose by 40% in the two years after it passed its draconian gun ban in 1997.¹⁸ And according to a United Nations study, British citizens are more likely to become a victim of crime than are people in the United States. The 2000 report shows that the crime rate in England is higher than the crime rates of 16 other industrialized nations, including the United States.¹⁹*

2. Self-defense

A. Guns save more lives than they take; prevent more injuries than they inflict

** Guns are used 2.5 million times a year in self-defense. Law-abiding citizens use guns to defend themselves against criminals as many as 2.5 million times every year—or about 6,850 times a day²⁰. This means that each year, firearms are used more than 80 times more often to protect the lives of honest citizens than to take lives.²¹*

** Of the 2.5 million times citizens use their guns to defend themselves every year, the overwhelming majority merely brandish their gun or fire a warning shot to scare off their attackers. Less than 8% of the time, a citizen will kill or wound his/her attacker.²²*

** As many as 200,000 women use a gun every year to defend themselves against sexual abuse.²³*

** Even anti-gun Clinton researchers concede that guns are used 1.5 million times annually for self-defense. According to the Clinton Justice Department, there are as many as 1.5 million cases of self-defense with a firearm every year. The National Institute of Justice published this figure in 1997 as part of "Guns in America"—a study which was authored by noted anti-gun criminologists Philip Cook and Jens Ludwig.²⁴*

** Armed citizens kill more crooks than do the police. Citizens shoot and kill at least twice as many criminals as police do every year (1,527 to 606)²⁵. And readers of Newsweek learned that "only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high."²⁶*

** Handguns are the weapon of choice for self-defense. Citizens use handguns to protect themselves over 1.9 million times a year.²⁷ Many of these self-defense handguns could be labeled as "Saturday Night Specials."*

B. Concealed carry laws help reduce crime

** Nationwide: one-half million self-defense uses. Every year, as many as one-half million citizens defend themselves with a firearm away from home.²⁸*

** Concealed carry laws are dropping crime rates across the country. A comprehensive national study determined in 1996 that violent crime fell after states made it legal to carry concealed firearms. The results of the study showed:*

** States which passed concealed carry laws reduced their rate of murder by 8.5%, rape by 5%, aggravated assault by 7% and robbery by 3%;²⁹ and*

** If those states not having concealed carry laws had adopted such laws in 1992, then approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults and over 11,000 robberies would have been avoided yearly.³⁰*

** Vermont: one of the safest five states in the country. In Vermont, citizens can carry a firearm without getting permission . . . without paying a fee . . . or without going through any kind of government-imposed waiting period. And yet for ten years in a row, Vermont has remained one of the top-five, safest states in the union—having three times received the "Safest State Award."³¹*

** Florida: concealed carry helps slash the murder rate in the state. In the fifteen years following the passage of Florida's concealed carry law in 1987, over 800,000 permits to carry firearms were issued to people in the state.³² FBI reports show that the homicide rate in Florida, which in 1987 was much higher than the national average, fell 52% during that 15-year period—thus putting the Florida rate below the national average.³³*

** Do firearms carry laws result in chaos? No. Consider the case of Florida. A citizen in the Sunshine State is far more likely to be attacked by an alligator than to be assaulted by a concealed carry holder.*

** During the first fifteen years that the Florida law was in effect, alligator attacks outpaced the number of crimes committed by carry holders by a 229 to 155 margin.³⁴*

** And even the 155 "crimes" committed by concealed carry permit holders are somewhat misleading as most of these infractions resulted from Floridians who accidentally carried their firearms into restricted areas, such as an airport.³⁵*

** Concealed Carry v. Waiting Period Laws. In 1976, both Georgia and Wisconsin tried two different approaches to fighting crime. Georgia enacted legislation making it easier for citizens to carry guns for self-defense, while Wisconsin passed a law requiring a 48 hour waiting period before the purchase of a handgun. What resulted during the ensuing years? Georgia's law served as a deterrent to criminals and helped drop its homicide rate by 21 percent. Wisconsin's murder rate, however, rose 33 percent during the same period.³⁶*

C. Criminals avoid armed citizens

** Kennesaw, GA. In 1982, this suburb of Atlanta passed a law requiring heads of households to keep at least one firearm in the house. The residential burglary rate subsequently dropped 89% in Kennesaw, compared to the modest 10.4% drop in Georgia as a whole.³⁷*

** Ten years later (1991), the residential burglary rate in Kennesaw was still 72% lower than it had been in 1981, before the law was passed.³⁸*

** Nationwide. Statistical comparisons with other countries show that burglars in the United States are far less apt to enter an occupied home than their foreign counterparts who live in countries where fewer civilians own firearms. Consider the following rates showing how often a homeowner is present when a burglar strikes:*

** Homeowner occupancy rate in the gun control countries of Great Britain, Canada and Netherlands: 45% (average of the three countries); and,*

** Homeowner occupancy rate in the United States:
12.7%.³⁹*

Rapes averted when women carry or use firearms for protection

** Orlando, FL. In 1966-67, the media highly publicized a safety course which taught Orlando women how to use guns. The result: Orlando's rape rate dropped 88% in 1967, whereas the rape rate remained constant in the rest of Florida and the nation.⁴⁰*

** Nationwide. In 1979, the Carter Justice Department found that of more than 32,000 attempted rapes, 32% were actually committed. But when a woman was armed with a gun or knife, only 3% of the attempted rapes were actually successful.⁴¹*

Justice Department study:

** 3/5 of felons polled agreed that "a criminal is not going to mess around with a victim he knows is armed with a gun."⁴²*

** 74% of felons polled agreed that "one reason burglars avoid houses when people are at home is that they fear being shot during the crime."⁴³*

** 57% of felons polled agreed that "criminals are more worried about meeting an armed victim than they are about running into the police."⁴⁴*

D. Police cannot protect—and are not required to protect—every individual

** The courts have consistently ruled that the police do not have an obligation to protect individuals, only the public in general. For example, in Warren v. D.C. the court stated "courts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community."⁴⁵*

** Former Florida Attorney General Jim Smith told Florida legislators that police responded to only about 200,000 of 700,000 calls for help to Dade County authorities. Smith was asked why so many citizens in Dade County*

were buying guns and he said, "They damn well better, they've got to protect themselves."⁴⁶

* The Department of Justice found that in 1989, there were 168,881 crimes of violence which were not responded to by police within 1 hour.⁴⁷

* The numbers clearly show that the police cannot protect every individual. In 1996, there were about 150,000 police officers on duty at any one time to protect a population of more than 260 million Americans—or more than 1,700 citizens per officer.⁴⁸

3. Failure of Gun Control

A. Poor track record

* Washington, D.C. has, perhaps, the most restrictive gun control laws in the country, and yet it is frequently the Murder Capital of the nation. In the 25 years following the DC gun ban, its murder rate **INCREASED 51 percent**, even while the national rate **DECREASED 36 percent**.⁴⁹

* *Objection: Critics claim criminals merely get their guns in Virginia where the laws are more relaxed. This, they argue, is why the D.C. gun ban is not working.*

* *Answer: Perhaps criminals do get their guns in Virginia, but this overlooks one point: If the availability of guns in Virginia is the root of D.C.'s problems, why does Virginia not have the same murder and crime rate as the District? Virginia is awash in guns and yet the murder rate is much, much lower. This holds true even for Virginia's urban areas, as seen by the following comparison on the 25-year anniversary of the DC gun ban (in 2001):*

City	Murder rates: 25 years after DC's ban
Washington, DC	46.4 per 100,000 ⁵⁰
Arlington, VA	2.1 per 100,000 ⁵¹
	(Arlington is just across the river from D.C.)
Total VA metropolitan area	6.1 per 100,000 ⁵²

* *Guns are not the problem. On the contrary, lax criminal penalties and laws that disarm the law-abiding are responsible for giving criminals a safer working environment.*

B. Criminologists turning from anti-gun position

** Dr. Gary Kleck. A criminologist at Florida State University, Kleck began his research as a firm believer in gun control. But in a speech delivered to the National Research Council, he said while he was once "a believer in the 'anti-gun' thesis," he has now moved "beyond even the skeptic position." Dr. Kleck now says the evidence "indicates that general gun availability does not measurably increase rates of homicide, suicide, robbery, assault, rape, or burglary in the U.S."⁵³*

** James Wright. Formerly a gun control advocate, Wright received a grant from President Carter's Justice Department to study the effectiveness of gun control laws. To his surprise, he found that waiting periods, background checks, and all other gun control laws were not effective in reducing violent crime.⁵⁴*

** Wright says that at one time, "It seemed evident to me, we needed to mount a campaign to resolve the crisis of handgun proliferation." But he says, "I am now of the opinion that a compelling case for 'stricter gun control' cannot be made."⁵⁵*

** Every scholar who has "switched" has moved away from the anti-gun position. Dave Kopel, an expert in constitutional issues and firearms research, categorically states that, "Every scholar who has 'switched' has 'switched' to the side that is skeptical of controls. Indeed, most of the prominent academic voices who are gun control skeptics—including law professor Sanford Levinson and criminologists Gary Kleck and James Wright—are people who, when they began studying guns, were supporters of the gun control agenda."⁵⁶*

** Kopel continues: "I do not know of a single scholar who has published a pro-control article who started out as a skeptic of gun control. This suggests how heavily the weight of the evidence is distributed, once people begin studying the evidence."⁵⁷*

4. Problems with waiting periods and background checks

A. Waiting periods threaten the safety of people in imminent danger

** Bonnie Elmasri—She inquired about getting a gun to protect herself from a husband who had repeatedly threatened to kill her. She was told there was a 48 hour waiting period to buy a handgun. But unfortunately, Bonnie was never able to pick up a gun. She and her two sons were killed*

*the next day by an abusive husband of whom the police were well aware.*⁵⁸

** Marine Cpl. Rayna Ross—She bought a gun (in a non-waiting period state) and used it to kill an attacker in self-defense two days later.⁵⁹ Had a 5-day waiting period been in effect, Ms. Ross would have been defenseless against the man who was stalking her.*

** Los Angeles riots—USA Today reported that many of the people rushing to gun stores during the 1992 riots were "lifelong gun-control advocates, running to buy an item they thought they'd never need." Ironically, they were outraged to discover they had to wait 15 days to buy a gun for self-defense.⁶⁰*

B. Prior restraints on rights are unconstitutional

1. Second Amendment protects an individual right

Report by the U.S. Senate Subcommittee on the Constitution (1982)—"The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner."⁶¹

Supreme Court admits "the people" in the Second Amendment are the same "people" as in the rest of the Bill of Rights—In U.S. v. Verdugo-Urquidez the Court stated that "'the people' seems to have been a term of art employed in select parts of the Constitution. . . . [and] it suggests that 'the people' protected by the Fourth Amendment, and by the First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community."⁶²

2. *Courts agree that rights should be free from prior restraints*

Near v. Minnesota—In this case, the Supreme Court stated that government officials should punish the abuse of a right and not place prior restraints on the exercise of the right.⁶³

What about yelling "Fire" in a crowded theater?—The courts have stated that one cannot use his "freedom of speech" to yell "Fire" in a crowded theater. And yet, no one argues that officials should gag everyone who goes into the theater, thus placing a prior restraint on moviegoers. The proper response is to punish the person who does yell "Fire." Likewise, citizens should not be "gagged" before exercising their Second Amendment rights, rather they should be punished if they abuse that right.

C. *Background checks invite official abuse*

** A review of FBI computer records reveals that the firearms industry was shut down for more than eight full business days during the first six months that the National Instant Background Check (NICS) was online. Many of these shutdowns have resulted in the virtual blackout of gun sales at gun shows across the country.*

** According to gun laws expert Alan Korwin, "With the NICS computer out of commission, the only place you could legally buy a firearm—in the whole country—was from a private individual, since all dealers were locked out of business by the FBI's computer problem."⁶⁴*

D. *Background checks can (and do) lead to gun registration*

** Justice Department report (1989). "Any system that requires a criminal history record check prior to purchase of a firearm creates the potential for the automated tracking of individuals who seek to purchase firearms."⁶⁵*

** Justice Department initiates registration (1994). The Justice Department gave a grant to the city of Pittsburgh and Carnegie Mellon University to*

create a sophisticated national gun registry using data compiled from states' background check programs. This attempt at registration was subsequently defeated in the courts.⁶⁶

* More gun owner registration (1996). Computer software distributed by the Justice Department allowed police officials to easily (and unlawfully) register the names and addresses of gun buyers. This software -- known as FIST -- also kept information such as the type of gun purchased, the make, model and caliber, the date of purchase, etc.⁶⁷ This demonstrates how easily background checks can be used to register gun owners' information.⁶⁸

* Federal Bureau of Investigation registers gun owners (1998). Despite prohibitions in federal law, the FBI announced that it would begin keeping gun buyer's names for six months. FBI had originally wanted to keep the names for 18 months, but reduced the time period after groups like Gun Owners of America strongly challenged the legality of their actions. GOA submitted a formal protest to the FBI, calling their attempt at registration both "unlawful" and "unconstitutional."⁶⁹

* California. State officials have used the state background check--required during the waiting period--to compile an illegal registry of handgun owners. These lists have been compiled without any statutory authority to do so.⁷⁰

* Nationwide. Highly acclaimed civil rights attorney, researcher and author, David Kopel, has noted several states where either registration lists have been illegally compiled from background checks or where such registration lists have been abused by officials.⁷¹

E. Myth: The Brady registration law is dropping crime rates

* Fact: Anti-gun journal pronounces the failure of the Brady law. One of the nation's leading anti-gun medical publications, the *Journal of the American Medical Association*, found that the Brady registration law has failed to reduce murder rates. In August 2000, JAMA reported that states implementing waiting periods and background checks did "not [experience] reductions in homicide rates or overall suicide rates."⁷²

* Fact: Brady checks are not taking criminals off the streets. Not every person who is denied a firearm is truly a criminal, as many persons have been denied erroneously. But even assuming each denial was legitimate, the Brady law is still not taking criminals off the streets (and thus keeping them from getting firearms).

*The Washington Times reported in 1999 that, "Although federal officials say about 400,000 persons have been prevented from buying guns by the instant check system, only one has been prosecuted by the Department of Justice in the last three years."*⁷³

** Fact: The Brady law has NOT stopped thugs like Benjamin Smith from going on killing sprees. In 1999, Benjamin Smith was rejected by a background check when he tried to buy a firearm from an Illinois gun dealer. But after this initial rejection, "he hit the streets and in just three days had two handguns" from an illegal source, reported the Associated Press. Three days after getting the guns, Smith went on a rampage that killed two people and wounded nine others.*

** Fact: The Brady Law is not physically keeping criminals from getting firearms. The simple truth is that any person who's denied a firearm can simply walk out the door and buy a gun down the street. Ohio's Attorney General, Betty Montgomery, testified to this very irony in the law in 1997:*

*"In 1996, 60,037 people went to licensed gun dealers to purchase handguns. Of that figure, 327—less than one half of one percent—were denied because of a disqualifying factor. . . . [W]hile we were able to keep 327 people from getting a handgun at point A—each of them was able to purchase a rifle or handgun the very same day at point B. To our knowledge, under the Brady Act, not a single one of the 327 people . . . have been prosecuted by the U.S. Justice Department."*⁷⁴

** Criminals bypass gun controls. A Justice Department survey of felons showed that 93% of handgun predators had obtained their most recent guns "off-the-record."⁷⁵ And press reports show that the few criminals who get their guns from retail outlets can easily get fake IDs or use surrogate buyers, known as "straw purchasers," to buy their guns.⁷⁶*

** Legal gun shows are not a problem. Some have demonized gun shows and claimed that these are the outlets where criminals supposedly get their weapons. But the Clinton Justice Department found that less than two percent of the people arrested for using firearms in homicide got their weapons from gun shows.⁷⁷*

** Fact: The Department of Justice has grossly overstated the number of people who were denied firearms. The Indianapolis Star and News reported in 1998 that the U.S. Department of Justice had overstated the number of people who were denied firearms in Indiana alone by more than 1,300%. Indiana was not an aberration, as the newspaper found that "paperwork errors and duplications inflated the [DOJ's] numbers" in many states.⁷⁸*

F. General Accounting Office questions the Brady law's supposed effectiveness

** The Brady Law has failed to result in the incarceration of dangerous criminals. After the first year and a half, there were only seven successful prosecutions for making false statements on Brady handgun purchase forms—and only three of them were actually incarcerated.⁷⁹ Because the situation hardly improved in subsequent years, one cannot argue that the law is working to keep violent criminals from getting handguns on the street.⁸⁰*

** The Brady Law has ERRONEOUSLY denied firearms to thousands of applicants. Over fifty percent of denials under the Brady Law are for administrative snafus, traffic violations, or reasons other than felony convictions.⁸¹*

** Gun control advocates admit the Brady Law is not a panacea. According to a January, 1996 report by the General Accounting Office, "Proponents [of gun control] acknowledge that criminal records checks alone will not prevent felons from obtaining firearms."⁸²*

** Criminals can easily evade the background checks by using straw purchasers: "Opponents of gun control note that criminals can easily circumvent the law by purchasing handguns on the secondary market or by having friends or spouses without a criminal record make the purchases from dealers."⁸³*

5. Problems with gun registration and licensing

A. Licensing or registration can lead to confiscation of firearms

1. New York City

** Registration. In the mid-1960's officials in New York City began registering long guns. They promised they*

*would never use such lists to take away firearms from honest citizens. But in 1991, the city banned (and soon began confiscating) many of those very guns.*⁸⁴

** Confiscation. In 1992, a New York City paper reported that, "Police raided the home of a Staten Island man who refused to comply with the city's tough ban on assault weapons, and seized an arsenal of firearms. . . . Spot checks are planned [for other homes]."85*

2. California

Part 1. The Golden State passed a ban on certain semi-automatic firearms in 1989. Banned guns could be legally possessed if they were registered prior to the ban. In the Spring of 1995, one man who wished to move to California asked the Attorney General whether his SKS Sporter rifle would be legal in the state. The citizen was assured the rifle was legal, and based on that information, he subsequently moved into the state. But in 1998, the state's Attorney General reversed course and officials confiscated the firearm.⁸⁶ In a legal brief before the state supreme court, Attorney General Daniel Lungren said that "tens of thousands of California citizens" would have to either surrender their firearms or become felons.⁸⁷

Part 2. Having registered the firearms, the California Department of Justice issued a notice in 1999 to explain how more than 1,500 individuals in the state were in possession of illegal firearms—all of which were subject to forfeiture without compensation.⁸⁸

Part 3. Plans to confiscate firearms in California were leaked to the public in 1999, sending shock waves through the gun rights community. The document entitled "Relinquishment of Assault Weapons" stated: "Once the 90-day window of opportunity for turning in such assault

*weapons concludes, we will send each sheriff and police chief a listing of the affected individuals [who own banned firearms]."*⁸⁹

3. Foreign Countries

** Gun registration has led to confiscation in several countries, including Greece, Ireland, Jamaica and Bermuda.*⁹⁰

** And in an exhaustive study on this subject, Jews for the Preservation of Firearms Ownership has researched and translated several gun control laws from foreign countries. Their publication, *Lethal Laws: "Gun Control" is the Key to Genocide* documents how gun control (and confiscation) has preceded the slaughter and genocide of millions of people in Turkey, the Soviet Union, Germany, China, Cambodia and others.*⁹¹

B. People in imminent danger can die waiting for a firearms license

** Igor Hutorsky was murdered by two burglars who broke into his Brooklyn furniture store. The tragedy is that some time before the murder his business partner had applied for permission to keep a handgun at the store. Even four months after the murder, the former partner had still not heard from the police about the status of his gun permit.*⁹²

C. The power to license a right is the power to destroy a right

** Arbitrary Delays—While New Jersey law requires applications to be responded to within thirty days, delays of ninety days are routine; sometimes, applications are delayed for several years for no readily apparent reason.*⁹³

** Arbitrary Denials—Officials in New York City routinely deny gun permits for ordinary citizens and store owners because, as the courts have ruled, they have no greater need for protection than anyone else in the city. In fact, the authorities have even refused to issue permits when the courts have ordered them to do so.*⁹⁴

** Arbitrary Fee Increases—In 1994, the Clinton administration pushed for a license fee increase of almost 1,000 percent on gun dealers. According to U.S. News & World Report, the administration was seeking the license fee increase "in hopes of driving many of America's 258,000 licensed gun dealers out of business."*⁹⁵

D. Officials cannot license or register a constitutional right

** The Supreme Court held in Lamont v. Postmaster General (1965) that the First Amendment prevents the government from registering purchasers of magazines and newspapers—even if such material is "communist political propaganda."*⁹⁶

6. Assault weapons: fact or fiction?

A. Definition of real "assault weapons"

** According to one of the preeminent experts in the field of firearms, Dr. Edward Ezell,⁹⁷ a key characteristic of a true assault weapon is that it must have the capability of "full automatic fire."⁹⁸ Similarly, the U.S. Defense Department defines real assault weapons as "selective-fire weapons"—meaning that these guns can fire either automatically or semi-automatically.⁹⁹*

** Anti-gun pundits in recent years have managed to define "assault weapons" as semi-automatic firearms which only externally resemble a military firearm.¹⁰⁰ Dr. Edward Ezell notes that true assault weapons "were designed to produce roughly aimed bursts of full automatic fire"¹⁰¹—something which a semi-automatic firearm does not do.*

B. Semi-automatic "assault rifles" are no different than many hunting rifles

** Officer William McGrath: "These [semi-automatic assault rifles] are little different than the semi-automatic hunting rifles that have been on the market since before World War II. The main difference between an assault rifle and a semi-automatic hunting rifle is that the assault rifle looks more 'military.'"¹⁰²*

** "The term 'assault' rifle is really a misnomer as a true assault rifle is a selective fire weapon capable of switching from fully automatic to semi automatic and back with the flip of a lever."¹⁰³*

