

1 XAVIER BECERRA, State Bar No. 118517
 Attorney General of California
 2 TAMAR PACTHER, State Bar No. 146083
 Supervising Deputy Attorney General
 3 ALEXANDRA ROBERT GORDON, State Bar No. 207650
 JOHN D. ECHEVERRIA, State Bar No. 268843
 4 Deputy Attorneys General
 455 Golden Gate Avenue, Suite 11000
 5 San Francisco, CA 94102-7004
 Telephone: (415) 703-5509
 6 Fax: (415) 703-5480
 E-mail: Alexandra.RobertGordon@doj.ca.gov
 7 *Attorneys for Defendants*

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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<p>13 WILLIAM WIESE, et al., 14 15 v. 16 XAVIER BECERRA, et al., 17 18 19</p> <p style="text-align: right;">Plaintiff, Defendant.</p>	<p>2:17-cv-00903-WBS-KJN</p> <p>DECLARATION OF ALEXANDRA ROBERT GORDON IN SUPPORT OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION</p> <p>Date: June 16, 2017 Time: 10:00 a.m. Courtroom: 5 Judge: The Honorable William B. Shubb Action Filed: April 28, 2017</p>
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1 I, Alexandra Robert Gordon, declare:

2 1. I am a Deputy Attorney General at the California Department of Justice and serve
3 as counsel to Attorney General Xavier Becerra in the above-titled matter.

4 2. Except as otherwise stated, I have personal knowledge of the facts set forth in this
5 declaration, and if called upon as a witness I could testify competently as to those facts. I make
6 this declaration in support of the Attorney General's Opposition to Plaintiff's Renewed Motion
7 for a Temporary Restraining Order and the Issuance of a Preliminary Injunction.

8 3. A true and correct copy of Phillip J. Cook, et al., *The Gun Debate's New Mythical*
9 *Number How Many Defensive Uses Per Year?*, 16 Journal of Policy Analysis and Management,
10 No. 3, (Summer, 1997), pp.463-469, attached hereto as **Exhibit 1**.

11 4. A true and correct copy of selected pages of James Alan Fox and Jack Levin,
12 *Extreme Killing: Understanding Serial and Mass Murder* (2d ed., 2005) pp. 147, 149, 152-53,
13 168, 187, 216, 227 is attached hereto as **Exhibit 2**.

14 5. A true and correct copy of selected pages of David Hemenway, *Private Guns*
15 *Public Health* (2004) pp. 64-78 is attached hereto as **Exhibit 3**.

16 6. A true and correct copy of Claude Werner, *The Armed Citizen – Analysis of Five*
17 *Year of Armed Encounters*, Gunssavelives.net (Mar. 12, 2012), which can be located at
18 [http://gunssavelives.net/self-defense/analysis-of-five-years-of-armed-encounters-with-data-](http://gunssavelives.net/self-defense/analysis-of-five-years-of-armed-encounters-with-data-tables/)
19 [tables/](http://gunssavelives.net/self-defense/analysis-of-five-years-of-armed-encounters-with-data-tables/), is attached hereto as **Exhibit 4**.

20 7. A true and correct copy of an excerpt of Massad Ayoob, *The Gun Digest Book of*
21 *Concealed Carry* (2012) p. 64, is attached hereto as **Exhibit 5**.

22 8. A true and correct copy of the Declaration of Christopher S. Koper in Support of
23 Sunnyvale's Opposition to Plaintiff's Motion for Preliminary Injunction, *Leonard Fyock, et al. v.*
24 *The City of Sunnyvale, et al.*, Case Number 13-cv-05807, Docket No. 39, is attached hereto as
25 **Exhibit 6**.

26 9. A true and correct copy of a letter from the National Rifle Association and the
27 California Rifle & Pistol Association Incorporated to the California Office of Administrative Law
28

1 and the California Department of Justice Bureau of Firearms, dated December 28, 2016, is
2 attached hereto as **Exhibit 7**.

3 10. A true and correct copy of a letter from the Commissioner Charles H. Ramsey,
4 Philadelphia Police Department, President of the Major Cities Chiefs Association to the Vice
5 President of the United States, dated December 28, 2012, is attached hereto as **Exhibit 8**.

6 11. A true and correct copy of Mark Follman, *More Guns, More Mass Shootings—*
7 *Coincidence?*, Mother Jones (Sep. 26, 2012),
8 <http://www.motherjones.com/politics/2012/09/mass-shootings-investigation>, is attached hereto as
9 **Exhibit 9**.

