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7 **IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

8 STATE OF WASHINGTON,)

) **CASE NO. 22-2-20064-2**

9)
10 Plaintiff,)

v.)

11 FEDERAL WAY DISCOUNT GUNS,)
12 LLC, et al.)

) **DECLARATION OF ASHLEY
HLEBINSKY IN SUPPORT OF
DEFENDANTS' OPPOSITION
TO MOTION FOR
PRELIMINARY INJUNCTION**

13)
14 Defendants.)
15

16 I, Ashley Hlebinsky, declare as follows:

17 1. I am a firearms historian and public educator, specializing in material culture studies, as well
18 as a firearms and ammunition-related museum consultant, expert witness, freelance writer, and guest
19 lecturer. I conduct my business through a single-member LLC, The Gun Code. Previously, I served
20 as the Robert W. Woodruff Curator-in-Charge of the Cody Firearms Museum (henceforth to be
21 known as the CFM), where I curated and managed a collection of around 7,000 firearms from the
22 1200s through modern day, with over 20,000 related artifacts, including ammunition, edged
23 weapons, and accoutrements. I also served as the Project Director on the museum's full scale
24 multimillion dollar renovation, responsible for every aspect including but not limited to research,
25 content, exhibition, and installation, which reopened in 2019. This summer (2022), I co-founded the
26 University of Wyoming College of Law's Firearms Research Center with noted Second Amendment
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DECLARATION OF ASHLEY HLEBINSKY - 1

In Support of Defendants' Opposition
to Motion for Preliminary Injunction
NO. 22-2-20064-2

Silent Majority Foundation
5238 Outlet Dr.
Pasco, WA 99301

1 Scholar and University of Wyoming Law Professor, George Mocsary.

2 2. I have been retained by the Defendants in this matter to provide historical testimony on
3 firearms technology, with an emphasis on the history of technology in relation to repeaters and
4 magazine-fed repeaters, some with capacities greater than ten rounds. I will also provide a brief look
5 into the laws that existed at the time of the United States' Founding and Second Founding Eras to
6 provide reference for any possible analogous comparisons to modern magazine restrictions as
7 defined in the *New York State Rifle and Pistol Association, Inc. v. Bruen* (henceforth to be referred
8 to as *Bruen*) ruling by the Supreme Court. This report was originally prepared for *Virginia Duncan*
9 *et al v Rob Bonta* and has been modified in support of the Defendants Opposition to the State of
10 Washington's Motion for Preliminary Injunction filed in this matter, *Washington v. Federal Way*
11 *Discount Guns, LLC.*, King County Superior Court, Case No.: 22-2-20064-2. I have been retained
12 to write a declaration at the rate of \$450/hour.

13
14 **Background and Qualifications**

15 3. I have spent the last fifteen years immersed in the study of firearms history, technology, and
16 culture. I earned both Bachelor's and Master's Degrees in American History from the University of
17 Delaware, during which I studied firearms history and culture and instructed undergraduate students
18 about military weaponry throughout history. Much of my work since then focuses heavily on
19 material culture surrounding the macro-history of firearms and how their developments have
20 affected industry, culture, and society for centuries. I have been fortunate to work in some of the
21 largest collections in the United States, beginning my career as a researcher and fellow in the
22 Smithsonian Institution's National Firearms Collection housed in the National Museum of American
23 History.

24
25
26 4. Additionally, I spent a decade working with and running the only accredited firearms
27 museum in the United States, the CFM, a part of the Buffalo Bill Center of the West, which receives
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1 approximately 200,000 visitors annually. Of the 200,000 people, it is estimated, based on initial
2 survey data for the renovation, that only 50% of those people admit to having a background or
3 specified interest in firearms. During my tenure, I also served as Project Director of the museum's
4 full-scale multimillion-dollar renovation. With the aid of my team, I was responsible for all facets
5 of the renovation including but not limited to concept, content, fundraising, and collections
6 management. Final content for the museum was reviewed internally and by an external panel of
7 experts, including academic historians, museum professionals, teachers, public educators, gun
8 collectors, and people unfamiliar with firearms, as well as people with a range of different political
9 views on guns. The resulting museum, which reopened July 2019, provides a more interpretive space
10 to facilitate productive dialogue on firearms and their roles in history. Throughout this museum,
11 terminology and definitions play a significant role in educating both visitors not familiar with
12 firearms and those who consider themselves aficionados. Because roughly half of the museum's
13 audience is not familiar with firearms, we dedicated an entire gallery at the front of the museum to
14 understanding the basics of firearms past and present, their features, ammunition, and safety. Since
15 its opening, the museum has received favorable reviews from the Wall Street Journal and National
16 Public Radio for its accessibility to diverse audiences and thoughtful handling of what can be a
17 sensitive topic. It has also been praised for its efforts to educate on and impact firearms safety.¹