** "The charge that the assault rifle holds more rounds than a 'legitimate' hunting rifle shows either a lack of knowledge or a deliberate twisting of*

*the facts, as 10, 20 and 30 round magazines for 'legitimate' hunting rifles have been on the market for decades without the world coming to an end."*¹⁰⁴

C. *So-called assault weapons have never been the "weapon of choice" for criminals*

(All of the following figures pre-date the "assault weapons" ban passed by Congress in 1994)

** Police View: Over 100,000 police officers delivered a message to Congress in 1990 stating that only 2% to 3% of crimes are committed using a so-called "assault weapon."*¹⁰⁵

** New Jersey: The New York Times reported that, "Although New Jersey's pioneering ban on military-style assault rifles was sold to the state as a crime-fighting measure, its impact on violence in the state . . . has been negligible, both sides agree."¹⁰⁶ Moreover, New Jersey police statistics show that only .026 of 1 percent of all crimes involve "assault rifles."¹⁰⁷*

** Nationwide: The Bureau of Justice Statistics reported in 1993 that violent criminals only carry or use a "military-type gun" in about one percent of the crimes nationwide.¹⁰⁸*

** Knives more deadly: According to the FBI, people have a much greater chance of being killed by a knife or a blunt object than by any kind of rifle, including an "assault rifle."¹⁰⁹ In Chicago, the chance is 67 times greater. That is, a person is 67 times more likely to be stabbed or beaten to death in Chicago than to be murdered by an "assault rifle."¹¹⁰*

** Cops' own guns more deadly: So-called assault weapons are not menacing police officers nationwide. The FBI reports show that before the 1994 ban on semi-automatic "assault weapons," no more than three officers were killed in any one year by such guns.¹¹¹ Contrastly, police*

*officers were more than three times as likely to be killed by their own guns than by "assault weapons."*¹¹²

** It would seem one can't have it both ways. If Congress wants to ban weapons that are dangerous to police, then it should begin by pushing for a ban on police officers' own weapons, since these guns kill far more often than "assault weapons." The same is true with knives and blunt objects. These instruments kill policemen more often than semi-automatic "assault weapons."*¹¹³

** Sarah Brady's own figures show that so-called assault weapons are not the criminal's "weapon of choice." A study published by Handgun Control, Inc. in November of 1995 shows that the overwhelming majority of guns used to murder police officers are not "assault weapons."¹¹⁴ The irony is that HCI used a very inflated definition of "assault weapon" and still could not demonstrate that they are used in over 50% of the crimes.¹¹⁵*

** Does tracing of crime guns show that "assault weapons" are the weapons of choice for criminals? No. Gun control advocates will often make the claim that so-called assault weapons are frequently used in crime. To justify this claim, such advocates will cite as "evidence" the fact that law-enforcement run a high percentage of traces on these types of firearms. But this is a classic example of circular reasoning: law enforcement arbitrarily run a high percentage of trace requests on "assault weapons," and then this figure is used to justify the "fact" that these guns are frequently used in crime. Consider the following:*

** Tracing requests are not representative of all guns used in crime. The Congressional Research Service states that, "Firearms selected for tracing do not constitute a random sample and cannot be considered representative of the larger universe of all*

*firearms used by criminals."*¹¹⁶ (Emphasis added.) Moreover, BATF agents themselves have stated that, "ATF does not always know if a firearm being traced has been used in a crime."¹¹⁷

* *Tracing requests are not random samples.* CRS notes that "ATF tracing data could be potentially biased because of screening conducted by local ATF agents prior to the submission of the tracing from."¹¹⁸ This means that police could, if they wanted, only trace so-called assault weapons. Would this mean that they are the only guns used in crime? No, it would just mean that law enforcement have a particular interest in tracing "assault weapons" over other guns.

* *Tracing in L.A.* That tracing is an unreliable measure of a gun's use in crime is clear. For example, in 1989 in Los Angeles, "assault rifles" represented approximately only 3% of guns seized, but 19% of gun traces.¹¹⁹

D. Semi-automatic "assault weapons" are excellent for self-defense

* *Police Capt. Massad Ayoob: "The likelihood of multiple opponents who move fast, often wear body armor, know how to take cover, and tend to*

*firearms used by criminals."*¹¹⁶ (Emphasis added.) Moreover, ATF agents themselves have stated that, "ATF does not always know if a firearm being traced has been used in a crime."¹¹⁷

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D. Semi-automatic "assault weapons" are excellent for self-defense

** Police Capt. Massad Ayoob: "The likelihood of multiple opponents who move fast, often wear body armor, know how to take cover, and tend to ingest chemicals that make them resistant to pain and shock, are all good reasons for carrying guns that throw a whole lot more bullets than six-shooters do."*¹²⁰ (Emphasis added.)

** "All four of these factors make it likely that more of the Good Guys' bullets will be expended before the Bad Guys are neutralized. All of these*

*factors, therefore, militate for a higher capacity handgun in the hands of the lawful defenders."*¹²¹

1. Drugs and alcohol can make criminals resistant to pain

*Arkansas: A drunk opened fire on an officer, who responded by firing 29 shots—15 of them striking the criminal. It was only the last bullet which finally killed the drunk and effectively stopped him from shooting.*¹²²

*Illinois: Police shot a drug-induced criminal 33 times before the junkie finally dropped and was unable to shoot any longer.*¹²³

2. Hi-capacity semi-autos can help decent people to defend themselves

*Los Angeles riots: Many of the guns targeted by so-called assault weapons bans are the very guns with which the Korean merchants used to defend themselves during the 1992 Los Angeles riots.*¹²⁴ *Those firearms proved to be extremely useful to the Koreans. Their stores were left standing while other stores around them were burned to the ground.*

The Korean merchants would probably agree with Capt. Massad Ayoob. When one is facing mob violence and the police are nowhere to be found, one needs a gun that shoots more than just six bullets. A ban on large capacity semi-automatic firearms will

only harm one's ability to defend himself and his family.

E. The Second Amendment protects an individual's right to own military rifles and handguns

** Report by the U.S. Senate Subcommittee on the Constitution (1982)—"In the Militia Act of 1792, the second Congress defined 'militia of the United States' to include almost every free adult male in the United States. These persons were obligated by law to possess a [military-style] firearm and a minimum supply of ammunition and military equipment. . . . There can be little doubt from this that when the Congress and the people spoke of the a 'militia,' they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard."*¹²⁵

** The Supreme Court—In U.S. v. Miller, the Court stated that, "The Militia comprised all males physically capable of acting in concert for the common defense . . . [and that] when called for service, these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time."*¹²⁶

7. Firearms statistics

A. General Death Rates

Cause	Number
Heart disease	710,760
Cancer	553,091
Stroke (cerebrovascular disease)	167,661
Chronic lower respiratory diseases	122,009
Doctor's negligence	98,329
Influenza and pneumonia	65,313
Motor-vehicle	43,354
Suicides (all kinds, including firearms)	29,350
Firearms (Total)*	28,163
Suicides	16,586
Homicides	10,801

Accidents 776

Accidents (six causes)

Falls	13,322
Poison (solid, liquid)	12,757
Choking on food or other object	4,313
Drowning	3,402
Fires, flames	3,377
Firearms	776

Homicides (all instruments) 16,765

Source: Except for the figure on doctor's negligence, the above information is for 2000 and is taken from National Safety Council, *Injury Facts: 2003 Edition*, at 10, 19-20, 129. The number of yearly deaths attributed to doctor's negligence is based on the Harvard Medical Practice Study (1990) which is cited in Kleck, *Point Blank*, at 43.127

*The total firearms death figure above is a summary of the "Suicides," "Homicides" and "Accidents" subcategories. The Total excludes two categories: Legal Intervention and Undetermined.

B. Children Accidental Death Rates (Ages 0-14)

Cause	Number (Ages 0-14)	Number (Ages 0-4)
Motor-vehicle	2,591	819
Drowning	943	568
Fires and flames	593	327
Mechanical suffocation	601	508
Ingestion of food, object*	169	169
Firearms	86	19

Source: Figures are for 2000. National Safety Council, *Injury Facts: 2003 Edition*, at 10-11, 129.

* The "Ingestion of food, object" category is underreported in the first column since the NSC did not include death rates for "5 to 14 Years."

C. Children and Guns

*Fact: Accidental gun deaths among children have declined by over 50 % in 25 years, even though the population (and the gun stock) has continued to increase.128

* Fact: Despite the low number of gun accidents among children (see above), most of these fatalities are not truly "accidents." According to Dr.

Gary Kleck, many such accidents are misnamed—those "accidents" actually resulting from either suicides or extreme cases of child abuse.129

** Dr. Kleck also notes that, "Accidental shooters were significantly more likely to have been arrested, arrested for a violent act, arrested in connection with alcohol, involved in highway crashes, given traffic citations, and to have had their driver's license suspended or revoked."130*

** Myth: One child is accidentally killed by a gun every day. Dr. Gary Kleck notes that to reach this figure, anti-gun authors must include "children" aged 18-24.131 As noted above, there were only 142 fatal gun accidents for children in 1997.*

** Myth: 135,000 children take guns to school every day. This factoid was based on a survey that did not even ask children if they carried a weapon to school. The "take guns to school" statement is completely imputed into the survey results. With regard to the 135,000 figure, Dr. Gary Kleck has shown that this number is wildly inflated.132*

** Myth: Children gun deaths are at epidemic proportions.*

Fact: Twice as many children are killed playing football in school than are murdered by guns. That's right. Despite what media coverage might seem to indicate, there are more deaths related to high school football than guns. In the last three years, twice as many football players died from hits to the head, heat stroke, etc. (45), as compared with students who were murdered by firearms (22) during that same time period.133

Fact: More children will die in a car, drown in a pool, or choke on food than they will by firearms. As seen by the chart above, children are at a 2,000 percent greater risk from the car in their driveway, than they are by the gun in their parents' closet. Children are almost 7 times more likely to drown than to be shot, and they are 130 percent more likely to die from choking on their dinner.134

** Myth: There are more guns in schools today because of lax gun control laws. To the contrary, two facts put this myth to rest:*

Fact: Currently, there are strict laws that, with few exceptions, prevent adults from possessing a firearm within 1,000 feet of a school. These and other gun control laws have failed to keep guns off school grounds.

Fact: In the past, "guns in schools" were never a problem during the era when children had the greatest access to firearms. For example, even though there were far fewer gun control laws on the books in the 1950's, there was not a problem with illegal guns in schools. Rather, the top problems in American classrooms during that era were such (non-violent) activities as chewing gum, talking in class and running in the halls.

** More on guns in schools. So what has changed? Why do illegal guns make their way onto school grounds today, even though federal gun control laws have now grown to comprise more than 88,000 words of restrictions and requirements?¹³⁵ There are several possible reasons, including:*

a. Lax punishment of juvenile children. Several state studies have shown that juvenile offenders will make several journeys through the legal system before doing any time in a penal facility.¹³⁶ This problem, of course, is not just limited to juveniles. A murderer of any age (in 1990) could expect to serve only 1.8 years in prison, after one considers the risk of apprehension and the length of the sentence.¹³⁷

b. Imitation of T.V. violence. Before completing the sixth grade, the average American child sees 8,000 homicides and 100,000 acts of violence on television.¹³⁸ Two surveys of young American males found that 22 to 34 percent had tried to perform crime techniques they had watched on television.¹³⁹

c. Morality shift. "The kids have changed," says Judge Gaylord Finch, speaking with the help of a dozen years of

observation from his bench, where he sits as chief judge of Juvenile and Domestic Relations District Court. "The values have just become so relative, and it sometimes seems we have no values in common anymore."140

D. Women and Guns

** At least 17 million women own firearms in the United States.141 And according to the National Research Opinion Center, 44 percent of adult women either own or have access to firearms.142*

** As many as 561 times a day, women use guns to protect themselves against sexual assault.143*

** In 89.6% of violent crimes directed against women, the offender does not have a gun; and only 10% of rapists carry a firearm.144 Thus, armed women will usually have a decided advantage against their attackers.*

** A man can kill a woman with whatever he has at hand, but she can usually only resist him successfully with a gun. Don Kates, a civil rights attorney who specializes in firearms issues, cites a Detroit study showing that three-quarters of wives who killed their spouses were not even charged, since prosecutors found their acts necessary to protect their lives or their children's lives.145*

8. Eight Common Gun Control Myths

A. Myth #1: If one has a gun in the home, one is three times more likely to be killed than if there is no gun present.

1. Fact: Guns are used more often to save life. Dr. Edgar Suter has pointed out that studies which make the claim that guns are more likely to kill the owner are flawed because they fail to consider the number of lives saved by guns.146 That is, such claims ignore the vast number of non-lethal defensive uses with firearms. Criminologists have found that citizens use firearms as often as 2.5 million times every year in self-defense. In over 90% of these defensive uses, citizens merely brandish their gun or fire a warning shot to scare off the attacker.147

2. Fact: A study claiming "guns more likely to kill you than help you" is a total fraud. Not surprisingly, the figure claiming one is three times more likely to be killed by one's own gun is a total lie. The author of this study,

Dr. Arthur Kellerman, refused to release the data behind his conclusions for years.¹⁴⁸ Subsequently available evidence shows why Kellerman stonewalled for so long:

** Researcher Don Kates reveals that all available data now indicates that the "home gun homicide victims [in Kellerman's study] were killed using guns not kept in the victim's home." In other words, the victims were NOT murdered with their own guns! They were killed "by intruders who brought their own guns to the victim's household."¹⁴⁹*

** In retrospect, Kates found, it was not the ownership of firearms that put these victims at high risk. Rather, it was the victim's "high-risk life-styles [such as criminal associations] that caused them to own guns at higher rates than the members of the supposedly comparable control group."¹⁵⁰*

B. Myth #2: Most homicides are committed by otherwise law-abiding people who end up killing a friend or relative.

1. While most murders do involve the killing of an acquaintance, it is fallacious to assume these are otherwise law-abiding people killing one another. In fact, sixty-one percent of murder victims themselves—and an even greater majority of murderers—have prior criminal records.¹⁵¹ This indicates that most murders occur between criminals who have already demonstrated a pattern of violence.

2. The problem? The criminal justice system is a revolving door which continues to throw violent offenders back onto the street. Nationwide, 70% of murderers (under sentence of death) have prior felony convictions.¹⁵² This number does not include criminals who have plea-bargained their felonies down to lesser charges.

C. Myth #3: Gun Control has reduced the crime rates in other countries.

1. The murder rates in many nations (such as England) were ALREADY LOW BEFORE enacting gun control. Thus, their restrictive laws cannot be credited with lowering their crime rates.¹⁵³

2. *Gun control has done nothing to keep crime rates from rising in many of the nations that have imposed severe firearms restrictions.*

** Australia: Readers of the USA Today newspaper discovered in 2002 that, "Since Australia's 1996 laws banning most guns and making it a crime to use a gun defensively, armed robberies rose by 51%, unarmed robberies by 37%, assaults by 24% and kidnappings by 43%. While murders fell by 3%, manslaughter rose by 16%."*¹⁵⁴

** Canada: After enacting stringent gun control laws in 1991 and 1995, Canada has not made its citizens any safer. "The contrast between the criminal violence rates in the United States and in Canada is dramatic," says Canadian criminologist Gary Mauser in 2003. "Over the past decade, the rate of violent crime in Canada has increased while in the United States the violent crime rate has plummeted."*¹⁵⁵

** England: According to the BBC News, handgun crime in the United Kingdom rose by 40% in the two years after it passed its draconian gun ban in 1997.*¹⁵⁶

** Japan: One newspaper headline says it all: Police say "Crime rising in Japan, while arrests at record low." ¹⁵⁷*

3. *British citizens are now more likely to become a victim of crime than are people in the United States:*

** In 1998, a study conducted jointly by statisticians from the U.S. Department of Justice and the University of Cambridge in England found that most crime is now worse in England than in the United States.*

** "You are more likely to be mugged in England than in the United States," stated the Reuters news agency in summarizing the study. "The rate of robbery is now 1.4*

*times higher in England and Wales than in the United States, and the British burglary rate is nearly double America's."*¹⁵⁸ *The murder rate in the United States is reportedly higher than in England, but according to the DOJ study, "the difference between the [murder rates in the] two countries has narrowed over the past 16 years."*¹⁵⁹

** The United Nations confirmed these results in 2000 when it reported that the crime rate in England is higher than the crime rates of 16 other industrialized nations, including the United States.*¹⁶⁰

4. British authorities routinely underreport murder statistics. Comparing statistics between different nations can be quite difficult since foreign officials frequently use different standards in compiling crime statistics.

** The British media has remained quite critical of authorities there for "fiddling" with crime data. Consider some of the headlines in their papers: "Crime figures a sham, say police,"¹⁶¹ "Police are accused of fiddling crime data,"¹⁶² and "Police figures under-record offences by 20 percent."¹⁶³*

** British police have also criticized the system because of the "widespread manipulation" of crime data:*

a. "Officers said that pressure to convince the public that police were winning the fight against crime had resulted in a long list of ruses to 'massage' statistics."¹⁶⁴

b. Sgt. Mike Bennett says officers have become increasingly frustrated with the practice of manipulating statistics. "The crime figures are meaningless," he said.

"Police everywhere know exactly what is going on."165

c. According to The Electronic Telegraph, "Officers said the recorded level of crime bore no resemblance to the actual amount of crime being committed."166

** Underreporting crime data: "One former Scotland Yard officer told The Telegraph of a series of tricks that rendered crime figures 'a complete sham.' A classic example, he said, was where a series of homes in a block of flats were burgled and were regularly recorded as one crime. Another involved pickpocketing, which was not recorded as a crime unless the victim had actually seen the item being stolen."167*

** Underreporting murder data: British crime reporting tactics keep murder rates artificially low. "Suppose that three men kill a woman during an argument outside a bar. They are arrested for murder, but because of problems with identification (the main witness is dead), charges are eventually dropped. In American crime statistics, the event counts as a three-person homicide, but in British statistics it counts as nothing at all. 'With such differences in reporting criteria, comparisons of U.S. homicide rates with British homicide rates is a sham,' [a 2000 report from the Inspectorate of Constabulary] concludes."168*

5. Violence by any other name is still violent -- Many countries with strict gun control laws have violence rates that are equal to, or greater than, that of the United States. Consider the following rates:

<i>High Gun Ownership Countries</i>	<i>Low Gun Ownership Countries</i>
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Country	Suicide	Homicide	Total*	Country	Suicide	Homicide	Total*
Switzerland	21.4	2.7	24.1	Denmark	22.3	4.9	27.2
U.S.	11.6	7.4	19.0	France	20.8	1.1	21.9
Israel	6.5	1.4	7.9	Japan**	16.7	0.6	17.3

* The figures listed in the table are the rates per 100,000 people.

** Suicide figures for Japan also include many homicides.

Source for table: U.S. figures for 1996 are taken from the Statistical Abstract of the U.S. and FBI Uniform Crime Reports. The rest of the table is taken from the UN 1996 Demographic Yearbook (1998), cited at <http://www.haciendapub.com/stolinsky.html>.

6. The United States has experienced far fewer TOTAL MURDERS than Europe over the last 70 years. In trying to claim that gun-free Europe is more peaceful than America, gun control advocates routinely ignore the overwhelming number of murders that have been committed in Europe.

* Over the last 70 years, Europe has averaged about 400,000 murders per year, when one includes the murders committed by governments against mostly unarmed people.¹⁶⁹ That murder rate is about 16 times higher than the murder rate in the U.S.¹⁷⁰

* Why hasn't the United States experienced this kind of government oppression? Many reasons could be cited, but the Founding Fathers indicated that an armed populace was the best way of preventing official brutality. Consider the words of James Madison in Federalist 46:

Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the federal government; still it would not be going too far to say, that the State governments, with the people on their side, would be able to

*repel the danger . . . a militia amounting to near half a million of citizens with arms in their hands.*¹⁷¹

D. Myth #4: Recent gun control laws have reduced the U.S. murder rate.

1. Murder rate was already decreasing before Brady and semi-auto gun ban passed. Those who claim that the two gun control laws enacted in 1994 have reduced the murder rate ignore the fact that the U.S. murder rate has been decreasing from the high it reached in 1991.¹⁷² Thus, the murder rate had already begun decreasing two to three years before the Brady law and the semi-auto gun ban became law.

2. Murder rate decrease results from fewer violent youths. The Democratic Judiciary Committee noted in 1991 that, "An analysis of the murder tolls since 1960 offers compelling evidence of the link—the significant rise of murder in the late 1960's, and the slight decrease in murder in the early 1980's follows from an unusually large number of 18-24 year-olds in the general population. This age group is the most violent one, as well as the group most likely to be victimized—and the murder figures ebb and flow with their ranks."¹⁷³ (Emphasis added.)

3. According to the Clinton Justice Department, crime has decreased even while the number of guns increased. The Bureau of Justice Statistics, the research arm of the Justice Department, reported in 2000 that while the number of firearms in circulation rose nearly 10% during a recent five-year period, gun-related deaths and woundings dropped¹⁷⁴ 33%.

4. Concealed carry laws have dropped murder and crime rates in the states that have enacted them. According to a comprehensive study which studied crime statistics in all of the counties in the United States from 1977 to 1992, states which passed concealed carry laws reduced their murder rate by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%.¹⁷⁵

E. Myth #5: The Courts have never overturned a gun control law, and thus, there is no individual right guaranteed by the Second Amendment.