10 12. A true and correct copy of Mark Follman, et al., *A Guide to Mass Shootings in*
11 *America*, Mother Jones (Jul. 20, 2012), [http://www.motherjones.com/politics/2012/07/mass-](http://www.motherjones.com/politics/2012/07/mass-shootings-map)
12 [shootings-map](http://www.motherjones.com/politics/2012/07/mass-shootings-map), is attached hereto as **Exhibit 10**.

13 13. A true and correct copy of Mark Follman and Gavin Aronsen, *“A Killing*
14 *Machine”*: *Half of All Mass Shooters Used High-Capacity Magazines*, Mother Jones (Jan. 30,
15 2013), <http://www.motherjones.com/politics/2013/01/high-capacity-magazines-mass-shootings>, is
16 attached hereto as **Exhibit 11**.

17 14. True and correct copies of various media reports stating that the shooter was
18 subdued or tackled while reloading are attached hereto as **Exhibit 12**.

19 15. A true and correct copy of Kevin Dolak and Justin Weaver, *Woman Wrestled*
20 *Fresh Ammo Clip from Tucson Shooter as He Tried to Reload*, ABC News (Jan. 9, 2011),
21 [http://abcnews.go.com/Politics/patricia-maisch-describes-stopping-gunman-](http://abcnews.go.com/Politics/patricia-maisch-describes-stopping-gunman-reloading/story?id=12577933)
22 [reloading/story?id=12577933](http://abcnews.go.com/Politics/patricia-maisch-describes-stopping-gunman-reloading/story?id=12577933), is attached hereto as **Exhibit 13**.

23 16. A true and correct copy of Edmund Mahony, et al., *Sandy Hook Shooter’s Pause*
24 *May Have Aided Students’ Escape*, The Hartford Courant (Dec. 23, 2012),
25 [http://www.courant.com/news/connecticut/newtown-sandy-hook-school-shooting/hc-lanza-](http://www.courant.com/news/connecticut/newtown-sandy-hook-school-shooting/hc-lanza-gunjam-20121222-story.html)
26 [gunjam-20121222-story.html](http://www.courant.com/news/connecticut/newtown-sandy-hook-school-shooting/hc-lanza-gunjam-20121222-story.html), is attached hereto as **Exhibit 14**.

1 17. A true and correct copy of NBC Southern California, *LAPD Chief Backs Ban on*
2 *Some Ammo Magazines* (Mar. 2, 2011), [http://www.nbclosangeles.com/news/local/beck-lapd-](http://www.nbclosangeles.com/news/local/beck-lapd-ammunition-ban-nra-117261943.html)
3 [ammunition-ban-nra-117261943.html](http://www.nbclosangeles.com/news/local/beck-lapd-ammunition-ban-nra-117261943.html), is attached hereto as **Exhibit 15**.

4 18. A true and correct copy of David S. Fallis and James V. Grinaldi, *Va. Data show*
5 *drop in criminal firepower during assault gun ban*, Washington Post (Jan. 23, 2011),
6 http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012203452_pf.html,
7 is attached hereto as **Exhibit 16**.

8 19. A true and correct copy of David Fallis, *Data indicate drop in high-capacity*
9 *magazines during federal gun ban*, Washington Post (Jan. 10, 2013),
10 [https://www.washingtonpost.com/investigations/data-point-to-drop-in-high-capacity-magazines-](https://www.washingtonpost.com/investigations/data-point-to-drop-in-high-capacity-magazines-during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-aabac85e8036_story.html?utm_term=.d3a51bc0befb)
11 [during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-](https://www.washingtonpost.com/investigations/data-point-to-drop-in-high-capacity-magazines-during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-aabac85e8036_story.html?utm_term=.d3a51bc0befb)
12 [aabac85e8036_story.html?utm_term=.d3a51bc0befb](https://www.washingtonpost.com/investigations/data-point-to-drop-in-high-capacity-magazines-during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-aabac85e8036_story.html?utm_term=.d3a51bc0befb), is attached hereto as **Exhibit 17**.

13 20. A true and correct copy of Greg Botelho and Steve Almasy, *San Bernardino*
14 *shooting: Carnage was 'unspeakable,' police say*, CNN (Dec. 4, 2015),
15 <http://www.cnn.com/2015/12/03/us/san-bernardino-shooting/index.html>, is attached hereto as
16 **Exhibit 18**.

17 21. A true and correct copy of Eric Levenson, *San Bernardino school shooter fired 10*
18 *shots, reloaded once*, CNN (Apr. 12, 2017), [http://www.cnn.com/2017/04/11/us/san-bernardino-](http://www.cnn.com/2017/04/11/us/san-bernardino-school-shooting/index.html)
19 [school-shooting/index.html](http://www.cnn.com/2017/04/11/us/san-bernardino-school-shooting/index.html), is attached hereto as **Exhibit 19**.