20 5. During my time at the CFM and through my consulting business, I have become nationally
21 known and sought after to provide a material culture perspective on firearms history that is often
22 lacking in much of modern, academic, and legislative discussions on firearms. I guide museums as
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26 ¹ Rothstein, Edward. "Handled With Care" *The Wall Street Journal*. September 27, 2019
27 <<https://www.wsj.com/articles/handled-with-care-11569601047>> Accessed December 15, 2022. Kudelska, Kamila.
28 "Firearms Museum Focuses on Gun Safety, History and Culture." *NPR*. August 25, 2019
<<https://www.npr.org/2019/08/25/753448348/firearms-museum-focuses-on-gun-safety-history-and-culture>> Accessed
December 15, 2022.

1 well other non- and for-profit organizations and government entities on the interpretation and
2 understanding of that history. I have recently prepared declarations regarding the history of
3 magazines and repeaters for *Ocean State Tactical et al v Rhode Island* and *Virginia Duncan v Bonta*.
4 In May 2021, I testified in front of the Senate Judiciary Subcommittee on the Constitution’s Hearing
5 regarding “Ghost Guns,” for which I researched and discussed the long history of privately made
6 firearms and evolution of arms technology from the colonies through the 1960s. Because I have
7 worked in several national collections that have upwards of 10,000 firearms each – collections that
8 range from the earliest through most recent technology – I have developed a broad understanding of
9 how firearms have evolved. Additionally, I have had the rare opportunity to work with, see, study
10 and handle many of the firearms referenced in this declaration.

11
12 6. In addition to my historical scholarship, I also have played a role in public education around
13 firearms. I have been responsible for the education of tens of thousands of students from elementary
14 through college levels, teaching not only firearms safety and basics, but the historical and technical
15 evolution of the firearm. In 2017, I developed the first full-scale symposium in the United States
16 dedicated to the study of firearms as material culture, which reoccurs annually. These symposia were
17 organized to bring together firearms scholars from around the world to discuss their collections but
18 also to create metrics to analyze the quality of scholarship that already has been done in the field.
19 The study of firearms is a complicated one, especially since much of the information about the
20 objects themselves have traditionally been conducted by well-known firearms researchers and
21 collectors. However, not all those people fall under traditional definitions of academic scholarship.
22 On the other side, because of limitations in the study of firearms, academic research often has flaws
23 in terms of a general understanding of the firearms themselves. We have worked to lessen that gap
24 to create more balanced scholarship. To continue that mission, I sit on the Editorial Board for the
25 recently revived, peer-reviewed arms journal, *Armax*, and I recently co-founded the University of
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1 Wyoming College of Law's Firearms Research Center in 2022. Despite its location in the College
2 of Law, this new center intends to encourage research of all types related to arms and ammunition.

3 7. Currently as a museum consultant, I am in the process of building several museums with
4 heavy emphasis on firearms collections. I also conduct workshops on firearms, survey collections,
5 and curate exhibitions at institutions such as the Houston Museum of Natural Science, CM Russell
6 Museum & Complex, and the Mob Museum. I have served as a scholar and a panelist for the National
7 Park Service and the Organization of American Historians on a forthcoming Coltsville National
8 Historic Site. I am also an expert witness, freelance writer, guest lecturer, on-camera firearms
9 historian, and television producer. A current copy of my Curriculum Vitae summarizing my
10 education and experience is attached at the end of this document as **Exhibit 1**.

11
12 **Prior Expert Witness Testimony**

13 Virginia Duncan et al v Bonta, November 2022

14 Ocean State Tactical et al v Rhode Island, October 2022

15 Senate Judiciary Subcommittee on the Constitution, Stop Gun Violence: Ghost Guns, May
16 2021

17 Franklin Armory et al v Rob Bonta, February 2021

18 FN Herstal v Sturm, Ruger & Co, January 2021

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

20 Guedes v BATFE, June 2019

21 Miller v Becerra (Bonta), November 2019

22 - Evidentiary Hearing Testimony October 2020

23 - Deposition January 2021

24 Regina (Nova Scotia) v Clayton, January 2019

25 Garrison v Sturm, Ruger & Company, Inc. 2018

26 - Deposition November 2018

27 **Scope of Work**

28 8. This slightly modified version of the report was prepared for *Virginia Duncan, et al. v. Rob Bonta*. Firstly, the report will provide a brief statement on the long history of the interconnectivity

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1 between military and civilian arms. It will address how the advancement of technology often was
2 driven by the civilian market; the multi-purpose use of early arms for civilians and the military; the
3 private acquisition of firearms to be used on the battlefield; and the postwar weapons surpluses that
4 have flooded and continue to flood the civilian market. Secondly, it will provide a history of
5 repeaters and/or magazine-fed repeaters, including firearms with capacities over ten rounds, as well
6 as an overview of some relevant laws during the times in which they were invented and/or used. The
7 second section will be loosely organized into two subsections: the Founding and the Second
8 Founding Eras, with related contextual histories, in chronological order, which also happens to be
9 the order of relevancy to constitutional law as defined in *Bruen*.