1. U.S. Senate Subcommittee Report (1982)

** Courts have used the Second Amendment to strike down gun control: Nunn v. State and in re Brickey are just two*

*examples where the Courts have struck down gun control laws using the Second Amendment.*¹⁷⁶

** An individual right protected: "The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner."*¹⁷⁷

2. U.S. Supreme Court

** U.S. v. Verdugo-Urquidez (1990). "The people' seems to have been a term of art employed in select parts of the Constitution. . . . [and] it suggests that 'the people' protected by the Fourth Amendment, and by the First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community."*¹⁷⁸

** U.S. v. Lopez (1995). The Court struck down a federal law which prevented the possessing of firearms within 1,000 feet of a school. The Court argued that the Commerce Clause of the Constitution in no way grants Congress the authority to enact such gun control legislation.*¹⁷⁹

** Printz v. U.S. (1997). The Supreme Court ruled the federal government could not force state authorities to conduct so-called Brady background checks on gun buyers.*¹⁸⁰

** Majority of the Supreme Court cases clearly point to an individual right. In a mammoth work produced January 2004, three authors reprinted and analyzed the dozens of*

Supreme Court cases that have referenced the Second Amendment. Their conclusion? "These cases suggest that the Justices of the Supreme Court do now and usually have regarded the Second Amendment 'right of the people to keep and bear arms' as an individual right, rather than as a right of state governments."181

3. *U.S. Congress:*

Fourteenth Amendment (1868):

** The framers of the 14th Amendment intended to protect an individual's Second Amendment right to keep and bear arms by striking down state laws that denied this right. As stated by a Senate subcommittee in 1982, "[During] the debates over the Fourteenth Amendment, Congress frequently referred to the Second Amendment as one of the rights which it intended to guarantee against state action."182*

Firearm Owners' Protection Act (1986):

** The 1986 Law affirms individual right to keep and bear arms: "The Congress finds that the right of citizens to keep and bear arms under the second amendment to the United States Constitution . . . require[s] additional legislation to correct existing firearms statutes and enforcement policies."183 [Emphasis added.]*

4. *Nothing in Article I, Section 8 of the U.S. Constitution authorizes Congress to pass gun control legislation (see U.S. v. Lopez, 1995). Since the adoption of the Constitution, courts have ruled on both sides of the issue, indicating that judges are just as political as the common man.*

F. Myth #6: The Second Amendment militia is the National Guard.

The Founding Fathers made it clear that the Militia was composed of the populace at large. Both the Congress and Supreme Court have affirmed this definition of the Militia.

1. Founding Fathers

** George Mason: "I ask, who are the militia? They consist now of the whole people, except a few public officers."184*

** Virginia Constitution, Art. I, Sec. 13 (1776): "That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free State; that standing armies, in time of peace, should be avoided, as dangerous to liberty. . . ."*

** Richard Henry Lee: "To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them The mind that aims at a select militia [like the National Guard], must be influenced by a truly anti-republican principle."185*

2. U.S. Congress

** The Militia Act of 1792. One year after the Second Amendment was added to the Constitution, Congress passed a law defining the militia. The Militia Act of 1792 declared that all free male citizens between the ages of 18 and 44 were to be members of the militia. Furthermore, every citizen was to be armed. The Act stated:*

"Every citizen . . . [shall] provide himself with a good musket, or firelock, a sufficient bayonet and belt, two spare flints"186

The Militia Act of 1792 made no provision for any type of select militia such as the National Guard.

** U.S. Senate Subcommittee Report (1982). "In the Militia Act of 1792, the second Congress defined 'militia of the United States' to include almost every free adult male in the United States. These persons were obligated by law to possess a [military-style] firearm and a minimum supply of ammunition and military equipment. . . . There can be little doubt from this that when the Congress and the people spoke of the a 'militia,' they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard."187*

** Current Federal Law: 10 U.S.C. Sec. 311. "The militia of the United States consists of all able-bodied males at least 17 years of age and . . . under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States"188*

3. Supreme Court: U.S. v. Miller (1939). In this case, the Court stated that, "The Militia comprised all males physically capable of acting in concert for the common defense . . . [and that] when called for service, these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time."189

G. Myth #7: Trigger locks will help save lives.

1. Fact: Locking up firearms can cost lives during a life-threatening situation. Consider two different cases from California.

** Merced. On the morning of August 23, 2000, Jonathon David Bruce attacked a houseful of kids. Armed with a pitchfork—and without a stitch of clothing on his body—Bruce proceeded to stab the children. Two of them died.*

The oldest of the children, Jessica Carpenter (14), was quite proficient with firearms. She had been trained by her father and knew how to use them. There was just one problem: the guns were locked up in compliance with California state law. Unable to use the firearms, Jessica was forced to flee the house to get help. Mr. Bruce's

murderous rampage was finally cut short when officers—carrying guns—arrived on the scene.190

** San Francisco. Contrast the Carpenter's tragic situation to that of A.D. Parker. In February 2000, he was awakened by strange noises outside his bedroom in the middle of the night. The 83-year-old Parker grabbed a handgun he had not even used in several decades, went to his bedroom door, and found himself face-to-face with a thug holding a crowbar.*

Thankfully, Mr. Parker didn't have to fiddle with a trigger lock, remember a combination, or look for a key in the dark room. He simply pointed the gun and pulled the trigger. That is why he survived the attack.191

2. Fact: A trigger lock can be very difficult to remove from a firearm in an emergency. Maryland Governor Parris Glendening struggled for at least two whole minutes to remove a trigger lock at a training session in March 2000.192 If it can take that long to remove such a lock—when there's only the pressure of being embarrassed in front of the cameras—what will a trigger lock mean for a homeowner who needs to use his or her self-defense gun during an emergency, in the bedroom, in the dark?

3. Fact: The Mafia favors trigger locks—for their victims. Mafia turncoat, Sammy "the Bull" Gravano, expressed his love for gun control in an interview with Vanity Fair: "Gun control? It's the best thing you can do for crooks and gangsters. I want you to have nothing. If I'm a bad guy, I'm always gonna have a gun. Safety locks? You pull the trigger with a lock on, and I'll pull the trigger. We'll see who wins."193

H. Myth #8: A majority of Americans favor gun control.

1. Fact: Biases exist in almost any poll. Those who understand how politics work will realize that many surveys get the "desired result" by asking questions in a certain way. In fact, pollsters such as Harris and Gallup have been severely criticized for designing gun-related questions that will reach a preordained conclusion.194

2. Fact: The poll that counts takes place on Election Day. Because of the potential for bias among pollsters, it is often helpful to see how voters

respond to specific gun laws AFTER they are enacted. Even more to the point, it is helpful to see how anti-gun candidates have reacted to the elections where gun control was a hot button issue.

Gun rights were the number one issue in Bush's victory over Gore (2000)

a. Gun control views handed Gore a loss in three key Democratic states (Baltimore Sun). "Had Al Gore carried Bill Clinton's home state [Arkansas], his own home state [Tennessee] or what arguably has been the most reliable Democratic state in the country [West Virginia], he'd had been president. But Mr. Gore lost all three. Professionals in both parties think his position on gun control was the reason why."195

b. Democratic governors faulted Gore for pushing gun control (The Christian Science Monitor). "A group of Southern Democratic governors recently told reporters that they believed the gun-control issue had hurt Gore in their region [in November of 2000]. 'We like to hunt; we like to fish—and I think there was a perception in the last general election ... that [Gore] was out of step with what most of us thought about that issue,' said Gov. Roy Barnes (D) of Georgia."196

c. Gore officials lament how there is little voter "intensity" for gun control:

** The New Republic Online: Democratic party strategists speak of an "intensity gap." "Guns are a motivating issue for a sizable number of voters on the right, but that's not matched elsewhere on the [left]," laments Gore spokesman Doug Hattaway.197*

** USA Today: "We lost a number of voters who on almost every other issue realized they'd be better off with Al Gore,"*

Connecticut Sen. Joe Lieberman, Gore's running mate, says of the gun issue. "They were anxious ... about what would happen if Al was elected. This one matters a lot to people who otherwise want to vote for us."198

Gun control caused Democrats to lose their grip on Congress (1994)

a. President Bill Clinton repeatedly blamed gun control (which he supported) as the reason that Democrats lost control of the Congress during the elections of 1994:

** January 14, 1995. "The fight for the assault-weapons ban cost 20 members their seats in Congress ... [and is] the reason the Republicans control the House."199*

** January 24, 1995. "I don't think it's a secret to anybody in this room that several members of the last Congress who voted for [the Brady bill and the semi-auto ban] aren't here tonight because they voted for it. . . . [A] lot of people laid down their seats in Congress."200*

** April 27, 1999. "There are some [Democrats] who would be on this platform today who lost their seats in 1994 because they voted for the Brady Bill and they voted for the assault weapons ban."201*

** June 4, 1999. "This Congress came to power after the 1994 elections because in critical races the people who voted for more modest things, like the Brady Bill . . . got beat. They got beat, Charlie."²⁰² After the 1994 election, Campaigns & Elections magazine documented how the gun issue was a major factor in 55 races where pro-gun challengers beat sitting incumbents.²⁰³*

Voters often support pro-gun positions on initiatives around the country

a. Washington voters shot down a trigger locks initiative by a whopping 71-29% margin in 1997.²⁰⁴

b. Wisconsin voters passed a Right to Keep and Bear Arms Constitutional Amendment by a 74-26% margin in 1998.²⁰⁵

c. Also in the state of Wisconsin, Milwaukee voters trounced a city-wide handgun ban in 1994. The initiative lost 67-33%.²⁰⁶

d. In 1982, California voters rejected (against heavy odds and a hostile media) Proposition 15, a statewide initiative which would have banned the possession of privately owned handguns. The handgun ban lost by a 63-37% margin.²⁰⁷

e. Even in liberal Massachusetts, voters overwhelmingly rejected a ban on handguns in 1976. More than 70 percent of voters cast their ballots against the ban.²⁰⁸

3. Fact: Several polls show that Americans are still pro-gun. While affirming that the potential for bias exists in any given poll, there are, nevertheless, several scientific polls indicating that the right to keep and bear arms is revered—and gun control disdained—by a majority of Americans today.

a. In 2002, an ABC News poll found that almost three-fourths of the American public believe that the Second Amendment of the U.S. Constitution protects the rights of "individuals" to own guns.²⁰⁹

b. Zogby pollsters found that by a more than 3 to 1 margin, Americans support punishing "criminals who use a gun in the commission of a crime" over legislation to "ban handguns."²¹⁰

c. A Research 2000 poll found that 85% of Americans would find it appropriate for a principal or teacher to use "a gun at school to defend the lives of students" to stop a school massacre.²¹¹

d. In a Time/CNN poll conducted just weeks after the September 11 terrorist attacks, 61 percent said they favored allowing pilots to carry guns.²¹² A subsequent poll conducted by Wilson Research Strategies found support for arming pilots had risen to almost seven in ten people (68 percent).²¹³

e. Shortly after the 1999 Columbine High School massacre in Littleton, Colorado, a Colorado News poll showed that 65 percent of people surveyed favored a concealed-carry law allowing private citizens to carry firearms.²¹⁴

*This finding shocked anti-gun spokesmen who felt that the then-recent tragedy should have suppressed support for gun rights in the state of Colorado. "What really surprises me is we're at ground zero and I would expect our numbers to be higher," said Arnie Grossman, co-founder of SAFE, an anti-gun group in Colorado. "I think it means we have a big job ahead of us."*²¹⁵

¹ Gary Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun," 86 *The Journal of Criminal Law and Criminology*, Northwestern University School of Law, 1 (Fall 1995):164.

Dr. Kleck is a professor in the school of criminology and criminal justice at Florida State University in Tallahassee. He has researched extensively and published several essays on the gun control issue. His book, *Point Blank: Guns and Violence in America*, has become a widely cited source in the gun control debate. In fact, this book earned Dr. Kleck the prestigious American Society of Criminology Michael J. Hindelang award for 1993. This award is given for the book published in the past two to three years that makes the most outstanding contribution to criminology.

Even those who don't like the conclusions Dr. Kleck reaches, cannot argue with his impeccable research and methodology. In "A Tribute to a View I Have Opposed," Marvin E. Wolfgang writes that, "What troubles me is the article by Gary Kleck and Marc Gertz. The reason I am troubled is that they have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years, namely, the use of a gun in defense against a criminal perpetrator. . . . I have to admit my admiration for the care and caution expressed in this article and this research. Can it be true that about two million instances occur each year in which a gun was used as a defensive measure against crime? It is hard to believe. Yet, it is hard to challenge the data collected. We do not have contrary evidence." Wolfgang, "A Tribute to a View I Have Opposed," *The Journal of Criminal Law and Criminology*, at 188.

Wolfgang says there is no "contrary evidence." Indeed, there are more than a dozen national polls—one of which was conducted by *The Los Angeles Times*—that have found figures comparable to the Kleck-Gertz study. Even the Clinton Justice Department (through the National Institute of Justice) found there were as many as 1.5 million defensive users of firearms every year. See National Institute of Justice, "Guns in America: National Survey on Private Ownership and Use of Firearms," *Research in Brief* (May 1997).

As for Dr. Kleck, readers of his materials may be interested to know that he is a member of the ACLU, Amnesty International USA, and Common Cause. He is not and has never been a member of or contributor to any advocacy group on either side of the gun control debate.

² According to the National Safety Council, the total number of gun deaths (by accidents, suicides and homicides) account for less than 30,000 deaths per year. See *Injury Facts*, published yearly by the National Safety Council, Itasca, Illinois.

³ Philip J. Cook and Jens Ludwig, "Guns in America: National Survey on Private Ownership and Use of Firearms," *NJ Research in Brief* (May 1997); available at <http://www.ncjrs.org/btxfiles/165476.txt>. The finding of 1.5 million yearly self-defense cases did not sit well with the anti-gun bias of the study's authors, who attempted to explain why there could not possibly be one and a half million cases of self-defense every year. Nevertheless, the 1.5 million figure is consistent with a mountain of independent surveys showing similar figures. The sponsors of these studies—nearly a dozen—are quite varied, and include anti-gun organizations, news media organizations, governments and commercial polling firms. See also Kleck and Gertz, *supra* note 1, pp. 182-183.

⁴ One of the authors of the University of Chicago study reported on the study's findings in John R. Lott, Jr., "More Guns, Less Violent Crime," *The Wall Street Journal* (28 August 1996). See also John R. Lott, Jr. and David B. Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns," *University of Chicago* (15 August 1996); and Lott, *More Guns, Less Crime* (1998, 2000).

⁵ Jens Ludwig and Philip J. Cook, "Homicide and Suicide Rates Associated With Implementation of the Brady Handgun Violence Prevention Act," *Journal of the American Medical Association*, vol. 284, no. 5 (August 2, 2000).

⁶ For football deaths, see Frederick O. Mueller, *Annual Survey of Football Injury Research: 1931-2001*, National Center for Catastrophic Sport Injury Research (February 2002) at <http://www.unc.edu/depts/nccsi/SurveyofFootballInjuries.htm>. For school firearms murders, see Dr. Ronald D. Stephens, "School Associated Violent Deaths," *The National School Safety Center Report* (June 3, 2002) at <http://www.NSSCI.org>. In addition to the 22 murders which occurred on school property or at school-sponsored events, there were another two shooting deaths which were accidents and twelve which were suicides.

⁷ The BATF estimates that licensed gun dealers sell about 4 million new firearms each year. See US Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Commerce in Firearms in the United States* (February 2000), p. 6, which is available at http://www.atf.treas.gov/pub/fire-explo_pub/020400report.pdf. A similar statistic which tracks with the number of firearms sold is the production of new firearms. According to the American Firearms Industry, there were about 4 million new firearms produced each year during the first half of the 1990s in this country. See American Firearms Industry, *Production: 1973-1995* at <http://www.amfire.com/production.htm>. Numbers revealing the drop in the U.S. murder rate during the 1990s, can be examined using the FBI's Uniform Crime Reports. Murders in the United States dropped from a high of 9.4 murders per 100,000 in 1990 to a rate of 5.7 per 100,000 in 1999—a drop of 39%.

⁸ Accidental gun deaths in the home decreased by 38% between 1990 and 1999. National Safety Council, *Injury Facts*

(2000), p. 125.

9 The CDC study examined gun and ammunition bans, waiting periods, background checks, lock-up your safety laws, plus much more. The inescapable conclusion was that the "evidence was insufficient" to show that such gun restrictions reduced crime rates. [Centers for Disease Control and Prevention, "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Early Childhood Home Visitation and Firearms Laws," *Morbidity and Mortality Weekly Report* (October 3, 2003), vol. 52(No. RR-14):14-18.] It should be noted that Dr. John's Lott research—made widely available in *More Guns, Less Crime* (see supra note 4)—was part of the data examined by the CDC. The agency concluded there was no evidence to support the idea that "shall issue" carry laws reduce crime. Despite the agency's vote of no confidence in Lott's data, his research has been verified by other independent works, such as the one published in the *Stanford Law Review*. [Florenz Plassmann and John Whitley, "Confirming 'More Guns, Less Crime,'" *Stanford Law Review* (April 16, 2003), vol. 55:1313.]

This law review article by Plassmann and Whitley cites several other studies showing that concealed carry laws have made a positive impact on crime rates—in some cases, finding benefits much greater than what was reported in Lott's research. Those studies include the following: William Alan Bartley & Mark A. Cohen, *The Effect of Concealed Weapons Laws: An Extreme Bound Analysis*, 36 *ECON. INQUIRY* 258, 258-65 (1998); Stephen G. Bronars and John R. Lott, Jr., *Criminal Deterrence, Geographic Spillovers, and Right-to-Carry Laws*, *AM. ECON. REV.*, May 1998, at 475-79; John R. Lott, Jr. & John E. Whitley, *Safe-Storage Gun Laws: Accidental Deaths, Suicides, and Crime*, 44 *J.L. & ECON.* 659, 659-89 (2001); Tomas B. Marvell, *The Impact of Banning Juvenile Gun Possession*, 44 *J.L. & ECON.* 691, 691-714 (2001); Carlisle E. Moody, *Testing for the Effects of Concealed Weapons Laws: Specification Errors and Robustness*, 44 *J.L. & ECON.* 799, 799-813 (2001); David B. Mustard, *The Impact of Gun Laws on Police Deaths*, 44 *J.L. & ECON.* 635, 635-58 (2001); David E. Olson & Michael D. Maltz, *Right-to-Carry Concealed Weapon Laws and Homicide in Large U.S. Counties: The Effect on Weapon Types, Victim Characteristics, and Victim-Offender Relationships*, 44 *J.L. & ECON.* 747, 747-70 (2001); Florenz Plassmann & T. Nicolaus Tideman, *Does the Right to Carry Concealed Handguns Deter Countable Crimes? Only a Count Analysis Can Say*, 44 *J.L. & ECON.* 771, 771-98 (2001); Eric Helland & Alexander Tabarrok, *Using Placebo Laws to Test "More Guns, Less Crime": A Note* (Univ. of Chi. Graduate Sch. of Bus., Working Paper, 2002).

10 National Institute of Justice, "Homicide in Eight U.S. Cities: Trends, Context, and Policy Implications," *Research Report* (December 1997), p. 99.

11 Caroline Wolf Harlow, "Firearm Use by Offenders: Survey of Inmates in State and Federal Correctional Facilities," *Bureau of Justice Statistics Special Report* (November 2001), p. 1.

12 Daniel Merkle, "America: It's Our Right to Bear Arms," *ABCNews.com* (May 14, 2002). The poll of 1,028 adults was conducted between May 8 and 12 of 2002. The poll found that after hearing the text of the Second Amendment verbatim, 73 percent of the American public viewed the amendment as guaranteeing an individual right. Only 20 percent thought the amendment guaranteed the right of a state to maintain a militia.

13 "Zogby American Values Poll Results," *The Washington Times* (March 28, 2000).

14 Research 2000 of Rockville, Maryland. This survey was conducted from January 30 through February 1, 2002. A total of 1101 likely voters nationally were interviewed by telephone.

15 See supra notes 2 and 3.

17 Don B. Kates, "Guns and Public Health: Epidemic of Violence, or Pandemic of Propaganda?" in Gary Kleck & Kates, *Armed: New Perspectives on Gun Control* (2001), p.75.

17 *Ibid.*

18 "Handgun crime 'up' despite ban," *BBCNews Online* (July 16, 2001) at http://news.bbc.co.uk/low/english/uk/newsid_1440000/1440764.stm.

19 John van Kesteren, Pat Mayhew and Paul Nieuwebeerta, "Criminal Victimization in Seventeen Industrialised Countries: Key findings from the 2000 International Crime Victims Survey," (2000). This study can be read at http://www.unicri.it/icsv/publications/index_pub.htm. The link is to the ICVS homepage; study data are available for download as Acrobat pdf files.

20 See supra note 1.

21 See supra note 2.

22 Kleck and Gertz, "Armed Resistance to Crime," at 173, 185.

23 Kleck and Gertz, "Armed Resistance to Crime," at 185.

24 See supra note 3.

25 Kleck, *Point Blank: Guns and Violence in America*, (1991):111-116, 148.

26 George F. Will, "Are We 'a Nation of Cowards?'," *Newsweek* (15 November 1993):93.

27 *Id.* at 164, 185.

28 Dr. Gary Kleck, interview with J. Neil Schulman, "Q and A: Guns, crime and self-defense," *The Orange County Register* (19 September 1993). In the interview with Schulman, Dr. Kleck reports on findings from a national survey which he and Dr. Marc Gertz conducted in Spring, 1993—a survey which findings were reported in Kleck and Gertz, "Armed Resistance to Crime."

29 See supra note 4.

30 Lott and Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns."

31 Kathleen O'Leary Morgan, Scott Morgan and Neal Quitno, "Rankings of States in Most Dangerous/Safest State Awards 1994 to 2003," *Morgan Quitno Press* (2004) at <http://www.statestats.com/dang9403.htm>. Morgan Quitno Press is an independent private research and publishing company which was founded in 1989. The company specializes in reference books and monthly reports that compare states and cities in several different subject areas. In the first 10 years in which they published their Safest State Award, Vermont has consistently remained one of the top five safest states.

32 Memo by Jim Smith, Secretary of State, Florida Department of State, Division of Licensing, *Concealed Weapons/Firearms License Statistical Report* (October 1, 2002).