20 22. A true and correct copy of Ralph Ellis, et al., *Orlando Shooting: 49 killed, shooter*
21 *pledged ISIS allegiance*, CNN (June 13, 2016), [http://www.cnn.com/2016/06/12/us/orlando-](http://www.cnn.com/2016/06/12/us/orlando-nightclub-shooting/)
22 [nightclub-shooting/](http://www.cnn.com/2016/06/12/us/orlando-nightclub-shooting/), is attached hereto as **Exhibit 20**.

23 23. A true and correct copy of Mark Follman, *This is the Assault Rifle Used by the*
24 *Orlando Mass Shooter*, Mother Jones (Jun. 13, 2016),
25 <http://www.motherjones.com/politics/2016/06/assault-rifle-used-by-orlando-mass-shooter>, is
26 attached hereto as **Exhibit 21**.

27 24. A true and correct copy of an Excel spreadsheet of data from Mother Jones'
28 investigation titled "U.S. Mass Shootings, 1982-2016,"

1 <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data> (accessed
2 and downloaded from site as of 5-30-2017), is attached hereto as **Exhibit 22**.

3 25. A true and correct copy of International Association of Chiefs of Police, *Position*
4 *Paper of Firearm Violence*,
5 www.theiacp.org/Portals/0/documents/pdfs/IACPFirearmsPositionPaper.pdf, is attached hereto as
6 **Exhibit 23**.

7 26. A true and correct copy of National Law Enforcement Partnership to Prevent Gun
8 Violence, *Protecting Communities from Assault Weapons and High-capacity Ammunition*
9 *Magazines* (Jan. 2017), [www.lepartnership.org/wp-content/uploads/2017/01/Partnership-Facts-](http://www.lepartnership.org/wp-content/uploads/2017/01/Partnership-Facts-Assault-Weapons-and-High-Cap-Ammo.pdf)
10 [Assault-Weapons-and-High-Cap-Ammo.pdf](http://www.lepartnership.org/wp-content/uploads/2017/01/Partnership-Facts-Assault-Weapons-and-High-Cap-Ammo.pdf), is attached hereto as **Exhibit 24**.

11 27. A true and correct copy of U.S. Department of the Treasury, Bureau of Alcohol,
12 Tobacco, and Firearms (ATF), *Recommendation on the Importability of Certain Semiautomatic*
13 *Rifles* (July 1989), is attached hereto as **Exhibit 25**.

14 28. A true and correct copy of U.S. Department of the Treasury, Bureau of Alcohol,
15 Tobacco, and Firearms (ATF), *The Treasury Study on the Sporting Suitability of Modified*
16 *Semiautomatic Assault Rifles* (April 1989), <https://www.atf.gov/file/57521/download>, is attached
17 hereto as **Exhibit 26**.

18 29. A true and correct copy of the State of Connecticut, Division of Criminal Justice,
19 *Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy*
20 *Hook Elementary School* (November 25, 2013),
21 www.ct.gov/csao/lib/csao/Sandy_Hook_Final_Report.pdf, is attached hereto as **Exhibit 27**.

22 30. A true and correct copy of Mayors Against Illegal Guns, *Analysis of Recent Mass*
23 *Shootings* (Sept. 16, 2013), [libcloud.s3.amazonaws.com/9/56/4/1242/1/analysis-of-recent-mass-](http://libcloud.s3.amazonaws.com/9/56/4/1242/1/analysis-of-recent-mass-shootings.pdf)
24 [shootings.pdf](http://libcloud.s3.amazonaws.com/9/56/4/1242/1/analysis-of-recent-mass-shootings.pdf), is attached hereto as **Exhibit 28**.

25 31. A true and correct copy of an excerpt of Virginia Tech Review Panel, *Mass*
26 *Shootings a Virginia Tech, Report of the Review Panel* (April 16, 2007) is attached hereto as
27 **Exhibit 29**.