11 9. According to *Heller v District of Columbia* and reiterated in *Bruen* “not all history is created
12 equal...Constitutional rights are enshrined with the scope they were understood to have *when the*
13 *people adopted them.*”² Under *Bruen*, the most relevant time frame in consideration regarding the
14 constitutionality of modern regulations is the Founding Era - when the Second Amendment was
15 ratified. *Bruen* does acknowledge that the period surrounding the creation of the Fourteenth
16 Amendment, known as the Second Founding Era, can be useful, although, as with the *Bruen* case, it
17 is not necessarily relevant when discussing the historical pedigree of regulation.³ Subsequent time
18 frames can provide insight, albeit far less significant if relevant at all, including the timeframe
19 leading up to the ratification of the Second Amendment, the time in between the Second and
20 Fourteenth Amendments, and least significant, the twentieth-century.⁴

24 ² The following two paragraphs are summarized from an analysis of relevant history and historical analogues found in
25 Johnson, Nicholas, Kopel, David B., Mocsary, George A, Wallace, E Gregory, & Donald Kilmer. *Firearms Law and*
26 *the Second Amendment Regulation, Rights and Policy* (3rd ed. 2021) 2022 Supplement (August 2022), pg. 86 – 88

26 ³ Ibid pg. 86

27 ⁴ Ibid pg. 86 According to Johnson et al: some time periods can be used to provide the context of what was available
28 leading up to the formation of the Second Amendment as well. For example, those periods can possibly provide
context for the mindset of the Founding Fathers when the Second Amendment was ratified. Additionally, the period
directly after can provide insight “to determine *the public understanding* of a legal text in the period after its enactment
or ratification.” The late nineteenth century history is helpful in instances when it affirms what has been established by
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1 10. Important though to consider is “[guarding] against giving post enactment history more
2 weight than it can rightly bear.”⁵ *Bruen* does provide further guidelines for when each era in history
3 can inform the understanding of the Second Amendment. It also provides guidance for how to
4 determine a historical *analogue*. While the law does not have to be a twin of a past law, there is some
5 guidance to consider as “courts should not ‘uphold every modern law that remotely resembles a
6 historical analogue.”⁶
7

8 11. For this report, please note that I will make a distinction between repeater and magazine-fed
9 repeater. A magazine is a vital part of the firearm; it is a container, detachable or fixed, that holds
10 ammunition while it feeds into a repeating firearm. In the periods being discussed, there are repeating
11 firearms that do not use magazines, such as revolvers, which use a rotating cylinder that is as
12 important and integral as a magazine is in order to fire a gun. When I am discussing a repeater that
13 has a magazine, I will qualify it as such. Additionally, I will use capacity to refer specifically to the
14 number of rounds of ammunition that can be held within a firearm. When I am discussing magazine
15 capacity, I will qualify it as such.
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19 **General Statement of the Interconnectivity of Sport and War**

20 12. The expression *weapon of war* is used a lot in modern and historical discussions surrounding
21 firearms. Today, it is used as an umbrella term to describe a range of different firearms that people
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25 earlier history. The same can be said about twentieth century history, although significantly less relevant than the other
26 periods. These times do not necessarily provide insight if it contradicts earlier evidence

27 ⁵ *Ibid.*, pg. 86

28 ⁶ *Ibid.*, pg. 88 According to the authors: “the analogue must be “relevantly similar.” One measure of these laws to
consider according to *Heller and McDonald v. Chicago* (2012) is through “at least two metrics: how and why the
regulations burden a law-abiding citizen’s right to armed defense.” The how is defined as “whether modern and
historical regulations impose comparable burden on the right of armed self-defense.” The why is defined as “whether
that burden is comparably justified.”

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1 perceive as being useful to warfare, regardless of whether they were actually used on or designed
2 for the battlefield. How the expression is used today implies a distinct line between firearms made
3 for the military and firearms made for the civilian market. However, that line for seven hundred
4 years has always been blurred.