33 Florida's murder rate was 11.4 per 100,000 in 1987, but only 5.5 in 2002. Compare Federal Bureau of Investigation, "Crime in the United States," *Uniform Crime Reports*, (1988): 7, 53; and FBI, (2003):19, 79.

34 From 1988 through 2002, there were 229 documented alligator attacks on human beings in Florida. This does not include any unreported encounters. Interview with Henry Cabbage, Media Relations for the Florida Fish and Wildlife Conservation, Tallahassee, Florida (25 July 2003). By contrast, there were only 155 CCW holders who used their guns during the same period to commit a crime. See supra note 32.

35 John R. Lott, Jr., "Right to carry would disprove horror stories," *Kansas City Star*, (12 July 2003).

36 The comparison period between Georgia and Wisconsin is for the years 1976 to 1993. The enactment of the national Brady waiting period in 1994 ended the ability to extend, beyond 1993, any comparison of waiting periods and concealed

- carry laws in states such as Georgia and Wisconsin. Compare FBI, "Crime in the United States," Uniform Crime Reports (1977):45, 53; and FBI, (1994):70, 78.
- 37 Gary Kleck, "Crime Control Through the Private Use of Armed Force," *Social Problems* 35 (February 1988):15.
- 38 Compare Kleck, "Crime Control," at 15, and Chief Dwaine L. Wilson, City of Kennesaw Police Department, "Month to Month Statistics: 1991." (Residential burglary rates from 1981-1991 are based on statistics for the months of March - October.)
- 39 Kleck, *Point Blank*, at 140.
- 40 Kleck, "Crime Control," at 13.
- 41 U.S. Department of Justice, Law Enforcement Assistance Administration, *Rape Victimization in 26 American Cities* (1979), p. 31.
- 42 U.S., Department of Justice, National Institute of Justice, "The Armed Criminal in America: A Survey of Incarcerated Felons," Research Report (July 1985): 27.
- 43 *Id.*
- 44 *Id.*
- 45 *Warren v. District of Columbia*, D.C. App., 444 A. 2d 1 (1981). See also Richard W. Stevens, *Dial 911 and Die* (1999) which gives the laws and cases in all 50 states to support the statement that government (police) owes no duty to protect individual citizens from criminal attack.
- 46 Statement of Representative Ron Johnson in U.S. Senate, "Handgun Violence Prevention Act of 1987," Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary (16 June 1987):33.
- 47 Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics—1990* (1991):257.
- 48 Interview with Brian A. Reaves, Ph.D., statistician for the Bureau of Justice Statistics in Washington, D.C. (January 11, 2001). In 1996, the total number (estimated) of all law enforcement combined (federal, state and local) that were on duty and assigned to respond to calls at any one time—on the average—was approximately 146,395 officers. There were 265,463,000 people living in the United States in 1996 for an actual ratio of 1,813 citizens for every officer. See also Kleck, *Point Blank*, at 132.
- 49 The murder rates for Washington, D.C. and the nation were 26.8 and 8.8 respectively in 1976. Their respective murder rates 25 years later were 40.6 and 5.6. These murder rates are based on the population per 100,000 people. FBI, "Crime in the United States," Uniform Crime Reports (1977 and 2002).
- 50 FBI, "Crime in the United States," Uniform Crime Reports (October 28, 2002): 77.
- 51 *Id.* at 190. According to Arlington County's Department of Planning, Housing and Development, the population in Arlington, Virginia for 2001 was 190,092.
- 52 *Id.* at 85.
- 53 Gary Kleck, speech delivered to the National Research Council, quoted in Don B. Kates, Jr., "Scholars' ignorant bias causes anti-gun sentiments," *Handguns* (June 1991), pp. 12-13.
- 54 "Gun Critic Shifts His Position," *The Denver Post* (November 28, 1985).
- 55 James D. Wright, "Second Thoughts About Gun Control," *The Public Interest*, 91 (Spring 1988):23, 25.
- 56 Dave Kopel, "Guns, Germs, and Science: Public Health Approaches to Gun Control," 84 *The Journal of the Medical Association of Georgia* (June 1995): 272.
- 57 *Id.*
- 58 *Congressional Record* (May 8, 1991), at H 2859, H 2862.
- 59 *Wall Street Journal* (March 3, 1994) at A10.
- 60 Jonathan T. Lovitt, "Survival for the armed," *USA Today* (May 4, 1992).
- 61 U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982):12.
- 62 *U.S. v. Verdugo-Urquidez*, 494 US 259 (1990).
- 63 The court stated, "The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any less necessary the immunity of the press from previous restraint in dealing with official misconduct. Subsequent punishment for such abuses as may exist is the appropriate remedy, consistent with constitutional privilege." *Near v. Minnesota*, 283 U.S. 697, 51 S. Ct. 625, 75 L. Ed. 1357 (1931).
- 64 Alan Korwin, *Brady Law Closes Gun Stores More Than 8 Days*, (Bloomfield Press: July 28, 1999). Bloomfield Press can be contacted at <http://www.bloomfieldpress.com>.
- 65 Richard B. Abell, Assistant Attorney General, Task Force Chairman, Report to the Attorney General on Systems for Identifying Felons Who Attempt to Purchase Firearms (October 1989), p. 75.
- 66 Bureau of Justice Assistance, Grant Manager's Memorandum, Pt. 1: Project Summary (September 30, 1994). Project Number: 94-DD-CX-0166.
- 67 Copy of "FIST" (Firearms Inquiry Statistical Tracking) software at GOA headquarters, Springfield, VA. See also *Pennsylvania Sportsmen's News* (Oct./Nov. 1996). The default in the "FIST" computer software is for the police officials to indefinitely retain the information on gun owners—despite the fact that the Brady law only allows officials to retain this data for 20 days. One wonders who will ensure that this information will be deleted after the 20th day.
- 68 Mike Slavonic, NRA Director and Chairman of the Legislative Committee for the Allegheny County Sportsmen's League, states that the instant background check could be "our downfall." He notes that, "What most Americans don't know is that once instant check goes into effect in 1998 the purpose of Brady could be used to set the stage for national confiscation. Instant check could eventually keep guns out of the hands of everyone by registering everyone who purchases a handgun, rifle and shotgun and who obtained concealed weapons permits in a computerized database like 'FIST'. The most difficult problem with a gun ban is locating the firearms. FIST [with the help of the instant check], over time, could solve that problem." Slavonic, "Another Gun Database Discovered," *Pennsylvania Sportsmen's News* (Oct./Nov. 1996) at 7.
- 69 FBI's Final Rule printed in the *Federal Register* (October 30, 1998) at 58311. After the FBI submitted its proposed regulations on June 4, 1998, Gun Owners of America submitted written comments (in September of 1988) to challenge the FBI's regulations. GOA stated, "These proposed regulations are unlawful and unconstitutional. They are so fundamentally corrupt that there are no incremental changes which will even marginally improve them. Rest assured that they will be challenged in every possible judicial and legislative forum. . . . The efforts to retain information on gun owners for eighteen months—and indefinitely in your computer backup system—constitutes an illegal system of firearms registration, in violation of 18 U.S.C. 926. The same is, in fact, true even for efforts to retain information about persons prohibited from purchasing firearms."
- 70 David B. Kopel, *Policy Review* 63 (Winter 1993):6.
- 71 Kopel, ed., *Guns: Who Should Have Them?* (1995) at 88, 117 (fn. 75), and 122 (fn. 124).

72 See supra note 5.

73 Scully, "Supremacist's shooting spree could spur gun control moves," *The Washington Times* (July 8, 1999).

74 Attorney General Betty D. Montgomery, "The U.S. Supreme Court's Action in Striking Portions of the Brady Act," *News Statement* (June 30, 1997).

75 Department of Justice, "Survey of Incarcerated Felons," p. 36.

76 Pierre Thomas, "In the Line of Fire: The 'Straw Purchase' Scam," *The Washington Post* (August 18, 1991); and Thomas, "Va. Driver's License is Loophole for Guns: Fake Addresses Used in No-Wait Sales," *The Washington Post* (January 20, 1992).

77 National Institute of Justice, "Homicide in Eight U.S. Cities: Trends, Context, and Policy Implications," *Research Report* (December 1997), p. 99.

78 Meghan Hoyer, "Brady Act results overstated in Indiana," *Indianapolis Star and News* (June 23, 1998).

79 See General Accounting Office, "Gun Control: Implementation of the Brady Handgun Violence Prevention Act," *Report to the Committee on the Judiciary, U.S. Senate, and the Committee on the Judiciary, House of Representatives* (January 1996), p. 8.

80 *The Washington Times* noted in July of 1999 that:

Although federal officials say about 400,000 persons have been prevented from buying guns by the instant check system, only one has been prosecuted by the Department of Justice in the last three years. [Sean Scully, "Supremacist's shooting spree could spur gun control moves," *The Washington Times* (July 8, 1999).]

That made for a whopping total of just eight prosecutions and merely three persons sent to jail in the first five years the Brady Law was in existence. One certainly had to conclude that the Brady Law was not working to put criminals behind bars. There are no reliable, government statistics that regularly update the public on how many Brady violators are being incarcerated. However, everyone agrees the number is very low. For example, a training manual produced by Handgun Control, Inc., guides its activists in how to answer a question regarding the low number of convictions under the Brady Law. The manual basically says, when you are asked why so few people are being sent to jail under Brady, just ignore the question. The question posed in the manual reads: "Q: You claim that the Brady Law works, why have only 7 people been convicted for violating the law?" To answer this question, the manual encourages activists to go on the offensive and say the following: "A quarter-million high-risk people have been stopped from buying firearms since 1994, and that was always the point of the Brady law. Ninety percent of Americans agree that background checks and waiting periods are sensible regulations that protect public safety. With the success of the Brady law, the only people who continue to oppose regulating guns like other products are the gun lobby and the politicians who receive their enormous campaign contributions." [Naomi Paiss, "Sense and Sanity: A Guide to Talking about Gun Control," *Handgun Control, Center to Prevent Handgun Violence* (November 1997).] In other words, since there is no good answer to this question, from their perspective, activists are to remember three words: Attack, Attack, Attack.

81 Of persons denied the right to purchase a firearm under the Brady Law, 7.6 percent of the denials involved routine traffic stops. Another 38.9 percent were the result of administrative snafus. Only 44.7 percent of denials were as a result of felony convictions, and many of these resulted from white collar crimes and ancient peccadilloes which would not suggest that the person would pose a danger. See supra note 79 at 39-40, 64-65.

82 *Id.*, at 4.

83 *Id.*

84 On August 16, 1991, New York City Mayor David Dinkins signed Local Law 78 which banned the possession and sale of certain rifles and shotguns.

85 John Marzulli, "Weapons ban defied: S.I. man, arsenal seized," *Daily News* (September 5, 1992).

86 "Thousands of Californians Become Instant Criminals," *The New Gun Week* (March 1, 1998). See also "Gun Confiscation Begins: Gun Law Victim Holds Press Conference and Turns in Gun to Local Officials," *NRA Press Release* (January 28, 1998).

87 *Id.*

88 To read a photocopy of this notice, go to <http://www.gunowners.org/fs9906.htm>.

89 *Id.*

90 David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] *Policy Analysis* 109 (July 11, 1988):25.

91 Jay Simkin, Aaron Zelman and Alan M. Rice, *Lethal Laws: "Gun Control" is the Key to Genocide*, (Milwaukee: Jews for the Preservation of Firearms Ownership, 1994).

92 Senate, "Handgun Violence," at 107, citing *Novae Russkae Slovo*, Vol. LXXII, No. 26.291, (6 Nov. 1983).

93 Kopel, "Trust the People," at 26.

94 *Id.*, at 25-26.

95 *U.S. News & World Report*, (17 January 1994): 8.

96 *Lamont v. Postmaster General*, 381 U.S. 301, 85 S. Ct. 1493, 14 L. Ed. 2d 398 (1965).

97 Dr. Edward Ezell presented testimony before the Senate Subcommittee on the Constitution in 1989, and while doing so, helped clarify the true definition of an "assault rifle." The subcommittee record reports the following credentials for Dr. Ezell: Curator of the National Firearms Collection at the Smithsonian Institution's National Museum of American History, and founding Director of the Institute for Research on Small Arms in International Security.

98 Statement by Edward Ezell, "Assault Weapons," *Hearings Before the Subcommittee on the Constitution of the Committee on the Judiciary, U.S. Senate*, (5 May 1989):396.

99 Defense Intelligence Agency, *Small Arms Identification and Operation Guide—Eurasian Communist Countries* (Washington, D.C.: Government Printing Office, 1988):105, cited in Kopel, *Guns: Who Should Have Them?* at 162.

100 Kleck, *Point Blank*, at 70.

101 Senate, "Assault Weapons," at 396.

102 Officer William R. McGrath, "An Open Letter to American Politicians," *The Police Marksman* (May/June 1989): 19.

103 *Id.*

104 *Id.*

105 *Congressional Record*, 13 September 1990:E 2826, citing [Police Advertisement], *Roll Call*, 3 September 1990. Also, see Howard Schneider, "Gun Owners Take Shot at Schaefer Assault-Weapon Bill," *The Washington Post* (February 15, 1991).

106 Iver Peterson, "Both Sides Say Trenton's Ban on Assault Rifles Has Little Effect on Crime," *The New York Times* (June 20, 1993).

107 *Id.*

108 U.S. Department of Justice, Bureau of Justice Statistics, "Survey of State Prison Inmates, 1991" (March 1993):18.

109 FBI, "Crime in the United States," (1994):18.

- 110 Matt L. Rodriguez, Superintendent of Police for the City of Chicago, 1993 Murder Analysis at 12, 13.
- 111 Compare FBI, "Law Enforcement Officers Killed and Assaulted," Uniform Crime Reports, for the years 1989 (0 officers); 1990 (two officers), at 24, 36; 1991 (three officers), at 40, 41, 45; 1992 (two officers), at 46; 1993 (2 officers), at 41, 45. Note: In 1993, there were three officers who died by unknown firearms which possibly could have been classified as semi-automatic "assault weapons." (FBI, "Law Enforcement Officers Killed and Assaulted, 1993," at 55.) These three died at Waco, Texas—a jury later finding that authorities had provoked the residents at Mt. Carmel into firing. (Carol Moore, The Davidian Massacre (1995): 450.) Also supporting this view were two BATF agents who initially told the Texas Rangers that authorities had fired first upon the Davidians. (J.L.Pate, "Prosecution Against Waco Survivors Begins," The New Gun Week, (11 February 1994):5.) Despite the jury's finding that authorities provoked the residents in Mt. Carmel into firing, Newsweek and other news sources have pointed out that the officers might have died from "friendly fire." ("Was it Friendly Fire? In the bungled Waco raid, federal agents may have been shot by their own men," Newsweek, (5 April 1993):50.)
- 112 In the five years of 1989 to 1993, 30 officers were killed by their own service weapons. By contrast, only 9 officers were killed by so-called assault weapons. *Id.*, for the years 1989, at 4; 1990, at 4, 24, 36; 1991, at 4, 40, 41, 45; 1992, at 4, 46; 1993, at 4, 41, 45.
- 113 In the five years of 1989 to 1993, 15 officers were killed by knives and blunt objects. By contrast, only nine officers were killed by so-called assault weapons. Compare FBI, "Officers Killed," for the years 1989, at 4, 13, 26; 1990, at 4, 12, 24, 36; and 1991, at 4, 40, 41, 45; 1992, at 4, 46; 1993, at 4, 13, 41, 45.
- 114 By using an inflated definition of "assault weapon," HCI attempts to "show" that these guns killed 36 percent (a minority) of the policemen who were murdered between January 1, 1994 and September 30, 1995. Of course, HCI's figure wildly departs from the 1% figure given by official government studies. (See *supra* note 108.) See Handgun Control, Inc., *Cops Under Fire: Law Enforcement Officers Killed with Assault Weapons or Guns with High Capacity Magazines*, (29 November 1995):2.
- 115 *Id.* The HCI study borrowed the very expansive definition of semi-automatic firearm from the Clinton gun ban which passed in 1994. This definition is so broad that it covers over 180 types of firearms, including reproductions of the 1873 Winchester and the 1860 Henry Rifles. (While the Clinton gun ban exempted reproductions of these two guns under section 922(v)(3) of Title 18—the provisions defining what a semi-automatic "assault weapon" is—the ban did not exempt these rifles under section 922(w)—the provision banning high-capacity magazines. Both of these rifles have tubular-fed magazines holding over 10 rounds, thus making them banned firearms.) The generic definition for an "assault weapon" in the Clinton gun ban would include many, many other guns, had the law failed to specifically exclude several hundreds of common guns which would have easily fallen under the definition of an "assault weapon."
- Not surprisingly, by using President Clinton's over-inflated definition of an "assault weapon," HCI was able to find more and more of these guns killing officers. To extend their logic, if HCI figures a way to define ALL guns as "assault weapons," then it will be able to claim that these "assault weapons" comprise 100 percent of the guns that kill policemen. Even so, HCI has now encountered a dilemma with the publishing of their study: their study "shows" that there has been a dramatic increase in the number of policemen being killed by so-called assault weapons AFTER the ban was put in place. (HCI claims that 36% of the guns killing officers are "assault weapons," but the government's own pre-ban figures show the number was only one percent. See *supra* note 108.) Thus, either HCI's data is wrong, or it must concede that gun control INCREASES the threat to police officers.
- 116 Keith Bea, Congressional Research Service, "Assault Weapons: Military-Style Semiautomatic Firearms Facts and Issues," CRS Report for Congress (13 May 1992, Technical Revisions: 4 June 1992): 65.
- 117 *Id.* at 67.
- 118 *Id.* at 69.
- 119 Kleck, *Point Blank*, at 75.
- 120 Massad Ayoob, "Defending Firepower," *Combat Handguns* (October 1990), p. 71.
- 121 *Id.* at 70.
- 122 *Id.* at 25.
- 123 *Id.* at 71.
- 124 "Koreans make armed stand to protect shops from looters," *Roanoke Times & World-News*, 3 May 1992.
- 125 U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary (1982):7.
- 126 *U.S. v. Miller*, 307 U.S. 174 (1939).
- 127 The Institute of Medicine says the number of yearly deaths in the United States resulting from medical errors ranges from 44,000 to 98,000 people. See Linda T. Kohn, Janet M. Corrigan, and Molla S. Donaldson, ed., "To Err is Human: Building a Safer Health System," National Academy Press (2000). The full text of this report is available at <http://www.nap.edu/books/0309068371/html>.
- 128 From 1970 to 1991, the number of fatal gun accidents for children aged 0-14 declined from 530 to 227. Kopel, *Guns: Who Should Have Them?* at 311. And according to the National Safety Council, the decline has continued as there were only 142 fatal gun accidents for children in that age group in 1997. National Safety Council, *Injury Facts: 2000 Edition*, at 18.
- 129 Kleck, *Point Blank*, at 271, 276.
- 130 *Id.* at 286.
- 131 *Id.* at 276, 277.
- 132 According to Dr. Kleck, the number of children who take guns to school is between 16,000 and 17,000 students on any given day—or about 1 in every 800 high school students. Kleck, cited in Kopel, *Guns: Who Should Have Them?*, at 323.
- 133 See *supra* note 6.
- 134 National Safety Council, *Injury Facts: 2000 Edition*, p. 10, 11, 18.
- 135 Alan Korwin, *Researcher Finds Federal Gun Law Grew Nearly 6% in 1998*, at <http://www.bloomfieldpress.com/6percent.htm>.
- 136 Kopel, *Guns: Who Should Have Them?*, at 355.
- 137 *Id.*, at 356.
- 138 *Id.*, at 359.
- 139 *Id.*, at 360. Kopel notes how several infamous criminals—such as John Hinckley (who shot Jim Brady) and George Hennard (who killed 22 people at Luby's Cafeteria in Killeen, Texas)—were each reenacting scenes from movies that they had previously seen or studied.
- 140 Steve Twomey, "Indiscretions That Are Not So Youthful," *The Washington Post* (December 6, 1993).
- 141 Christine Biegler, "Fearing crime, more women buy firearms," *The Washington Times* (November 19, 1992).