28

1 32. A true and correct copy of the Brady Center to Prevent Gun Violence, *Assault*
2 *Weapons: Mass Produced Mayhem* (Oct. 2008),
3 www.bradycampaign.org/sites/default/files/mass-produced-mayhem.pdf, is attached hereto as
4 **Exhibit 30.**

5 33. A true and correct copy of Violence Policy Center, *The Militarization of the U.S.*
6 *Civilian Firearms Market* (June 2011), www.vpc.org/studies/militarization.pdf, is attached hereto
7 as **Exhibit 31.**

8 34. A true and correct copy of United States Department of Justice, Bureau of
9 Alcohol, Tobacco, Firearms, and Explosives, *ATF Study on the Importability of Certain Shotguns*
10 (Jan. 2011), is attached hereto as **Exhibit 32.**

11 35. A true and correct copy of the of United States Department of Justice, Bureau of
12 Alcohol, Tobacco, Firearms, and Explosives, *Report on the Importability of Certain Shotguns*
13 (July 2, 2012), is attached hereto as **Exhibit 33.**

14 36. A true and correct copy of Christopher S. Koper, *An Updated Assessment of the*
15 *Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003* (2004),
16 <https://www.ncjrs.gov/pdffiles1/nij>, is attached hereto as **Exhibit 34.**

17 37. A true and correct copy of Violence Policy Center, *Officer Down: Assault*
18 *Weapons and the War on Law Enforcement* (May 2003),
19 www.vpc.org/studies/officer%20down.pdf, is attached hereto as **Exhibit 35.**

20 38. A true and correct copy of United States Department of the Treasury, Bureau of
21 Alcohol, Tobacco, and Firearms, *Assault Weapons Profile* (April 1994), is attached hereto as
22 **Exhibit 36.**

23 39. A true and correct copy of the Final Report of the Sandy Hook Advisory
24 Commission (Mar. 18, 2015) is attached hereto as **Exhibit 37.**

25 40. A true and correct copy of the Interim Report of the Sandy Hook Advisory
26 Commission (Mar. 6, 2013) is attached hereto as **Exhibit 38.**

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28

1 41. A true and correct copy of Brady Center to Prevent Gun Violence Report titled
2 “On Target: The Impact of the 1994 Federal Assault Weapon Act”,
3 www.bradycampaign.org/sites/default/files/on_target.pdf, is attached hereto as **Exhibit 39**.

4 42. A true and correct copy of 1997 Report by Christopher S. Koper and Jeffrey Roth
5 (Urban Institute) titled “Impact Evaluation of the Public Safety and Recreational Firearms Use
6 Protection Act of 1994: Final Report”,
7 http://www.urban.org/sites/default/files/publication/67071/406797-Impact, is attached hereto as
8 **Exhibit 40**.

9 43. A true and correct copy of 2013 Report by Christopher S. Koper titled “America’s
10 Experience with the Federal Assault Weapons Ban 1994-2004: Key Findings and Implications”
11 (from *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, ed.
12 Daniel W. Webster and Jon S. Vernick, 2013), is attached hereto as **Exhibit 41**.

13 44. A true and correct copy of Report by Everytown for Gun Safety titled “Mass
14 Shootings in the United States: 2009-2016”, https://everytownresearch.org/wp-
15 content/uploads/2017/03/Analysis_of_Mas, is attached hereto as **Exhibit 42**.

16 45. A true and correct copy of Report Appendix by Everytown for Gun Safety titled
17 “Mass Shootings in the United States: 2009-2016”,
18 https://everytownresearch.org/documents/2017/03/appendix-mass-shootings-, is attached hereto
19 as **Exhibit 43**.

20 46. A true and correct copy of Report by Citizens Crime Commission of New York
21 City titled “Mass Shooting Incidents in America (1984-2012)”,
22 http://www.nycrimecommission.org/mass-shooting-incidents-america.php, is attached hereto as
23 **Exhibit 44**.

24 47. A true and correct copy of Violence Policy Center Fact Sheet titled “High-
25 Capacity Ammunition Magazines are the Common Thread Running
26 Through Most Mass Shootings in the United States”, www.vpc.org/fact_sht/VPCshootinglist.pdf,
27 is attached hereto as **Exhibit 45**.

28

1 48. A true and correct copy of Senate Bill No. 1446 Senate Third Reading Analysis,
2 <https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?>, is attached hereto as **Exhibit**
3 **46.**

4 49. A true and correct copy of California Code of Regulations sections 5480, 5482-84
5 (current LCM Regs),
6 <https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations>, is
7 attached hereto as **Exhibit 47.**

8 50. A true and correct copy of Senate Bill No. 1446 Legislative History,
9 https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201520160SB1446, is
10 attached hereto as **Exhibit 48.**

11 51. A true and correct copy of the Text of Proposition 63 is attached hereto as **Exhibit**
12 **49.**

13 52. A true and correct copy of Proposition 63 Voter Guide,
14 http://repository.uchastings.edu/cgi/viewcontent.cgi?article=2355&context=ca_ballot_props, is
15 attached hereto as **Exhibit 50.**

16 53. A true and correct copy of Senate Bill No. 23,
17 https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000SB, is attached
18 hereto as **Exhibit 51.**