- 142 Paxton Quigley, *Armed & Female* (1989): 7.
- 143 According to Dr. Gary Kleck, about 205,000 women use guns every year to protect themselves against sexual abuse. Kleck and Gertz, "Armed Resistance to Crime," at 185.
- 144 Don B. Kates, Jr., *Guns, Murders, and the Constitution: A Realistic Assessment of Gun Control* (1990), at 29, citing U.S. Bureau of Justice Statistics.
- 145 *Id.*, at 25, 26.
- 146 Dr. Edgar A. Suter, "Guns in the Medical Literature--A Failure of Peer Review," *The Journal of the Medical Association of Georgia*, vol. 83 (March 1994):136.
- 147 Kleck and Gertz, "Armed Resistance to Crime," at 173, 185.
- 148 Don B. Kates, "Guns and Public Health: Epidemic of Violence, or Pandemic of Propaganda?" in Gary Kleck & Kates, *Armed: New Perspectives on Gun Control* (2001), p. 79.
- 149 *Ibid.*, p. 75.
- 150 *Ibid.*, p. 76.
- 151 Criminal histories of murder victims is based on statistics from the city of Chicago: Matt L. Rodriguez, Superintendent of Police for the City of Chicago, 1997 Murder Analysis, at 21; 1996 Murder Analysis, at 21; and 1995 Murder Analysis, at 21. For the city of Chicago, 76% of murderers have prior criminal records. For criminal histories of murderers nationwide, see Bureau of Justice Statistics, National Update (October 1991): 4.
- 152 Bureau of Justice Statistics, National Update, at 4.
- 153 Kleck, *Point Blank*, at 393, 394; Colin Greenwood, Chief Inspector of West Yorkshire Constabulary, *Firearms Control: A Study of Armed Crime and Firearms Control in England and Wales* (1972):31; David Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies* (1992):91, 154.
- 154 Dr. John R. Lott, Jr., "Gun laws don't reduce crime," *USA Today* (May 9, 2002). See also Rhett Watson and Matthew Bayley, "Gun crime up 40pc since Port Arthur," *The Daily Telegraph* (April 28, 2002). See also *supra* note 155.
- 155 Gary A. Mauser, "The Failed Experiment: Gun Control and Public Safety in Canada, Australia, England and Wales," *Public Policy Sources* (The Fraser Institute, November 2003), no. 71:4. This study can be accessed at <http://www.fraserinstitute.org/shared/readmore.asp?sNav=pb&id=604>.
- 156 "Handgun crime 'up' despite ban," *BBC News Online* (July 16, 2001) at http://news.bbc.co.uk/low/english/uk/newsid_1440000/1440764.stm. England is a prime example of how crime has increased after implementing gun control. For example, the original Pistols Act of 1903 did not stop murders from increasing on the island. The number of murders in England was 68 percent higher the year after the ban's enactment (1904) as opposed to the year before (1902). (Greenwood, *supra* note 153.) This was not an aberration, as almost seven decades later, firearms crimes in the U.K. were still on the rise: the number of cases where firearms were used or carried in a crime skyrocketed almost 1,000 percent from 1946 through 1969. (Greenwood, *supra* note 153 at 159.) And by 1996, the murder rate in England was 132 percent higher than it had been before the original gun ban of 1903 was enacted. (Compare Greenwood, *supra* note 153, with Bureau of Justice Statistics, *Crime and Justice in the United States and in England and Wales, 1981-96*, Bureau of Justice Statistics, October 1998).
- 157 "Crime rising in Japan, while arrests at record low: police," *AFP News* (August 3, 2001); "A crime wave alarms Japan, once gun-free," *The Philadelphia Inquirer*, 11 July 1992.
- 158 "Most Crime Worse in England Than US, Study Says," *Reuters* (October 11, 1998). See also Bureau of Justice Statistics, *Crime and Justice in the United States and in England and Wales, 1981-96* (October 1998).
- 159 See BJS study, *supra* note 158 at iii.
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- 177 *Id.*, at 12.
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- 181 David B. Kopel, Stephen P. Halbrook and Alan Korwin, *Supreme Court Gun Cases: Two Centuries of Gun Rights Revealed* (2004), p. 75. The quote in the text comes from an article in the book by Kopel. The article is entitled, "The Supreme Court's Thirty-five Other Gun Cases: What the Supreme Court has said about the Second Amendment."
- 182 U.S. Senate, "The Right to Keep and Bear Arms," at 9. See also Stephen P. Halbrook, *That Every Man be Armed: The*

Evolution of a Constitutional Right (1984): 107-153.

The Senate sponsor of the 14th Amendment, Senator Jacob Howard (R-MI), said the Amendment would force the states to respect "the personal rights guaranteed and secured by the first eight amendments of the Constitution; such as freedom of speech and of the press; . . . the right to keep and bear arms . . ." Cong. Globe, 39th Cong., 1st Sess., pt. 3, 2765 (23 May 1866), cited in Halbrook, at 112.

The House author of the 14th Amendment, Rep. John Bingham (R-OH), said that the first eight amendments to the U.S. Constitution "never were limitations upon the power of the States, until made so by the fourteenth amendment. The words of that amendment, 'no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States,' are an express prohibition upon every State of the Union." Cong. Globe, 42d Cong., 1st Sess., pt. 2, Appendix. 84 (31 Mr. 1871), cited in Halbrook, at 146. (Rep. Bingham stated that the "privileges and immunities of citizens of a State, are chiefly defined in the first eight amendments to the Constitution of the United States.")

That the Fourteenth Amendment was intended, among other things, to prevent states from disarming black citizens is clear. During debate over the 14th Amendment, Senator Thomas Hendricks (D-IN) bragged that "colored" people in his state do not enjoy the same rights as white people. Thus, he opposed adoption of the 14th Amendment because among other things, it would grant Second Amendment rights to the "negroes, the coolies, and the Indians." Cong. Globe, 39th Cong., 1st Sess., pt. 3, 2939 (4 June 1866) cited in Halbrook, at 113.

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Exhibit "22"

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Table 5

Crime in the United States by State, 2008

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State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny	
ALABAMA	Metropolitan Statistical Area	3,328,232									
		Area actually reporting	95.8%	15,761	285	1,119	6,323	8,054	145,200	38,552	1
		Estimated total	100.0%	16,207	289	1,157	6,438	8,322	149,171	39,784	1
	Cities outside metropolitan areas	599,012									
		Area actually reporting	81.6%	2,972	37	248	654	2,035	24,945	5,801	1
		Estimated total	100.0%	3,619	45	299	790	2,485	30,320	7,068	1
	Nonmetropolitan counties	734,656									
		Area actually reporting	91.8%	1,179	17	148	107	907	9,980	3,282	1
		Estimated total	100.0%	1,285	19	161	117	988	10,852	3,576	1
		State Total	4,661,900	21,111	353	1,617	7,346	11,795	190,343	50,408	11
	Rate per 100,000 inhabitants		452.8	7.6	34.7	157.6	253.0	4,082.9	1,081.3	2	
ALASKA	Metropolitan Statistical Area	338,417									
		Area actually reporting	100.0%	3,088	13	310	582	2,163	11,609	1,439	1
	Cities outside metropolitan areas	121,702									
		Area actually reporting	89.7%	570	5	71	27	467	3,864	556	1
		Estimated total	100.0%	635	6	79	30	520	4,341	620	1
	Nonmetropolitan counties	226,174									
	Area actually reporting	100.0%	771	9	52	33	677	4,174	1,181	1	
	State Total	686,293	4,474	28	441	645	3,360	20,124	3,240	1	
	Rate per 100,000 inhabitants		651.9	4.1	64.3	94.0	489.6	2,932.3	472.1	2	
ARIZONA	Metropolitan Statistical Area	6,032,461									
		Area actually reporting	99.5%	27,035	398	1,583	9,549	15,505	266,489	53,096	11
		Estimated total	100.0%	27,133	399	1,580	9,579	15,565	267,708	53,361	11
	Cities outside metropolitan areas	202,505									
		Area actually reporting	83.7%	801	3	41	80	677	6,546	1,511	1
		Estimated total	100.0%	958	4	49	96	809	7,820	1,805	1
		265,214									

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Area actually reporting	100.0%	966	4	34	22	906	3,392	1,315	
	State Total	6,500,180	29,059	407	1,673	9,697	17,282	278,920	56,481	111,000
	Rate per 100,000 inhabitants		447.0	6.3	25.7	149.2	265.9	4,291.0	858.0	200.0
ARKANSAS	Metropolitan Statistical Area	1,709,152								
	Area actually reporting	98.1%	10,254	111	950	2,223	6,970	74,982	21,710	10,000
	Estimated total	100.0%	10,382	111	984	2,240	7,087	76,003	22,062	10,000
	Cities outside metropolitan areas	500,029								
	Area actually reporting	96.5%	2,651	20	257	410	1,964	22,084	7,549	10,000
	Estimated total	100.0%	2,747	21	268	425	2,035	22,884	7,822	10,000
	Nonmetropolitan counties	646,209								
	Area actually reporting	86.8%	1,081	26	143	61	851	9,222	3,308	10,000
	Estimated total	100.0%	1,245	30	165	70	990	10,821	3,810	10,000
	State Total	2,855,390	14,374	162	1,395	2,735	10,082	109,508	33,694	100,000
	Rate per 100,000 inhabitants		502.4	5.7	48.9	95.8	353.1	3,835.1	1,180.0	200.0
CALIFORNIA	Metropolitan Statistical Area	35,922,181								
	Area actually reporting	100.0%	181,952	2,114	8,621	69,012	102,205	1,062,787	232,054	60,000
	Cities outside metropolitan areas	269,326								
	Area actually reporting	100.0%	1,389	11	128	218	1,032	9,323	2,589	10,000
	Nonmetropolitan counties	565,159								
	Area actually reporting	100.0%	1,832	17	154	155	1,506	8,837	3,192	10,000
	State Total	38,756,666	185,173	2,142	8,903	69,385	104,743	1,080,747	237,835	60,000
	Rate per 100,000 inhabitants		503.8	5.8	24.2	186.8	285.0	2,940.3	647.1	200.0
COLORADO	Metropolitan Statistical Area	4,260,351								
	Area actually reporting	97.2%	14,830	139	1,834	3,200	9,657	121,651	24,930	10,000
	Estimated total	100.0%	15,134	140	1,877	3,258	9,859	125,052	25,495	10,000
	Cities outside metropolitan areas	308,538								
	Area actually reporting	92.9%	1,088	10	140	88	853	10,815	1,728	10,000
	Estimated total	100.0%	1,173	11	151	93	918	11,646	1,862	10,000
	Nonmetropolitan counties	370,567								
	Area actually reporting	88.2%	563	5	62	12	484	3,551	793	10,000
	Estimated total	100.0%	639	6	70	14	549	4,027	899	10,000
	State Total	4,939,456	16,946	157	2,098	3,365	11,326	140,725	28,256	100,000
	Rate per 100,000 inhabitants		343.1	3.2	42.5	68.1	228.3	2,848.0	572.0	200.0
CONNECTICUT	Metropolitan Statistical Area	2,821,572								
	Area actually reporting	100.0%	9,789	113	573	3,792	5,311	77,807	12,874	10,000
	Cities outside metropolitan areas	168,076								
	Area actually reporting	100.0%	242	1	38	62	141	2,962	807	10,000
	Nonmetropolitan counties	521,604								

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Area actually reporting	100.0%	396	9	63	53	271	5,288	1,530	
	State Total	3,501,252	10,427	123	674	3,907	5,723	86,087	15,011	1
	Rate per 100,000 inhabitants		297.8	3.5	19.3	111.8	163.5	2,458.7	428.7	1
DELAWARE	Metropolitan Statistical Area	685,609								
	Area actually reporting	100.0%	5,058	51	268	1,620	3,119	25,098	5,026	
	Cities outside metropolitan areas	41,305								
	Area actually reporting	100.0%	352	0	24	125	203	2,462	541	
	Nonmetropolitan counties	146,178								
	Area actually reporting	100.0%	731	6	74	93	556	3,803	1,193	
	State Total	873,092	6,141	57	366	1,838	3,880	31,303	6,760	1
	Rate per 100,000 inhabitants		703.4	6.5	41.9	210.5	444.4	3,585.3	774.3	2
DISTRICT OF COLUMBIA¹	Metropolitan Statistical Area	591,833								
	Area actually reporting	100.0%	8,509	186	186	4,430	3,707	30,211	3,788	
	Cities outside metropolitan areas	None								
	Nonmetropolitan counties	None								
	Total	591,833	8,509	186	186	4,430	3,707	30,211	3,788	3
	Rate per 100,000 inhabitants		1,437.7	31.4	31.4	748.5	626.4	5,104.6	840.0	3
FLORIDA	Metropolitan Statistical Area	17,257,234								
	Area actually reporting	99.9%	120,225	1,116	5,620	35,474	78,015	726,217	177,962	41
	Estimated total	100.0%	120,266	1,116	5,622	35,488	78,040	726,521	178,030	41
	Cities outside metropolitan areas	189,567								
	Area actually reporting	94.6%	1,798	6	102	355	1,335	9,428	2,578	
	Estimated total	100.0%	1,901	6	108	375	1,412	9,970	2,726	
	Nonmetropolitan counties	881,539								
	Area actually reporting	99.1%	4,062	46	240	406	3,370	22,243	7,642	
	Estimated total	100.0%	4,098	46	242	410	3,400	22,443	7,711	
	State Total	18,328,340	126,265	1,168	5,972	36,273	82,852	758,934	188,467	51
	Rate per 100,000 inhabitants		686.9	6.4	32.6	197.8	452.0	4,140.8	1,026.3	2
GEORGIA	Metropolitan Statistical Area	7,893,647								
	Area actually reporting	99.2%	38,298	566	1,765	15,846	20,125	325,509	85,208	21
	Estimated total	100.0%	38,572	563	1,779	15,850	20,280	328,043	85,833	21
	Cities outside metropolitan areas	671,634								
	Area actually reporting	84.9%	4,223	35	204	985	2,999	30,042	6,438	1
	Estimated total	100.0%	4,971	41	240	1,159	3,531	35,367	7,579	1
	Nonmetropolitan counties	1,120,463								
	Area actually reporting	84.7%	2,405	27	149	210	2,018	21,607	6,109	
	Estimated total	100.0%	2,841	32	176	248	2,365	25,525	7,217	

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	State Total	9,685,744	46,384	636	2,195	17,357	26,196	388,935	100,629	256,657
			Rate per 100,000 inhabitants	476.9	6.8	22.7	179.2	270.5	4,015.5	1,038.9
HAWAII	Metropolitan Statistical Area	906,349								
	Area actually reporting	100.0%	2,575	18	203	928	1,426	31,781	8,370	23,083
	Cities outside metropolitan areas	None								
	Nonmetropolitan counties	381,849								
	Area actually reporting	100.0%	937	7	162	158	610	14,223	3,009	10,602
	State Total	1,288,198	3,512	25	365	1,086	2,036	46,004	9,379	33,685
			Rate per 100,000 inhabitants	272.6	1.9	28.3	84.3	158.1	3,571.2	728.1
IDAHO	Metropolitan Statistical Area	1,001,505								
	Area actually reporting	99.7%	2,563	12	405	184	1,952	23,232	4,843	17,995
	Estimated total	100.0%	2,571	12	406	195	1,958	23,307	4,857	18,192
	Cities outside metropolitan areas	236,594								
	Area actually reporting	99.3%	523	3	86	33	401	5,581	1,023	4,535
	Estimated total	100.0%	527	3	87	33	404	5,619	1,030	4,568
	Nonmetropolitan counties	285,717								
	Area actually reporting	100.0%	385	8	58	13	306	3,093	814	2,279
	State Total	1,523,816	3,483	23	551	241	2,668	32,019	6,701	22,774
			Rate per 100,000 inhabitants	228.6	1.5	36.2	15.8	175.1	2,101.2	439.8
ILLINOIS²	State Total	12,901,563	67,780	790	4,118	24,054	38,818	378,355	78,968	210,387
			Rate per 100,000 inhabitants	525.4	6.1	31.9	186.4	300.9	2,932.8	512.1
INDIANA	Metropolitan Statistical Area	4,989,614								
	Area actually reporting	86.5%	18,709	297	1,345	7,011	10,056	165,176	38,380	126,796
	Estimated total	100.0%	19,610	310	1,437	7,217	10,646	179,230	41,263	142,992
	Cities outside metropolitan areas	500,292								
	Area actually reporting	79.2%	760	3	111	190	456	17,496	3,210	13,286
	Estimated total	100.0%	960	4	140	240	576	22,106	4,056	16,572
	Nonmetropolitan counties	886,886								
	Area actually reporting	61.5%	438	8	88	46	296	6,994	2,045	4,949
	Estimated total	100.0%	713	13	143	75	482	11,379	3,327	8,374
	State Total	6,376,792	21,283	327	1,720	7,532	11,704	212,715	48,845	139,770
			Rate per 100,000 inhabitants	333.8	5.1	27.0	183.5	3,335.8	762.8	2,176.2
IOWA	Metropolitan Statistical Area	1,689,224								
	Area actually reporting	99.0%	5,921	54	656	1,080	4,131	50,751	10,938	39,813
	Estimated total	100.0%	5,948	54	660	1,082	4,152	51,097	11,003	40,026
	Cities outside metropolitan areas	585,345								
	Area actually reporting	93.1%	1,825	7	150	143	1,525	15,751	3,807	11,944

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Estimated total	100.0%	1,951	8	161	154	1,638	16,918	3,874	
	Nonmetropolitan counties	727,986								
	Area actually reporting	96.2%	587	13	64	12	498	4,495	1,513	
	Estimated total	100.0%	611	14	67	12	518	4,674	1,573	
	State Total	3,002,555	8,520	76	888	1,248	6,308	72,689	16,450	
	Rate per 100,000 inhabitants		283.8	2.5	29.8	41.6	210.1	2,420.9	547.9	
KANSAS	Metropolitan Statistical Area	1,907,099								
	Area actually reporting	99.5%	8,436	88	808	1,476	6,064	68,880	13,862	
	Estimated total	100.0%	8,471	88	812	1,480	6,091	69,147	13,907	
	Cities outside metropolitan areas	569,367								
	Area actually reporting	95.9%	2,219	18	276	172	1,753	19,647	3,984	
	Estimated total	100.0%	2,314	19	288	179	1,828	20,487	4,154	
	Nonmetropolitan counties	325,668								
	Area actually reporting	95.9%	691	6	66	24	575	4,797	1,488	
	Estimated total	100.0%	720	6	90	25	599	5,001	1,551	
	State Total	2,802,134	11,505	113	1,190	1,684	8,518	94,635	19,612	
Rate per 100,000 inhabitants		410.8	4.0	42.5	60.1	304.0	3,377.2	699.9		
KENTUCKY	Metropolitan Statistical Area	2,451,356								
	Area actually reporting	92.0%	9,417	103	702	3,354	5,258	72,964	17,160	
	Estimated total	100.0%	9,708	105	736	3,443	5,424	76,232	18,018	
	Cities outside metropolitan areas	523,235								
	Area actually reporting	80.8%	904	7	129	275	493	12,637	3,010	
	Estimated total	100.0%	1,119	9	160	340	610	15,893	3,726	
	Nonmetropolitan counties	1,294,654								
	Area actually reporting	91.4%	1,663	77	468	202	916	16,626	6,435	
	Estimated total	100.0%	1,819	84	512	221	1,062	18,189	7,095	
	State Total	4,269,245	12,646	198	1,408	4,004	7,036	110,314	28,839	
Rate per 100,000 inhabitants		298.2	4.6	33.0	93.8	164.8	2,583.9	675.5		
LOUISIANA	Metropolitan Statistical Area	3,269,753								
	Area actually reporting	97.0%	21,071	439	882	5,196	14,554	127,741	31,736	
	Estimated total	100.0%	21,584	445	907	5,279	14,953	131,822	32,590	
	Cities outside metropolitan areas	384,508								
	Area actually reporting	57.5%	1,987	26	94	281	1,586	11,375	3,208	
	Estimated total	100.0%	3,458	45	163	469	2,759	19,789	5,581	
	Nonmetropolitan counties	756,535								
	Area actually reporting	85.7%	3,347	32	139	194	2,982	14,589	4,414	
	Estimated total	100.0%	3,904	37	162	226	3,479	17,019	5,149	
	State Total	4,410,796	28,944	527	1,232	5,994	21,191	168,630	43,320	

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Rate per 100,000 inhabitants		656.2	11.9	27.9	135.9	480.4	3,823.1	982.1	2
MAINE	Metropolitan Statistical Area	769,193								
	Area actually reporting	100.0%	965	15	220	268	442	19,755	3,719	
	Cities outside metropolitan areas	276,344								
	Area actually reporting	100.0%	389	8	106	39	236	8,374	1,389	
	Nonmetropolitan counties	270,919								
	Area actually reporting	100.0%	193	8	49	6	130	4,156	1,414	
	State Total	1,316,456	1,547	31	375	333	806	32,285	6,522	
	Rate per 100,000 inhabitants		117.5	2.4	28.5	25.3	61.4	2,452.4	495.4	1
MARYLAND	Metropolitan Statistical Area	5,332,260								
	Area actually reporting	100.0%	34,203	479	1,064	12,970	19,690	189,212	36,639	10
	Cities outside metropolitan areas	79,007								
	Area actually reporting	100.0%	547	4	25	146	370	4,315	873	
	Nonmetropolitan counties	222,300								
	Area actually reporting	100.0%	643	10	38	65	510	4,636	1,337	
	State Total	5,633,597	35,393	493	1,127	13,203	20,570	198,165	38,849	10
	Rate per 100,000 inhabitants		626.2	8.8	20.0	234.4	365.1	3,517.6	689.6	2
MASSACHUSETTS	Metropolitan Statistical Area	6,471,015								
	Area actually reporting	98.3%	28,785	165	1,708	6,998	19,914	152,910	35,368	10
	Estimated total	100.0%	29,116	166	1,733	7,059	20,158	155,227	35,957	10
	Cities outside metropolitan areas	26,781								
	Area actually reporting	100.0%	58	1	3	10	44	732	137	
	Nonmetropolitan counties	171								
Area actually reporting	100.0%	0	0	0	0	0	0	0	0	
	State Total	6,497,967	29,174	167	1,736	7,069	20,202	155,959	36,094	10
	Rate per 100,000 inhabitants		449.0	2.6	26.7	108.8	310.9	2,400.1	555.5	1
MICHIGAN	Metropolitan Statistical Area	8,160,670								
	Area actually reporting	97.9%	46,026	509	3,365	12,679	29,475	251,966	64,634	10
	Estimated total	100.0%	46,519	511	3,434	12,776	29,798	256,484	65,604	10
	Cities outside metropolitan areas	638,021								
	Area actually reporting	90.4%	1,267	5	306	116	838	16,273	2,504	
	Estimated total	100.0%	1,370	6	334	122	906	17,711	2,725	
Nonmetropolitan counties	1,204,731									
Area actually reporting	93.0%	2,118	23	683	61	1,351	18,061	5,441		
Estimated total	100.0%	2,277	25	734	66	1,452	19,410	5,847		
	State Total	10,003,422	50,166	542	4,502	12,964	32,158	293,585	74,176	10
	Rate per 100,000 inhabitants		501.5	5.4	45.0	129.6	321.5	2,934.6	741.5	1
		3,905,117								

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Area actually reporting	98.5%		96		4,037	6,335	122,577	21,286	9
	Estimated total	100.0%		97		4,065	6,384	124,415	21,534	9
	Cities outside metropolitan areas	499,287								
	Area actually reporting	98.1%		5		84	678	14,131	1,952	1
	Estimated total	100.0%		5		86	691	14,368	1,989	1
	Nonmetropolitan counties	615,979								
	Area actually reporting	98.2%		7		26	541	9,815	2,834	1
	Estimated total	100.0%		7		26	551	9,897	2,887	1
	State Total	5,220,393	13,717	109	1,805	4,177	7,626	148,810	26,410	17
	Rate per 100,000 inhabitants		262.8	2.1	34.6	80.0	146.1	2,850.6	505.9	2
MISSISSIPPI	Metropolitan Statistical Area	1,295,027								
	Area actually reporting	88.6%	3,727	116	391	1,657	1,563	42,456	11,182	1
	Estimated total	100.0%	3,956	123	425	1,708	1,700	45,684	11,992	1
	Cities outside metropolitan areas	590,822								
	Area actually reporting	71.9%	1,790	45	165	686	893	18,529	5,742	1
	Estimated total	100.0%	2,480	63	231	954	1,242	25,787	7,985	1
	Nonmetropolitan counties	1,052,769								
	Area actually reporting	51.4%	990	26	120	182	662	7,685	3,107	1
	Estimated total	100.0%	1,927	51	234	354	1,288	14,957	6,047	1
	State Total	2,938,618	8,373	237	890	3,016	4,230	86,408	26,024	17
Rate per 100,000 inhabitants		284.9	8.1	30.3	102.6	143.9	2,940.4	885.6	1	
MISSOURI	Metropolitan Statistical Area	4,431,879								
	Area actually reporting	99.9%	25,412	460	1,326	7,068	16,618	179,730	37,464	11
	Estimated total	100.0%	25,413	460	1,326	7,088	16,619	179,751	37,468	11
	Cities outside metropolitan areas	640,561								
	Area actually reporting	99.5%	2,493	18	181	273	2,021	24,801	4,409	1
	Estimated total	100.0%	2,506	16	182	274	2,032	24,931	4,432	1
	Nonmetropolitan counties	839,365								
	Area actually reporting	99.4%	1,889	37	106	46	1,698	11,835	3,866	1
	Estimated total	100.0%	1,900	37	107	46	1,708	11,903	3,886	1
	State Total	5,911,605	29,819	455	1,615	7,390	20,359	216,585	45,788	17
Rate per 100,000 inhabitants		504.4	7.7	27.3	125.0	344.4	3,663.7	774.5	2	
MONTANA	Metropolitan Statistical Area	340,604								
	Area actually reporting	100.0%	869	7	96	110	656	11,429	1,474	1
	Cities outside metropolitan areas	210,221								
	Area actually reporting	97.3%	637	5	89	41	502	7,240	804	1
	Estimated total	100.0%	655	5	92	42	516	7,445	827	1
	Nonmetropolitan counties	416,615								
Area actually reporting	97.4%	947	11	103	19	814	6,143	1,004	1	

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Estimated total	100.0%	973	11	105	20	836	6,308	1,031	
	State Total	967,440	2,497	23	294	172	2,008	25,182	3,332	1
	Rate per 100,000 inhabitants		258.1	2.4	30.4	17.6	207.6	2,603.0	344.4	2
NEBRASKA	Metropolitan Statistical Area	1,039,893								
	Area actually reporting	99.9%	4,327	52	347	1,195	2,733	35,124	5,832	1
	Estimated total	100.0%	4,328	52	347	1,195	2,734	35,144	5,835	1
	Cities outside metropolitan areas	392,104								
	Area actually reporting	87.9%	740	10	176	76	478	11,007	1,825	
	Estimated total	100.0%	842	11	200	87	544	12,529	2,077	
	Nonmetropolitan counties	351,435								
	Area actually reporting	86.0%	212	4	31	15	162	3,152	742	
	Estimated total	100.0%	246	5	36	17	188	3,655	863	
	State Total	1,783,432	5,416	68	583	1,299	3,466	51,338	8,775	1
	Rate per 100,000 inhabitants		303.7	3.8	32.7	72.8	194.3	2,876.6	492.0	2
NEVADA	Metropolitan Statistical Area	2,335,456								
	Area actually reporting	100.0%	18,155	151	1,022	6,406	10,576	85,038	22,774	4
	Cities outside metropolitan areas	47,239								
	Area actually reporting	100.0%	178	3	21	26	128	1,376	345	
	Nonmetropolitan counties	217,472								
	Area actually reporting	100.0%	504	9	59	41	395	3,226	1,037	
	State Total	2,600,167	18,837	163	1,102	6,473	11,099	89,640	24,156	4
	Rate per 100,000 inhabitants		724.5	6.3	42.4	248.9	426.9	3,447.5	929.0	1
NEW HAMPSHIRE	Metropolitan Statistical Area	820,353								
	Area actually reporting	99.6%	1,361	8	215	301	777	15,727	2,419	
	Estimated total	100.0%	1,368	8	230	312	818	16,863	2,590	
	Cities outside metropolitan areas	447,139								
	Area actually reporting	87.8%	570	3	130	91	348	9,121	1,365	
	Estimated total	100.0%	649	3	146	104	394	10,385	1,554	
	Nonmetropolitan counties	48,317								
	Area actually reporting	100.0%	52	2	13	3	34	278	142	
	State Total	1,315,809	2,069	13	391	419	1,246	27,526	4,286	1
	Rate per 100,000 inhabitants		157.2	1.0	29.7	31.8	94.7	2,091.9	325.7	1
NEW JERSEY	Metropolitan Statistical Area	8,582,651								
	Area actually reporting	99.9%	28,341	378	1,122	12,596	14,147	199,047	40,385	10
	Estimated total	100.0%	28,351	376	1,122	12,701	14,152	199,128	40,401	10
	Cities outside metropolitan areas	None								
	Nonmetropolitan counties	None								

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	State Total	8,682,661	28,351	376	1,122	12,701	14,152	199,126	40,401	11,828
	Rate per 100,000 inhabitants		326.5	4.3	12.9	146.3	163.0	2,293.4	465.3	119.1
NEW MEXICO	Metropolitan Statistical Area	1,315,538								
	Area actually reporting	99.8%	9,101	94	796	1,831	6,380	55,477	14,555	1,451
	Estimated total	100.0%	9,114	94	787	1,832	6,391	55,551	14,571	1,451
	Cities outside metropolitan areas	397,834								
	Area actually reporting	83.1%	2,676	28	222	265	2,161	16,366	4,758	467
	Estimated total	100.0%	2,873	30	238	285	2,320	17,573	5,109	507
	Nonmetropolitan counties	270,984								
	Area actually reporting	83.5%	759	15	87	48	611	3,712	1,897	187
	Estimated total	100.0%	909	18	104	55	732	4,448	2,033	207
	State Total	1,984,356	12,896	142	1,139	2,172	9,443	77,572	21,713	2,145
Rate per 100,000 inhabitants		649.9	7.2	57.4	109.5	475.9	3,909.2	1,084.2	219.2	
NEW YORK	Metropolitan Statistical Area	17,944,434								
	Area actually reporting	99.9%	74,456	812	2,419	31,509	39,716	357,697	58,693	21,811
	Estimated total	100.0%	74,489	812	2,420	31,521	39,736	358,070	58,751	21,811
	Cities outside metropolitan areas	564,788								
	Area actually reporting	97.6%	1,530	8	154	181	1,187	15,681	2,839	2,839
	Estimated total	100.0%	1,567	8	158	185	1,216	16,059	2,859	2,859
	Nonmetropolitan counties	981,095								
	Area actually reporting	91.8%	1,404	15	205	66	1,118	13,223	3,695	3,695
	Estimated total	100.0%	1,529	18	223	72	1,218	14,404	4,025	4,025
	State Total	19,490,297	77,585	836	2,801	31,778	42,170	388,533	65,735	28,706
Rate per 100,000 inhabitants		398.1	4.3	14.4	163.0	216.4	1,993.5	337.3	119.1	
NORTH CAROLINA	Metropolitan Statistical Area	6,483,533								
	Area actually reporting	99.0%	32,013	430	1,661	11,652	18,270	268,633	76,639	11,828
	Estimated total	100.0%	32,291	432	1,681	11,733	18,445	271,886	77,393	11,828
	Cities outside metropolitan areas	849,069								
	Area actually reporting	94.1%	5,521	54	256	1,764	3,447	49,722	13,564	1,451
	Estimated total	100.0%	5,855	57	272	1,869	3,657	52,746	14,384	1,451
	Nonmetropolitan counties	1,889,812								
	Area actually reporting	98.6%	4,883	113	326	722	3,722	47,652	19,547	1,451
	Estimated total	100.0%	4,953	115	331	732	3,775	48,329	19,825	1,451
	State Total	9,222,414	43,099	604	2,264	14,334	25,877	372,961	111,602	21,680
Rate per 100,000 inhabitants		467.3	6.5	24.8	155.4	280.6	4,044.1	1,210.1	219.2	
NORTH DAKOTA	Metropolitan Statistical Area	311,685								
	Area actually reporting	99.6%	690	2	137	58	493	8,044	1,259	1,259
	Estimated total	100.0%	692	2	138	58	494	8,078	1,264	1,264

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny	
	Cities outside metropolitan areas	137,224									
	Area actually reporting	92.1%	247	1	65	12	169	2,495	412		
	Estimated total	100.0%	269	1	71	13	184	2,711	448		
	Nonmetropolitan counties	192,572									
	Area actually reporting	91.1%	98	0	21	1	76	1,241	359		
	Estimated total	100.0%	107	0	23	1	83	1,363	394		
	State Total	641,481	1,068	3	232	72	761	12,152	2,106		
	Rate per 100,000 inhabitants		166.5	0.5	36.2	11.2	118.6	1,894.4	328.3		
	OHIO	Metropolitan Statistical Area	6,267,288								
		Area actually reporting	88.2%	35,481	488	3,494	17,404	14,095	304,742	82,532	16,000
Estimated total		100.0%	37,200	503	3,766	18,054	14,857	333,494	86,535	20,000	
Cities outside metropolitan areas		921,578									
Area actually reporting		77.4%	1,336	15	299	427	595	28,148	5,432	1,000	
Estimated total		100.0%	1,726	19	386	552	769	36,379	7,020	1,000	
Nonmetropolitan counties		1,295,944									
Area actually reporting		84.7%	908	18	209	96	585	18,632	5,922	1,000	
Estimated total		100.0%	1,071	21	247	113	690	21,989	6,989	1,000	
State Total		11,485,910	39,997	543	4,419	18,719	16,316	391,862	102,544	21,000	
Rate per 100,000 inhabitants		348.2	4.7	38.5	163.0	142.1	3,411.7	892.8	200.0		
OKLAHOMA	Metropolitan Statistical Area	2,324,166									
	Area actually reporting	100.0%	14,711	159	1,034	3,302	10,216	90,973	25,562	1,000	
	Cities outside metropolitan areas	706,342									
	Area actually reporting	99.7%	3,126	24	312	349	2,441	28,222	8,531	1,000	
	Estimated total	100.0%	3,134	24	313	350	2,447	28,287	8,547	1,000	
	Nonmetropolitan counties	611,853									
	Area actually reporting	99.5%	1,332	29	118	31	1,154	8,083	2,957	1,000	
	Estimated total	100.0%	1,339	29	119	31	1,160	8,124	2,972	1,000	
	State Total	3,642,361	19,184	212	1,466	3,683	13,823	125,384	35,081	3,000	
	Rate per 100,000 inhabitants		526.7	5.8	40.2	101.1	379.5	3,442.4	963.1	200.0	
OREGON	Metropolitan Statistical Area	2,949,725									
	Area actually reporting	99.2%	8,392	70	859	2,392	4,971	101,389	16,280	1,000	
	Estimated total	100.0%	8,430	70	986	2,400	4,994	101,894	16,387	1,000	
	Cities outside metropolitan areas	395,284									
	Area actually reporting	97.6%	905	7	123	201	574	15,380	2,514	1,000	
	Estimated total	100.0%	927	7	126	206	588	15,738	2,576	1,000	
	Nonmetropolitan counties	445,051									
	Area actually reporting	82.9%	323	4	53	29	237	5,610	1,589	1,000	
	Estimated total	100.0%	390	5	64	35	286	6,785	1,916	1,000	
	State Total	3,790,060	9,747	82	1,156	2,641	5,868	124,397	20,879	3,000	

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny	
		Rate per 100,000 inhabitants	257.2	2.2	30.5	69.7	154.8	3,282.2	550.9	2	
PENNSYLVANIA	Metropolitan Statistical Area	10,465,127									
		Area actually reporting	98.9%	46,765	654	2,847	18,285	24,979	260,739	49,561	15
		Estimated total	100.0%	47,031	655	2,864	18,355	25,157	263,087	49,913	15
	Cities outside metropolitan areas	923,487									
		Area actually reporting	94.3%	2,307	18	245	327	1,717	19,557	3,333	
		Estimated total	100.0%	2,447	19	260	347	1,821	20,746	3,538	
	Nonmetropolitan counties	1,059,665									
		Area actually reporting	100.0%	1,558	27	354	171	1,006	16,199	5,171	
	State Total		12,448,279	51,036	701	3,478	18,673	27,964	300,032	58,620	2
			Rate per 100,000 inhabitants	410.0	5.6	27.9	151.6	224.8	2,410.2	470.9	1
PUERTO RICO	Metropolitan Statistical Area	3,758,119									
		Area actually reporting	100.0%	9,167	776	91	5,345	2,955	56,966	13,066	
	Cities outside metropolitan areas	195,918									
		Area actually reporting	100.0%	317	31	4	122	160	2,354	1,052	
	Total		3,954,037	9,484	807	95	5,467	3,115	59,254	19,138	
		Rate per 100,000 inhabitants	239.9	20.4	2.4	138.3	78.8	1,498.6	484.0		
RHODE ISLAND	Metropolitan Statistical Area	1,050,786									
		Area actually reporting	100.0%	2,606	27	272	879	1,426	29,774	5,750	
	Cities outside metropolitan areas	None									
	Nonmetropolitan counties	None									
		Area actually reporting	100.0%	15	2	5	0	8	75	9	
State Total		1,050,786	2,621	29	277	879	1,436	29,849	5,750		
		Rate per 100,000 inhabitants	249.4	2.8	26.4	83.7	136.7	2,840.6	547.2	1	
SOUTH CAROLINA	Metropolitan Statistical Area	3,416,295									
		Area actually reporting	99.9%	24,609	229	1,292	5,360	17,728	144,756	33,736	1
		Estimated total	100.0%	24,611	229	1,292	5,360	17,730	144,772	33,739	1
	Cities outside metropolitan areas	269,123									
		Area actually reporting	99.6%	3,203	24	113	624	2,442	17,014	3,684	
		Estimated total	100.0%	3,216	24	113	627	2,452	17,087	3,901	
	Nonmetropolitan counties	794,362									
		Area actually reporting	100.0%	4,864	52	233	612	3,967	27,824	8,327	
	State Total		4,479,800	32,691	305	1,638	6,599	24,148	189,683	45,967	1
			Rate per 100,000 inhabitants	729.7	6.8	36.6	147.3	539.1	4,234.2	1,026.1	2
SOUTH DAKOTA	Metropolitan Statistical Area	369,048									
		Area actually reporting	92.5%	1,058	10	279	100	669	7,763	1,348	
		Estimated total	100.0%	1,100	11	294	101	694	8,081	1,412	

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny	
	Cities outside metropolitan areas	207,816									
	Area actually reporting	87.6%	267	3	64	10	170	3,589	563		
	Estimated total	100.0%	304	3	96	11	194	4,098	643		
	Nonmetropolitan counties	227,328									
	Area actually reporting	78.4%	169	9	33	6	121	842	294		
	Estimated total	100.0%	216	12	42	8	154	1,075	375		
	State Total		804,194	1,620	26	432	120	1,042	13,234	2,430	
	Rate per 100,000 inhabitants			201.4	3.2	53.7	14.9	129.6	1,645.6	302.2	1
	TENNESSEE	Metropolitan Statistical Area	4,558,480								
	Area actually reporting	100.0%	37,577	349	1,655	10,111	25,462	197,582	49,789	11	
Cities outside metropolitan areas	605,092										
Area actually reporting	100.0%	4,102	27	227	546	3,302	30,695	6,968			
Nonmetropolitan counties	1,051,316										
Area actually reporting	100.0%	3,218	32	180	143	2,883	22,988	8,249			
State Total		6,214,888	44,897	408	2,062	10,800	31,627	251,245	65,006	11	
Rate per 100,000 inhabitants			722.4	6.6	33.2	173.8	508.9	4,042.6	1,046.0	2	
TEXAS	Metropolitan Statistical Area	21,339,780									
Area actually reporting	99.9%	113,882	1,252	7,087	36,746	68,795	896,963	208,760	61		
Estimated total	100.0%	113,903	1,252	7,088	36,754	68,809	897,227	208,815	61		
Cities outside metropolitan areas	1,376,122										
Area actually reporting	99.0%	6,415	53	602	822	4,938	48,597	12,499			
Estimated total	100.0%	6,459	54	607	825	4,973	48,946	12,595			
Nonmetropolitan counties	1,511,072										
Area actually reporting	100.0%	3,202	68	319	174	2,641	23,364	8,713			
State Total		24,326,974	123,564	1,374	8,014	37,753	76,423	969,570	230,123	61	
Rate per 100,000 inhabitants			507.9	5.6	32.9	155.2	314.1	3,985.6	946.0	2	
UTAH	Metropolitan Statistical Area	2,437,372									
Area actually reporting	99.8%	5,609	38	605	1,384	3,382	85,111	13,323			
Estimated total	100.0%	5,613	38	606	1,385	3,384	85,175	13,333			
Cities outside metropolitan areas	146,125										
Area actually reporting	87.3%	230	0	41	23	166	3,767	842			
Estimated total	100.0%	263	0	47	26	190	4,349	735			
Nonmetropolitan counties	152,927										
Area actually reporting	88.3%	171	1	35	9	126	2,074	542			
Estimated total	100.0%	194	1	40	10	143	2,349	614			
State Total		2,736,424	6,070	39	893	1,421	3,717	91,873	14,682	1	
Rate per 100,000 inhabitants			221.8	1.4	32.6	51.9	135.6	3,357.4	536.5	2	
VERMONT		207,874									

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
	Area actually reporting	100.0%	398	1	58	57	282	7,476	1,444	
	Cities outside metropolitan areas	205,381								
	Area actually reporting	100.0%	277	1	37	22	217	5,188	878	
	Nonmetropolitan counties	208,015								
	Area actually reporting	98.0%	166	15	31	10	110	3,068	1,118	
	Estimated total	100.0%	169	15	32	10	112	3,129	1,140	
	State Total	621,270	844	17	127	89	611	15,771	3,462	
	Rate per 100,000 inhabitants		135.9	2.7	20.4	14.3	98.3	2,538.5	557.2	1
VIRGINIA	Metropolitan Statistical Area	6,664,217								
	Area actually reporting	100.0%	17,875	298	1,519	7,080	8,978	175,420	27,532	11
	Cities outside metropolitan areas	268,624								
	Area actually reporting	99.5%	770	19	77	180	494	8,164	1,266	
	Estimated total	100.0%	773	19	77	181	496	8,194	1,271	
	Nonmetropolitan counties	836,248								
	Area actually reporting	100.0%	1,234	51	162	176	645	12,020	3,190	
	State Total	7,769,089	19,882	368	1,758	7,437	10,319	195,634	31,993	11
	Rate per 100,000 inhabitants		255.9	4.7	22.6	95.7	132.8	2,518.1	411.9	1
WASHINGTON	Metropolitan Statistical Area	5,742,340								
	Area actually reporting	99.9%	19,960	176	2,275	6,124	11,385	219,008	45,450	11
	Estimated total	100.0%	19,979	176	2,278	6,130	11,395	219,273	45,498	11
	Cities outside metropolitan areas	338,434								
	Area actually reporting	94.5%	1,017	5	200	153	659	15,529	3,118	
	Estimated total	100.0%	1,075	5	211	162	697	16,412	3,295	
	Nonmetropolitan counties	466,450								
	Area actually reporting	100.0%	637	11	139	55	432	10,463	3,635	
	State Total	6,549,224	21,691	192	2,628	6,347	12,524	246,148	52,478	11
	Rate per 100,000 inhabitants		331.2	2.9	40.1	96.9	191.2	3,758.4	801.3	2
WEST VIRGINIA	Metropolitan Statistical Area	1,007,935								
	Area actually reporting	91.4%	2,858	36	237	640	1,945	27,058	6,591	
	Estimated total	100.0%	3,055	38	252	675	2,090	29,975	7,089	
	Cities outside metropolitan areas	221,426								
	Area actually reporting	78.9%	543	5	23	100	415	5,442	971	
	Estimated total	100.0%	688	6	29	127	526	6,901	1,231	
	Nonmetropolitan counties	585,107								
	Area actually reporting	89.4%	1,095	14	72	78	931	8,699	2,455	
	Estimated total	100.0%	1,225	16	81	87	1,041	9,731	2,746	
	State Total	1,814,468	4,968	60	362	889	3,657	46,607	11,066	
	Rate per 100,000 inhabitants		273.8	3.3	20.0	49.0	201.5	2,566.6	609.9	1

State	Area	Population	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny
WISCONSIN	Metropolitan Statistical Area	4,099,798								
	Area actually reporting	100.0%	13,691	123	897	5,034	7,637	125,692	21,883	1
	Cities outside metropolitan areas	624,257								
	Area actually reporting	99.9%	1,010	10	101	63	836	18,548	2,337	
	Estimated total	100.0%	1,011	10	101	63	837	18,558	2,338	
	Nonmetropolitan counties	903,912								
	Area actually reporting	100.0%	719	13	122	29	555	10,877	3,258	
State Total		5,627,967	15,421	146	1,120	5,126	9,029	155,127	27,479	1
	Rate per 100,000 inhabitants		274.0	2.6	19.9	91.1	160.4	2,756.4	488.3	2
WYOMING	Metropolitan Statistical Area	161,180								
	Area actually reporting	100.0%	379	4	65	51	259	5,916	912	
	Cities outside metropolitan areas	217,657								
	Area actually reporting	97.9%	635	4	85	32	514	6,741	907	
	Estimated total	100.0%	649	4	87	33	525	6,888	927	
	Nonmetropolitan counties	153,831								
	Area actually reporting	100.0%	208	2	28	2	176	1,670	345	
State Total		532,668	1,236	10	180	86	960	14,474	2,184	
	Rate per 100,000 inhabitants		232.0	1.9	33.6	16.1	180.2	2,717.3	410.0	2

¹ Includes offenses reported by the Zoological Police and the Metro Transit Police.