19 54. A true and correct copy of Written Testimony of Laurence H. Tribe, Senate
20 Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights,
21 “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second
22 Amendment”, <https://www.judiciary.senate.gov/download/testimony-of-tribe-pdf>, is attached
23 hereto as **Exhibit 52.**

24 55. A true and correct copy of Responses to Questions of Laurence H. Tribe, Senate
25 Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights,
26 “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second
27 Amendment”, <https://www.judiciary.senate.gov/download/021213-qfrs-tribe>, is attached hereto as
28 **Exhibit 53.**

1 56. A true and correct copy of Testimony of Chief Jim Johnson, Baltimore County,
2 Maryland, Chair, National Law Enforcement Partnership to Prevent Gun Violence (Senate
3 Judiciary Committee Hearing), [https://www.judiciary.senate.gov/imo/media/doc/1-30-](https://www.judiciary.senate.gov/imo/media/doc/1-30-13JohnsonTestimony.pdf)
4 [13JohnsonTestimony.pdf](https://www.judiciary.senate.gov/imo/media/doc/1-30-13JohnsonTestimony.pdf), is attached hereto as **Exhibit 54**.

5 57. A true and correct copy of Written Testimony for Chief Jim Bueermann (Ret.)
6 President, Police Foundation, Washington, D.C. (Senate Judiciary Committee Hearing on Gun-
7 related Violence), [https://www.judiciary.senate.gov/imo/media/doc/013013RecordSubmission-](https://www.judiciary.senate.gov/imo/media/doc/013013RecordSubmission-Feins)
8 [Feins](https://www.judiciary.senate.gov/imo/media/doc/013013RecordSubmission-Feins), is attached hereto as **Exhibit 55**.

9 58. A true and correct copy of Transcript of Senate Judiciary Committee Hearing on
10 Gun Violence, [https://www.washingtonpost.com/politics/senate-judiciary-committee-hearing-on-](https://www.washingtonpost.com/politics/senate-judiciary-committee-hearing-on-gun-violence-on-jan-30-2013-transcript/2013/01/30/1f172222-6af5-11e2-af53-7b2b2a7510a8_story.html?utm_term=.a51a88424a06)
11 [gun-violence-on-jan-30-2013-transcript/2013/01/30/1f172222-6af5-11e2-af53-](https://www.washingtonpost.com/politics/senate-judiciary-committee-hearing-on-gun-violence-on-jan-30-2013-transcript/2013/01/30/1f172222-6af5-11e2-af53-7b2b2a7510a8_story.html?utm_term=.a51a88424a06)
12 [7b2b2a7510a8_story.html?utm_term=.a51a88424a06](https://www.washingtonpost.com/politics/senate-judiciary-committee-hearing-on-gun-violence-on-jan-30-2013-transcript/2013/01/30/1f172222-6af5-11e2-af53-7b2b2a7510a8_story.html?utm_term=.a51a88424a06), is attached hereto as **Exhibit 56**.

13 59. A true and correct copy of Written Testimony of Brian J. Siebel, Senior Attorney,
14 Brady Center to Prevent Gun Violence, Before the Council of the District of Columbia is attached
15 hereto as **Exhibit 57**.

16 60. A true and correct copy of Declaration of Christopher S. Koper in *June Shew, et*
17 *al. v. Dannell P. Malloy, et al.*, Case No. 3:13-CV-0739, Court Docket No. 80-1 is attached
18 hereto as **Exhibit 58**.

19 61. A true and correct copy of the San Francisco City Attorney Article, “Herrera
20 secures court order to make California communities safer”,
21 <https://www.sfcityattorney.org/2017/05/16/herrera-secures-court-order-make-california>, is
22 attached hereto as **Exhibit 59**.

23 62. A true and correct copy of Louis Klarevas, *Rampage Nation: Securing America*
24 *from Mass Shootings*, August 23, 2016, pp. 68-86, 212-225, 238-243, 256-57, 300-305, 344-349,
25 is attached hereto as **Exhibit 60**.

26 63. A true and correct copy of a Senate Rule Committee Bill Analysis of Senate Bill
27 396 (2013), dated May 15, 2013, is attached hereto as **Exhibit 61**.

28

CERTIFICATE OF SERVICE

Case Name: **Wiese, William, et al. v.** No. **2:17-cv-00903-WBS-KJN**
Xavier Becerra, et al.

I hereby certify that on June 15, 2017, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF ALEXANDRA ROBERT GORDON IN SUPPORT OF
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 15, 2017, at San Francisco, California.

N. Newlin
Declarant

/s/ N. Newlin
Signature