² Limited data for 2008 were available for Illinois. See [Data Declaration](#).

³ The data collection methodology for the offense of forcible rape used by the Illinois and the Minnesota state UCR Programs (with the exception of Rockford, IL, and Minneapolis and St. Paul, MN) does not comply with national guidelines. Consequently, their state figures for forcible rape (with the exception of Rockford, IL, and Minneapolis and St. Paul, MN) have been estimated for inclusion in this table. Table 8, Offenses Known to Law Enforcement reported female forcible rape crime figure.

NOTE: Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense. Therefore, no arson data are published in this table.

[Back to Top](#)

[Data Declaration](#)

Provides the methodology used in constructing this table and other pertinent information about this table.

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Exhibit "23"

This is a WorldNetDaily printer-friendly version of the article which follows.
To view this item online, visit <http://www.worldnetdaily.com/index.php?pageId=1933>

WorldNetDaily

Thursday, October 15, 2009

Crime up Down Under

Since Australia's gun ban, armed robberies increase 45%

Posted: March 03, 2000

1:00 am Eastern

By Jon Dougherty

WorldNetDaily.com

Since Australia banned private ownership of most guns in 1996, crime has risen dramatically on that continent, prompting critics of U.S. gun control efforts to issue new warnings of what life in America could be like if Congress ever bans firearms.

After Australian lawmakers passed widespread gun bans, owners were forced to surrender about 650,000 weapons, which were later slated for destruction, according to statistics from the Australian Sporting Shooters Association.

The bans were not limited to so-called "assault" weapons or military-type firearms, but also to .22 rifles and shotguns. The effort cost the Australian government about \$500 million, said association representative Keith Tidswell.

Though lawmakers responsible for passing the ban promised a safer country, the nation's crime statistics tell a different story:

- Countrywide, homicides are up 3.2 percent;
- Assaults are up 8.6 percent;
- Amazingly, armed robberies have climbed nearly 45 percent;
- In the Australian state of Victoria, gun homicides have climbed 300 percent;
- In the 25 years before the gun bans, crime in Australia had been dropping steadily;
- There has been a reported "dramatic increase" in home burglaries and assaults on the elderly.

At the time of the ban, which followed an April 29, 1996 shooting at a Port Arthur tourist spot by lone gunman Martin Bryant, the continent had an annual murder-by-firearm rate of about 1.8 per 100,000 persons, "a safe society by any standards," said Tidswell. But such low rates of crime and rare shootings did not deter then-Prime Minister John Howard from calling for and supporting the weapons ban.

Since the ban has been in effect, membership in the Australian Sporting Shooters Association has climbed to about 112,000 -- a 200 percent increase.

Australian press accounts report that the half a million-plus figure of weapons turned in to authorities so far only represents a tiny fraction of the guns believed to be in the country.

According to one report, in March 1997 the number of privately-held firearms in Australia numbered around 10 million. "In the State of Queensland," for example, the report said only "80,000 guns have been seized out of a total of approximately 3 million, a tiny fraction."

And, said the report, 15 percent of the more than half a million guns collected came from licensed gun dealers.

Moreover, a black market allegedly has developed in the country. The report said about 1 million Chinese-made semi-automatics, "one type of gun specifically targeted by the new law," have been imported and sold throughout the country.

Larry Pratt, executive director of Gun Owners of America, said the situation in Australia reminds him of Great Britain, where English lawmakers have passed similar restrictive gun control laws.

"In fact, when you brought up the subject of this interview, I didn't hear you clearly -- I thought you were talking about England, not Australia," Pratt told WorldNetDaily. "It's hard to tell the difference between them."

Pratt said officials in both countries can "no longer control what the criminals do," because an armed society used to serve as a check on the power and influence of the criminal element.

Worse, Pratt said he was "offended by people who say, basically, that I don't have a right to defend myself or my family." Specifically, during debates with gun control advocates like members of Handgun Control, Inc. or similar organizations, Pratt said he routinely asks them if they're "against self defense."

Most often, he said, "they don't say anything -- they just don't answer me. But occasionally I'll get one of them to admit it and say 'yes.'"

Pratt said, based on the examples of democracies that have enacted near-total bans on private firearm ownership, that the same thing could happen to Americans. His organization routinely researches and reports incidents that happen all over the country when private armed citizens successfully defend themselves against armed robbers or intruders, but "liberals completely ignore this reality."

Pratt, who said was scheduled to appear in a televised discussion later in the day about a shooting incident between two first graders in Michigan on Tuesday, said he was in favor of allowing teachers to carry weapons to protect themselves and their students on campus.

Pratt pointed to the example of a Pearl, Mississippi teacher who, in 1997, armed with his own handgun, was able to blunt the killing spree of Luke Woodham.

"By making schools and even entire communities 'gun free zones,' you're basically telling the criminal element that you're unarmed and extremely vulnerable," Pratt said.

Pratt also warned against falling into the gun registration trap.

"Governments will ask you to trust them to allow gun registration, then use those registration lists to later confiscate the firearms," he said. "It's happened countless times throughout history."

Sarah Brady, head of Handgun Control, Inc., issued a statement calling on lawmakers in Michigan and in Washington to pass more restrictive gun access laws.

"This horrible tragedy should send a clear message to lawmakers in Michigan and around the country: they should quickly pass child access prevention or 'safe storage' laws that make it a crime to leave a loaded firearm where it is accessible by children," Brady said.

Brady also blamed gun makers for the Michigan shooting.

"The responsibility for shootings like these do not stop at the hands of the gun owner," Brady said. "Why are ... gun makers manufacturing weapons that a six-year old child can fire? This makes no rational sense. When will gun makers realize that they bear a responsibility to make sure that their products do not mete out preventable deaths, and that they do not warrant nor deserve special protection from the law to avoid that burden? Instead of safeguarding the gun makers, we should be childproofing the guns."

In contrast to near-complete bans in Australia and Great Britain, many U.S. states have passed liberal concealed carry laws that allow private citizens to obtain a permit to carry a loaded gun at all times in most public places. According to Yale University researcher John R. Lott, formerly of the University of Chicago and a gun control analyst who has conducted the most extensive study on the impact of concealed carry laws in the nation's history, the more liberal the right to carry, the less violent crime occurs.

Lott, who examined a mass of crime data spanning decades in all 3,200-plus counties in the United States, concluded that the most important factor in the deterrence of violent crimes were increased police presence and longer jail sentences. However, his research also demonstrated that liberal concealed carry laws were at the top of the list of reasons violent crime has dropped steadily since those laws began to be enacted by state legislatures a decade ago.

The Center to Prevent Handgun Violence, a division of Handgun Control, Inc., disagreed with Lott's findings, as well as the overall assumption that a reduction in the availability of guns in society reduces violent crime.

"Using violent crime data provided by the FBI, the Center to Prevent Handgun Violence determined that, on average over a five-year period, violent crime dropped almost 25 percent in states that limit or prohibit carrying concealed weapons," the Center said. "This compares with only a 11 percent drop in states with lax concealed carry weapons (CCW) laws. Moreover, states with some of the strongest laws against concealed weapons experienced the largest drops."

Without naming its source, the Center also claimed "a prominent criminologist from Johns Hopkins University has stated that Lott's study was so flawed that 'nothing can be learned of it,' and that it should not be used as the basis for policy-making."

In his most recent research, Lott noted a few examples of mass shootings in schools when teachers who were armed, albeit illegally, were able to prevent further loss of life among students indiscriminately targeted by other students with guns.

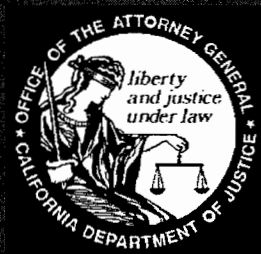
Ironically, both Lott and Handgun Control acknowledge that the reams of gun control laws on the books in Washington and in all 50 states have been ineffective in eradicating mass shootings or preventing children from bringing weapons to school. However, Lott's research indicates the criminal element has been successful in obtaining weapons despite widespread bans and gun control laws, while HCI continues to push for more laws that further restrict, license or eliminate handguns and long guns.

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Exhibit "24"

CRIME IN CALIFORNIA

2007



Edmund G. Brown Jr., Attorney General
California Department of Justice
Division of California Justice Information Services
Bureau of Criminal Information and Analysis
CRIMINAL JUSTICE STATISTICS CENTER



CRIME

IN CALIFORNIA



2007

Published Annually by the
California Department of Justice
Division of California Justice Information Services
Bureau of Criminal Information and Analysis
CRIMINAL JUSTICE STATISTICS CENTER

Released December 2008

An electronic version of this report and other reports are available on the
California Attorney General's website: <http://ag.ca.gov>

CALIFORNIA DEPARTMENT OF JUSTICE

Edmund G. Brown Jr., Attorney General

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES

Gary Cooper, Director

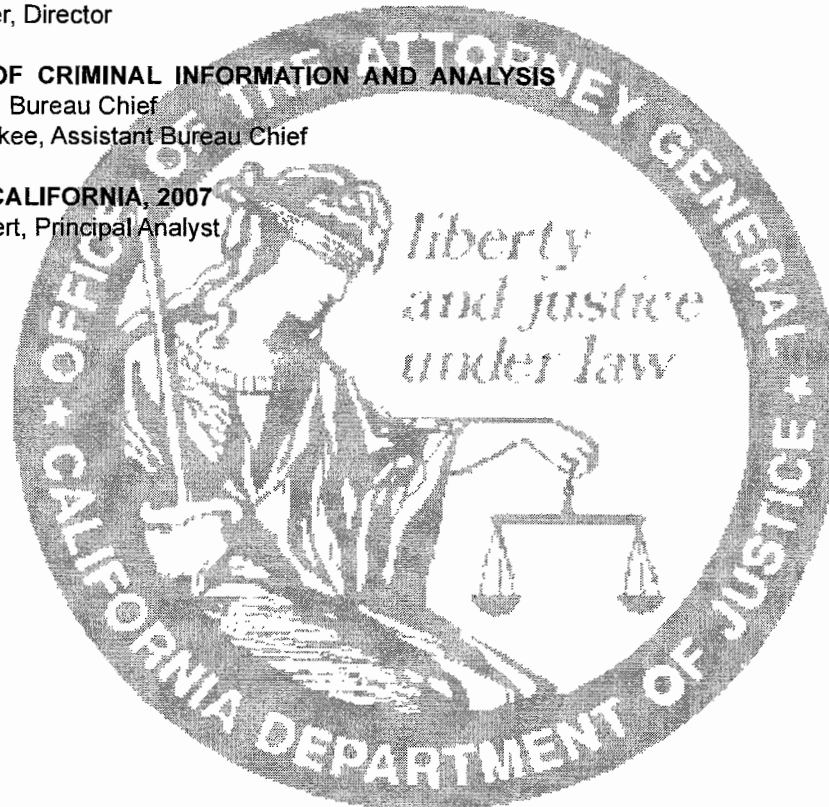
BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

Julie Basco, Bureau Chief

Marilyn Yankee, Assistant Bureau Chief

CRIME IN CALIFORNIA, 2007

Marie Herbert, Principal Analyst



The role of the Criminal Justice Statistics Center is to:

- Collect, analyze, and report statistical data which provide valid measures of crime and the criminal justice process.*
- Examine these data on an ongoing basis to better describe crime and the criminal justice system.*
- Promote the responsible presentation and use of crime statistics.*

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CRIME IN CALIFORNIA, 2007

Section 15 of the California Penal Code defines a crime as "an act specifically prohibited by law or, failure to perform an act specifically required by law for which punishment is prescribed."

In addition to preparing statistical reports such as *Crime in California*, the DOJ compiles and reports data to the Federal Bureau of Investigation (FBI) on crime in California to fulfill the data reporting requirements of the national Uniform Crime Reporting (UCR) program. The UCR program standardizes crime reporting across all states to eliminate differences in Penal Code definitions.

States are required to report statistics on the following eight offenses known as Part 1 crimes: homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. The FBI selected these eight crimes for the UCR because of the seriousness of the offenses, the frequency of occurrence, and the likelihood of their being reported to law enforcement. Other than larceny-theft, the UCR does not count misdemeanors or infractions.

At the DOJ, Part 1 crimes are further categorized as follows: Violent crimes include homicide, forcible rape, robbery, and aggravated assault. Property crimes include burglary, motor vehicle theft, and larceny-theft over \$400.

Some crimes, even Part 1 crimes, are undetected by law enforcement and/or not reported by the public. Undetected and unreported crimes are one reason that crimes in California produce an unknown amount of under-reporting to the DOJ. A second reason for under-reporting is a result of the 'hierarchy rule'. The hierarchy rule is a method used in reporting crime statistics under UCR guidelines whereby only the most serious offense is reported. This is an issue only when multiple offenses occur at the same time, during the same criminal event. For example, if a victim was murdered during a robbery, under the UCR guidelines, only the murder would be reported. There is one exception to the hierarchy rule. Since arson frequently occurs at the same time as other crimes, arson is counted in addition to the most serious offense.

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Exhibit "25"



Craig Weaver <craigcweaver@gmail.com>

FW: Mr. Thomas Jacobs

8 messages

Gary W. Gorski <usrugby@pacbell.net>
Reply-To: usrugby@pacbell.net
To: Craig Weaver <craigcweaver@gmail.com>
Cc: Gary W Gorski <usrugby@gmail.com>

Wed, Oct 28, 2009 at 10:49 PM

Craig, please respond

-----Original Message-----

From: Rick.Sung@SHO.CO.SANTA-CLARA.CA.US
[mailto:Rick.Sung@SHO.CO.SANTA-CLARA.CA.US]
Sent: Wednesday, October 28, 2009 5:23 PM
To: usrugby@pacbell.net
Cc: Cheryl.Stevens@cco.sccgov.org
Subject: Mr. Thomas Jacobs

Mr. Gorski,

We received Mr. Jacobs' written appeal via fax today. Please email me with his availability for the next three weeks for an interview at Sheriff's Headquarters regarding his CCW application. The interview will last approximately one hour.

Regards,

Sergeant Rick Sung#1853, Public Information Officer
Santa Clara County Sheriff's Office
55 W. Younger Avenue, San Jose CA
Office: 408) 808-4905
Pager: 408) 280-8886

Craig Weaver <craigcweaver@gmail.com>
To: Rick.Sung@sho.co.santa-clara.ca.us
Cc: Gary W Gorski <usrugby@gmail.com>, Cheryl.Stevens@cco.sccgov.org

Thu, Oct 29, 2009 at 2:18 PM

Sergeant Sung,

I am a legal intern with The Law Offices of Gary W. Gorski. Mr. Gorski asked that I respond to your e-mail.

Thank you for your prompt response concerning Mr. Jacobs' appeal from the denial of his CCW application.

As you requested, I spoke with Mr. Jacobs today concerning his availability to meet with you for an interview over the next three (3) weeks. Mr. Jacobs is unavailable to meet on the following dates:
Tuesday, November 3, 2009;
Tuesday, November 10, 2009;

Wednesday, November 18, 2009.

Otherwise, Mr. Jacobs is generally available Monday through Friday, from 9:00 a.m. through 2:00 p.m.

Please find a date and time when you and Mr. Jacobs are both available and kindly let me know the date, time, and address where you would like to meet with Mr. Jacobs for the interview.

Thank you for your time and consideration and I look forward to your response.

Sincerely,

Craig Weaver

Craig C. Weaver, J.D.
Legal Intern
THE LAW OFFICES OF GARY W. GORSKI
craigcweaver@gmail.com
Tel. (916) 941-5184
Fax (916) 404-4867
"Legum servi sumus ut liberi esse possimus." - Cicero

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[Quoted text hidden]

--

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Tel. (916) 941-5184
Fax (916) 404-4867
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Rick.Sung@sho.co.santa-clara.ca.us <Rick.Sung@sho.co.santa-clara.ca.us> **Mon, Nov 2, 2009 at 8:00 AM**
To: Craig Weaver <craigcweaver@gmail.com>
Cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski <usrugby@gmail.com>

Mr. Weaver,

I like to set up the interview for this Thursday, November 5th, at 2 p.m. at our Office, 55 W. Younger Avenue, San Jose. Upon arrival in the main lobby of our building, Mr. Jacobs needs to check in with a deputy at the Ops Window, which will be on his left side, and let the deputy know that he

is there to see me. Please let me know if there are any questions.

Regards,

Sergeant Rick Sung#1853, Public Information Officer
Santa Clara County Sheriff's Office
55 W. Younger Avenue, San Jose CA
Office: 408) 808-4905
Pager: 408) 280-8886

Craig Weaver
<craigweaver@gmail.com>
To: Rick.Sung@SHO.CO.SANTA-CLARA.CA.US
cc: Gary W Gorski <usrugby@gmail.com>,
Cheryl.Stevens@cco.sccgov.org
Subject: Re: FW: Mr. Thomas Jacobs
10/29/2009 03:18
PM

[Quoted text hidden]

Craig Weaver <craigweaver@gmail.com>
To: Rick.Sung@sho.co.santa-clara.ca.us
Cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski <usrugby@gmail.com>

Mon, Nov 2, 2009 at 4:07 PM

Sergeant Sung,

Again, thank you for your prompt response.

Mr. Jacobs looks forward to meeting with you on Thursday at 2 p.m.

Please contact me if you have any questions before then.

Thank you,

Craig Weaver

[Quoted text hidden]

--

[Quoted text hidden]

Craig Weaver <craigweaver@gmail.com>
To: Rick.Sung@sho.co.santa-clara.ca.us
Cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski <usrugby@gmail.com>

Thu, Nov 5, 2009 at 9:49 PM

Sergeant Sung,
I spoke with Mr. Jacobs today and understand that there was some confusion regarding where today's meeting was to take place on the part of Mr. Jacobs. I apologize for any inconvenience this may have caused you.

We are optimistic that we will be able to reschedule another meeting in the very near future.

As stated before, Mr. Jacobs is unavailable to meet on the following dates:
Tuesday, November 10, 2009;
Wednesday, November 18, 2009.

Otherwise, Mr. Jacobs is generally available Monday through Friday, from 9:00 a.m. through 2:00 p.m.

Again, please let me know a date and time that will work for both you and Mr. Jacobs.

Thank you for your attention to this matter.

Sincerely,

Craig Weaver

Craig C. Weaver, J.D.
Legal Intern
THE LAW OFFICES OF GARY W. GORSKI
craigcweaver@gmail.com
Tel. (916) 941-5184
Fax (916) 404-4867
"Legum servi sumus ut liberi esse possimus." - Cicero

[Quoted text hidden]

--

[Quoted text hidden]

Rick.Sung@sho.co.santa-clara.ca.us <Rick.Sung@sho.co.santa-clara.ca.us> Tue, Nov 10, 2009 at 7:35 AM
To: Craig Weaver <craigcweaver@gmail.com>
Cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski <usrugby@gmail.com>

Mr. Weaver,

I'm available to meet with Mr. Jacobs on Tuesday, November 17, at 9 a.m.,
at our headquarters.

Sergeant Rick Sung#1853, Public Information Officer
Santa Clara County Sheriff's Office
55 W. Younger Avenue, San Jose CA
Office: 408) 808-4905
Pager: 408) 280-8886

Craig Weaver
<craigcweaver@gmail.com>
To: Rick.Sung@sho.co.santa-clara.ca.us
cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski
<usrugby@gmail.com>

Subject: Re: FW: Mr. Thomas Jacobs

11/05/2009 09:49
PM

[Quoted text hidden]

Craig Weaver <craigcweaver@gmail.com>
To: Rick.Sung@sho.co.santa-clara.ca.us
Cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski <usrugby@gmail.com>, Tom Jacobs
<m.t.jacobs@sbcglobal.net>

Tue, Nov 10, 2009 at 5:00 PM

Sgt. Sung,

Mr. Jacobs looks forward to meeting with you on Tuesday, November 17, 2009, at 9:00 a.m.

Thank you for your help coordinating this meeting.

Sincerely,

Craig Weaver
Legal Intern

On Tue, Nov 10, 2009 at 7:35 AM, <Rick.Sung@sho.co.santa-clara.ca.us> wrote:

Mr. Weaver,

I'm available to meet with Mr. Jacobs on Tuesday, November 17, at 9 a.m.,
at our headquarters.

Sergeant Rick Sung#1853, Public Information Officer
Santa Clara County Sheriff's Office
55 W. Younger Avenue, San Jose CA
Office: 408) 808-4905
Pager: 408) 280-8886

--
Craig C. Weaver, J.D.
craigcweaver@gmail.com
Tel. (916) 941-5184 | Fax (916) 404-4867
"Legum servi sumus ut liberi esse possimus." - Cicero

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Craig Weaver <craigcweaver@gmail.com>

Wed, Nov 18, 2009 at 4:08 PM

To: Rick.Sung@sho.co.santa-clara.ca.us

Cc: Cheryl.Stevens@cco.sccgov.org, Gary W Gorski <usrugby@gmail.com>

Sgt. Sung,

Please see attached.


Thank you,

Craig Weaver
Legal Intern

--
Craig C. Weaver, J.D.
craigcweaver@gmail.com

Tel. (916) 941-5184 | Fax (916) 404-4867
"Legum servi sumus ut liberi esse possimus." - Cicero

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 **Letter_to_Sgt_Sung_11-18-2009.pdf**
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Exhibit "26"



San José Police Department

October 28, 2009

Mr. Thomas Jacobs
3309 Padilla Way,
San Jose CA 95148

Dear Mr. Jacobs,

Your application for a Concealed Weapon Permit has been reviewed. The request for a CCW Permit has been declined. The Chief of Police is given the sole discretion for the issuance of CCW Permits. This authority is outlined in the California Penal Code Section 12050.

Your application has been declined for one or more of the following reasons:

- Good moral character cannot be established (12050 PC)
- Good cause has not been established (12050 PC)
- You are a person prohibited from possessing a firearm(12021.1PC)
- You have not completed the minimum training as established by SJPD (12050 PC),
- Psychological clearance has not been obtained from the Department Psychologist (12054 PC)
- Application is incomplete/false statements provided. (12051 PC)
- Applicant does not meet residence requirement (12050 PC)

This decision is final and no appeal can be made.

If you have any questions regarding this decision, please feel free to contact me.

Sincerely,

Robert L. Davis, Chief of Police
San Jose Police Department

A handwritten signature in black ink, appearing to read "Steven J. McEwan".

Sgt. Steven J. McEwan, # 3112
Permits Unit
(408) 277-2680

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Exhibit "27"

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800

To: Sergeant Rick Sung
Badge #1853
Public Information Officer
Santa Clara County Sheriff's Office
55 W. Younger Avenue
San Jose, CA 95110
Rick.Sung@sho.co.santa-clara.ca.us

From: Gary W. Gorski
Attorney at Law
1207 Front St., Suite 15
Sacramento, CA 95814
Tel. (916) 965-6800

November 18, 2009

RE: CCW Application of Thomas Jacobs

Sgt. Sung:

Thank you for responding to Mr. Jacobs's appeal to the denial of his CCW application and scheduling and eventually meeting with Mr. Jacobs regarding his appeal.

Mr. Jacobs has informed me that during your November 17, 2009, meeting, in addition to posing questions to Mr. Jacobs, you also requested that he consent to a criminal background check and provide you with additional information including his personal medical records and client contact information.

While Mr. Jacobs has already given his consent for your office to perform a criminal background check, and has signed the corresponding requisite forms, he is not willing to provide you or your office with any other additional information. Mr. Jacobs has already completed and submitted the standard California CCW application and has interviewed with you personally. Had you desired this information, you should have requested that Mr. Jacobs bring it with him to your meeting on November 17th.

Since the simple fact of the matter is that your office has the purported authority to deny Mr. Jacobs's CCW application without giving any reason whatsoever, Mr. Jacobs is unwilling to continue consuming his time and resources by providing you with further

THE LAW OFFICES OF GARY W. GORSKI

1207 Front Street, Suite 15, Sacramento, CA 95814 – Tel. (916) 965-6800 – Email: usrugby@gmail.com

personal information. My client has provided you with ample information to make a determination on his fitness to carry a concealed weapon. If California employed a "shall issue" policy as opposed to a "may issue" policy, Mr. Jacobs's application would unequivocally be granted.

All my client asks is that he be afforded the same right to defend himself and his family that is given to retired California peace officers who are issued a CCW by your office. Please make your determination as to the status of Mr. Jacobs's appeal with the information you already have available to you. Again, thank you for your time and consideration and we look forward to your response.

Sincerely,

Gary W. Gorski

Gary W. Gorski
Attorney at Law

Encl.:

Cc: Thomas Jacobs
Craig C. Weaver
Cheryl Stevens

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Exhibit "28"

1 **CALIFORNIA PENAL CODE SECTIONS 12025**

2 (a) A person is guilty of carrying a concealed firearm when he or she
3 does any of the following:

4 (1) Carries concealed within any vehicle which is under his or her
5 control or direction any pistol, revolver, or other firearm capable
6 of being concealed upon the person.

7 (2) Carries concealed upon his or her person any pistol, revolver,
8 or other firearm capable of being concealed upon the person.

9 (3) Causes to be carried concealed within any vehicle in which he
10 or she is an occupant any pistol, revolver, or other firearm capable
11 of being concealed upon the person.

12 (b) Carrying a concealed firearm in violation of this section is
13 punishable, as follows:

14 (1) Where the person previously has been convicted of any felony,
15 or of any crime made punishable by this chapter, as a felony.

16 (2) Where the firearm is stolen and the person knew or had reasonable
17 cause to believe that it was stolen, as a felony.

18 (3) Where the person is an active participant in a criminal street
19 gang, as defined in subdivision (a) of Section 186.22, under the Street
20 Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with
21 Section 186.20) of Title 7 of Part 1), as a felony.

22 (4) Where the person is not in lawful possession of the firearm, as
23 defined in this section, or the person is within a class of persons
24 prohibited from possessing or acquiring a firearm pursuant to
25 Section 12021 or 12021.1 of this code or Section 8100
26 or 8103 of the Welfare and Institutions Code, as a
27 felony.

28 (5) Where the person has been convicted of a crime against a person
or property, or of a narcotics or dangerous drug violation, by imprisonment
in the state prison, or by imprisonment in a county jail not to exceed
one year, by a fine not to exceed one thousand dollars (\$1,000), or by
both that imprisonment and fine.

(6) By imprisonment in the state prison, or by imprisonment in a county
jail not to exceed one year, by a fine not to exceed one thousand dollars
(\$1,000), or by both that fine and imprisonment if both of the following
conditions are met:

(A) Both the pistol, revolver, or other firearm capable of being
concealed upon the person and the unexpended ammunition capable of being
discharged from that firearm are either in the immediate possession
of the person or readily accessible to that person, or the pistol,
revolver, or other firearm capable of being concealed upon the person is
loaded as defined in subdivision (g) of Section 12031.

1 (B) The person is not listed with the Department of Justice pursuant to
2 paragraph (1) of subdivision (c) of Section 11106, as the registered
owner of that pistol, revolver, or other firearm capable of being
concealed upon the person.

3 (7) In all cases other than those specified in paragraphs (1) to
4 (6), inclusive, by imprisonment in a county jail not to exceed one
5 year, by a fine not to exceed one thousand dollars (\$1,000), or by
both that imprisonment and fine.

6 (c) A peace officer may arrest a person for a violation
7 of paragraph (6) of subdivision (b) if the peace officer has probable cause to believe
8 that the person is not listed with the Department of Justice pursuant to
9 paragraph (1) of subdivision (c) of Section 11106 as the registered
owner of the pistol, revolver, or other firearm capable of being
concealed upon the person, and one or more of the conditions in
subparagraph (A) of paragraph (6) of subdivision (b) is met.

10 (d) (1) Every person convicted under this section who previously has
11 been convicted of a misdemeanor offense enumerated in Section 12001.6
12 shall be punished by imprisonment in a county jail for at least three
13 months and not exceeding six months, or, if granted probation, or if the
execution or imposition of sentence is suspended, it shall be a condition
thereof that he or she be imprisoned in a county jail for at least three
months.

14 (2) Every person convicted under this section who has previously
15 been convicted of any felony, or of any crime made punishable by this
16 chapter, if probation is granted, or if the execution or imposition
of sentence is suspended, it shall be a condition thereof that he
or she be imprisoned in a county jail for not less than three months.

17 (e) The court shall apply the three-month minimum sentence as specified
18 in subdivision (d), except in unusual cases where the interests
19 of justice would best be served by granting probation or suspending the
20 imposition or execution of sentence without the minimum imprisonment
21 required in subdivision (d) or by granting probation or suspending the
imposition or execution of sentence with conditions other than those set
forth in subdivision (d), in which case, the court shall specify on the
record and shall enter on the minutes the circumstances indicating that
the interests of justice would best be served by that disposition.

22 (f) Firearms carried openly in belt holsters are not concealed
within the meaning of this section.

23 (g) For purposes of this section, "lawful possession of the firearm"
24 means that the person who has possession or custody of the firearm either
25 lawfully owns the firearm or has the permission of the lawful owner or a
26 person who otherwise has apparent authority to possess or have custody
of the firearm. A person who takes a firearm without the permission of the
lawful owner or without the permission of a person who has lawful custody
of the firearm does not have lawful possession of the firearm.

27 (h) (1) The district attorney of each county shall submit annually a
28

1 report on or before June 30, to the Attorney General consisting
of profiles by race, age, gender, and ethnicity of any person charged with a
2 felony or a misdemeanor under this section and any other offense charged
in the same complaint, indictment, or information.

3 (2) The Attorney General shall submit annually, a report on
4 or before December 31, to the Legislature compiling all of the reports
submitted pursuant to paragraph (1).

5 (3) This subdivision shall remain operative until January 1, 2005,
6 and as of that date shall be repealed.

7 (Amended by Stats. 1999, Ch. 571, § 2. Effective January 1,
2000. Subd. (h) is inoperative on Jan. 1, 2005.)

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Exhibit "29"

1 **CALIFORNIA PENAL CODE SECTIONS 12027**

2 Section 12025 does not apply to, or affect, any of the
3 following;

4 (a)(1)(A) Any peace officer, listed in Section 830.1
5 or 830.2, or subdivision (a) of Section 830.33, whether
6 active or honorably retired, other duly appointed peace
7 officers, honorably retired peace officers listed in
8 subdivision (c) of Section 830.5, other honorably retired
9 peace officers who during the course and scope of their
10 employment as peace officers were authorized to, and did,
11 carry firearms, full-time paid peace officers of other
12 states and the federal government who are carrying out
13 official duties while in California, or any person summoned
14 by any of these officers to assist in making arrests
15 or preserving the peace while he or she is actually engaged in
16 assisting that officer. Any peace officer described in this
17 paragraph who has been honorably retired shall be issued an
18 identification certificate by the law enforcement agency
19 from which the officer has retired. The issuing agency may
20 charge a fee necessary to cover any reasonable expenses
21 incurred by the agency in issuing certificates pursuant to
22 this subdivision. As used in this section and Section 12031,
23 the term "honorably retired" includes all peace officers who
24 have qualified for, and have accepted, a service
25 or disability retirement. For purposes of this section and
26 Section 12031, the term "honorably retired" does not include
27 an officer who has agreed to a service retirement in lieu
28 of termination.

(B) Any officer, except an officer listed in Section 830.1
or 830.2, subdivision (a) of Section 830.33,
or subdivision (c) of Section 830.5 who retired prior to
January 1, 1981, shall have an endorsement on the
identification certificate stating that the issuing agency
approves the officer's carrying of a concealed firearm.

(C) No endorsement or renewal endorsement issued pursuant to
paragraph (2) shall be effective unless it is in the format
set forth in subparagraph (D), except that any peace officer
listed in subdivision (f) of Section 830.2 or in
subdivision (c) of Section 830.5, who is retired between
January 2, 1981, and on or before December 31, 1988, and who
is authorized to carry a concealed firearm pursuant to this
section, shall not be required to have an endorsement in the
format set forth in subparagraph (D) until the time of the
issuance, on or after January 1, 1989, of a renewal
endorsement pursuant to paragraph (2).

(D) A certificate issued pursuant to this paragraph for
persons who are not listed in Section 830.1 or 830.2,
subdivision (a) of Section 830.33, or subdivision (c)
of Section 830.5 or for persons retiring after January 1, 1981,

1 shall be in the following format: it shall be on a 2 x 3
2 inch card, bear the photograph of the retiree, the retiree's
3 name, date of birth, the date that the retiree retired, name
4 and address of the agency from which the retiree retired,
5 have stamped on it the endorsement "CCW Approved" and the
6 date the endorsement is to be renewed. A certificate issued
7 pursuant to this paragraph shall not be valid as
8 identification for the sale, purchase, or transfer of a
9 firearm.

10 (E) For purposes of this section and Section 12031, "CCW
11 means "carry concealed weapons."

12 (2) A retired peace officer, except an officer listed in
13 Section 830.1 or 830.2, subdivision (a) of Section 830.33,
14 or subdivision (c) of Section 830.5 who retired prior to
15 January 1, 1981, shall petition the issuing agency for the
16 renewal of his or her privilege to carry a concealed firearm
17 every five years. An honorably retired peace officer listed
18 in Section 830.1 or 830.2, subdivision (a)
19 of Section 830.33, or subdivision (c) of Section 830.5 who
20 retired prior to January 1, 1981, shall not be required to
21 obtain an endorsement from the issuing agency to carry a
22 concealed firearm. The agency from which a peace officer is
23 honorably retired may, upon initial retirement of that peace
24 officer, or at any time subsequent thereto, deny or revoke
25 for good cause the retired officer's privilege to carry a
26 concealed firearm. A peace officer who is listed in
27 Section 830.1 or 830.2, subdivision (a) of Section 830.33,
28 or subdivision (c) of Section 830.5 who retired prior to
January 1, 1981, shall have his or her privilege to carry a
concealed firearm denied or revoked by having the agency
from which the officer retired stamp on the officer's
identification certificate "No CCW privilege."

(3) An honorably retired peace officer who is listed in
subdivision (c) of Section 830.5 and authorized to carry
concealed firearms by this subdivision shall meet the
training requirements of Section 832 and shall qualify with
the firearm at least annually. The individual retired peace
officer shall be responsible for maintaining his or her
eligibility to carry a concealed firearm. The Department
of Justice shall provide subsequent arrest notification
pursuant to Section 11105.2 regarding honorably retired
peace officers listed in subdivision (c) of Section 830.5 to
the agency from which the officer has retired.

(b) The possession or transportation of unloaded pistols,
revolvers, or other firearms capable of being concealed upon
the person as merchandise by a person who is engaged in the
business of manufacturing, importing, wholesaling,
repairing, or dealing in firearms and who is licensed to
engage in that business or the authorized representative
or authorized agent of that person while engaged in the lawful

1 course of the business.

2 (c) Members of the Army, Navy, Air Force, Coast Guard,
3 or Marine Corps of the United States, or the National Guard,
4 when on duty, or organizations which are by law authorized
5 to purchase or receive those weapons from the United States
6 or this state.

7 (d) The carrying of unloaded pistols, revolvers, or other
8 firearms capable of being concealed upon the person by duly
9 authorized military or civil organizations while parading,
10 or the members thereof when going to and from the places
11 of meeting of their respective organizations.

12 (e) Guards or messengers of common carriers, banks, and
13 other financial institutions while actually employed in and
14 about the shipment, transportation, or delivery of any
15 money, treasure, bullion, bonds, or other thing of value
16 within this state.

17 (f) Members of any club or organization organized for the
18 purpose of practicing shooting at targets upon established
19 target ranges, whether public or private, while the members
20 are using pistols, revolvers, or other firearms capable
21 of being concealed upon the person upon the target ranges,
22 or transporting these firearms unloaded when going to and from
23 the ranges.

24 (g) Licensed hunters or fishermen carrying pistols,
25 revolvers, or other firearms capable of being concealed upon
26 the person while engaged in hunting or fishing,
27 or transporting those firearms unloaded when going to
28 or returning from the hunting or fishing expedition.

(h) Transportation of unloaded firearms by a person
operating a licensed common carrier or an authorized agent
or employee thereof when transported in conformance with
applicable federal law.

(i) Upon approval of the sheriff of the county in which they
reside, honorably retired federal officers or agents
of federal law enforcement agencies, including, but not limited
to, the Federal Bureau of Investigation, the Secret Service,
the United States Customs Service, the Federal Bureau
of Alcohol, Tobacco, and Firearms, the Federal Bureau
of Narcotics, the Drug Enforcement Administration, the United
States Border Patrol, and officers or agents of the Internal
Revenue Service who were authorized to carry weapons while
on duty, who were assigned to duty within the state for a
period of not less than one year, or who retired from active
service in the state.

Retired federal officers or agents shall provide the sheriff
with certification from the agency from which they retired

1 certifying their service in the state, the nature of their
2 retirement, and indicating the agency's concurrence that the
3 retired federal officer or agent should be accorded the
4 privilege of carrying a concealed firearm.

5 Upon that approval, the sheriff shall issue a permit to the
6 retired federal officer or agent indicating that he or she
7 may carry a concealed firearm in accordance with this
8 subdivision. The permit shall be valid for a period not
9 exceeding five years, shall be carried by the retiree while
10 carrying a concealed firearm, and may be revoked for good
11 cause.

12 The sheriff of the county in which the retired federal
13 officer or agent resides may require recertification prior
14 to a permit renewal, and may suspend the privilege for
15 cause. The sheriff may charge a fee necessary to cover any
16 reasonable expenses incurred by the county.

17 (j) The carrying of a pistol, revolver, or other firearm
18 capable of being concealed upon the person by a person who
19 is authorized to carry that weapon in a concealed manner
20 pursuant to Article 3 (commencing with Section 12050).

21 (Added by Stats. 1953, c. 36, p. 655, § 1. Amended by
22 Stats. 1959, c. 1854, p. 4409, § 1; Stats. 1963, c. 1677,
23 p. 3262, § 1; Stats. 1965, c. 281, p. 1281, § 2; Stats. 1968,
24 c. 1222, p. 2322, § 61; Stats. 1969, c. 1012, p. 1982, § 1;
25 Stats. 1974, c. 1090, p. 2316, § 1; Stats. 1980, c. 1340,
26 § 24, eff. Sept. 30, 1980; Stats. 1981, c. 32, § 2, eff.
27 May 14, 1981; Stats. 1984, c. 351, § 1; Stats. 1986, c. 937,
28 § 2; Stats. 1987, c. 115, § 1; Stats. 1987, c. 700, § 3;
Stats. 1988, c. 998, § 1; Stats. 1988, c. 1212, § 1.5;
Stats. 1991, c. 952, § 1; Stats. 1992, c. 1326, § 3;
Stats. 1992, c. 1340, § 8; Stats. 1993, c. 224, § 1;
Stats. 1993, c. 428, § 2; Stats. 1996, c. 668, § 1;
Stats. 1998, c. 760, § 7; Stats. 2007, c. 139, § 1.)

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Exhibit "30"

1 **CALIFORNIA PENAL CODE SECTIONS 12027.1**

2 (a) (1) (A) (i) Any peace officer employed by an agency and listed in
3 Section 830.1 or 830.2 or subdivision (c)
4 of Section 830.5 who retired after January 1, 1981, shall have an endorsement
5 on the identification certificate stating that the issuing agency
6 approves the officer's carrying of a concealed and loaded firearm.

7 (ii) Any peace officer listed in Section 830.1 or 830.2
8 or subdivision (c) of Section 830.5 who retired prior to January 1,
9 1981, is authorized to carry a concealed and loaded firearm if the agency
10 issued the officer an identification certificate and the certificate has
11 not been stamped as specified in paragraph (2) of subdivision (a)
12 of Section 12027.

13 (iii) Peace officers not listed in clause (i) or (ii) who were
14 authorized to, and did, carry firearms during the course and scope
15 of their employment as peace officers, shall have an endorsement on the
16 identification certificate stating that the issuing agency approves
17 the officer's carrying of a concealed and loaded firearm.

18 (B) An identification certificate authorizing the officer to carry a
19 concealed and loaded firearm or an endorsement on the certificate may be
20 revoked or denied by the issuing agency only upon a showing of good
21 cause. Good cause shall be determined at a hearing, as specified in
22 subdivision (d).

23 (2) A retired peace officer may have his or her privilege to carry a
24 concealed and loaded firearm revoked or denied by violating any
25 departmental rule, or state or federal law that, if violated by an
26 officer on active duty, would result in that officer's arrest,
27 suspension, or removal from the agency.

28 (b) (1) An identification certificate authorizing the officer to carry
a concealed and loaded firearm or an endorsement may be revoked or denied
by the issuing agency only upon a showing of good cause. Good cause shall
be determined at a hearing, as specified in subdivision (d).

(2) An identification certificate authorizing the officer to carry a
concealed and loaded firearm or an endorsement may be revoked only after
a hearing, as specified in subdivision (d). Any retired peace officer
whose identification certificate authorizing the officer to carry a
concealed and loaded firearm or an endorsement is to be revoked shall
have 15 days to respond to the notice of the hearing. Notice of the
hearing shall be served either personally on the retiree or sent by
first-class mail, postage prepaid, return receipt requested to the
retiree's last known place of residence. Upon the date the agency
receives the signed registered receipt or upon the date the notice is
served personally on the retiree, the retiree shall have 15 days to
respond to the notification. A retired peace officer who fails to respond
to the notice of the hearing shall forfeit his or her right to respond.

(3) An identification certificate authorizing the officer to carry a
concealed and loaded firearm or an endorsement may be denied prior to a

1 hearing. If a hearing is not conducted prior to the denial of an
2 endorsement, a retired peace officer, within 15 days of the denial, shall
3 have the right to request a hearing. A retired peace officer who fails to
4 request a hearing pursuant to this paragraph shall forfeit his or her
5 right to the hearing.

6 (c) A retired peace officer, when notified of the revocation
7 of his or her privilege to carry a concealed and loaded firearm, after
8 the hearing, or upon forfeiting his or her right to a hearing, shall
9 immediately surrender to the issuing agency his or her identification
10 certificate. The issuing agency shall reissue a new identification
11 certificate without an endorsement. However, if the peace officer
12 retired prior to January 1, 1981, and was at the time of his or her
13 retirement a peace officer listed in Section 830.1 or 830.2
14 or subdivision (c) of Section 830.5, the issuing agency shall stamp on
15 the identification certificate "No CCW privilege."

16 (d) Any hearing conducted under this section shall be held before a
17 three-member hearing board. One member of the board shall be selected by
18 the agency and one member shall be selected by the retired peace officer
19 or his or her employee organization. The third member shall be selected
20 jointly by the agency and the retired peace officer or his or her
21 employee organization.

22 Any decision by the board shall be binding on the agency and the
23 retired peace officer.

24 (e) No peace officer who is retired after January 1, 1989, because of a
25 psychological disability shall be issued an endorsement to carry a
26 concealed and loaded firearm pursuant to this section.

27 (Amended by Stats. 1993, Ch. 428, § 3. Effective January 1,
28 1994.)