5 13. Once firearms were developed, technology often advanced too quickly for common
6 battlefield use, finding popularity in the civilian market. Military firearms in a general sense were
7 limited by tactics, government bureaucracy, and expense, while civilian arms until recently were
8 predominantly limited by individual budget. Additionally, civilian arms can be employed for far
9 greater number of uses, including hunting, self-defense, and target shooting. The earliest firearms
10 technology appeared on the battlefield by the thirteenth century. The hand cannon, or handgonne,
11 was little more than the name suggests, a cannon for your hands. The user utilized a touchhole and
12 external fire source to ignite powder and fire the gun. This primitive technology may not have been
13 designed for a sporting purpose, but once it was designed, inventors pushed the boundaries,
14 capabilities, and usages of firearms into the future. And while the hand cannon specifically may not
15 have been used for sport, other military weapons of the time such as longbows and crossbows were
16 popularly used for target shooting competitions in fairs during the Middle Ages.

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

11 15. Before the ability to mass manufacture firearms, guns often were privately made by
12 gunsmiths. Although two armories did exist in the United States around the time of the Founding
13 Era, many guns for the battlefield were made or assembled by individuals or received via foreign
14 aid.⁹ It is estimated that 2,500-3,000 gunsmiths worked in the colonies alone.¹⁰ They, as private
15 citizens, were responsible for making guns for both the military and civilians. While the standard
16 infantry arm during the American Revolution was a smoothbore (no rifling) musket, there were some
17 regiments during the War that used a common civilian firearm at the time, the American longrifle.
18 The longrifle was a modified design from the German Jaeger (Hunting) Rifle that tended to have a
19 longer barrel and a smaller caliber than its German counterpart. The rifle was the superior firearm
20 in terms of accuracy compared to the inaccurate smoothbore musket. However, because of the type
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25 ⁸ Examples of rifled matchlocks do exist. Rifled wheel-locks are far more common as they were so often used for
26 hunting. This timeline provides a decent overview of early technological developments: Gun Timeline. PBS History
27 Detectives. <<https://www.pbs.org/opb/historydetectives/technique/gun-timeline/index.html>> Accessed 10/22/2022

28 ⁹ Springfield Armory was the first armory that began production in 1794
<<https://www.nps.gov/spar/learn/historyculture/index.htm>> Accessed 10/25/2022. The second armory was Harpers
Ferry Armory and Arsenal, which began construction in 1799 <

<https://www.nps.gov/hafe/learn/historyculture/harpers-ferry-armory-and-arsenal.htm>> Accessed 10/25/2022

¹⁰ Moller, George D. *American Military Shoulder Arms: Volume I*. University of New Mexico Press, 2011. P.107

1 of projectile employed at the time – a round musket ball – the process to load was slower for rifles
2 because the ball had to fit snugly within the lands and grooves of the rifling. There was a trade off
3 in terms of effectiveness for specific purposes.¹¹ The longrifle in the colonies served as a multi-
4 purpose tool. It was capable of being used for hunting, self-defense, and target shooting. Important
5 to note though that unless being made for large-scale military adoption, such as the smoothbore
6 musket, and/or produced with the use of parts kits ordered from overseas, many civilian arms were
7 made at the behest of individuals or in small runs.
8

9 16. Target shooting was a part of American culture before the formation of the United States
10 with colonists taking part in competitions known as “Rifle Frolics.”¹² This tradition has continued
11 throughout American history, especially after the Civil War. For example, the National Rifle
12 Association may have been founded by Union officers in 1871, but its core purpose was “to promote
13 and encourage rifle shooting on a scientific basis.” What resulted was the proliferation of
14 international shooting competitions.¹³ Another example is the Olympic sport of Biathlon, a sport
15 which involves both skiing and target shooting, dating to 1767 in Europe. It was initially created for
16 government use in places like Norway. That purpose persisted for centuries, even after becoming an
17 international sport. In the 1930s, Finnish troops still used skis and rifles for patrol. Until recently,
18 the firearms used in Biathlon and other disciplines of the shooting sports, often used modified
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23 ¹¹ Until the development of a successful conically shaped bullet (rather than a round musket ball) by Claude Etienne
24 Minie and modified by James Burton at Harpers Ferry, rifling was expensive and slow to load. For a round ball to
25 effectively spin in rifling, it had to fit perfectly which slowed the loading process. However, it was perfect for target
26 shooting as well as hunting and specialized military use. Since tactics by the military were still shoulder-to-shoulder
27 fighting, accuracy was not of prime importance, so militaries used smoothbore (unrifled) barrels for their standard
28 equipment.

¹² This is a tradition kept alive by several historic sites including, Fort Boonesborough Living History Museum and
Bardstown, KY’s Colonial Days <<https://fortboonesboroughlivinghistory.org/html/rifle_frolic.html> Accessed
10/25/2022 <[https://www.prlog.org/11271548-rifle-frolics-18th-century-market-fair-military-drills-displays-and-
daniel-boone.html](https://www.prlog.org/11271548-rifle-frolics-18th-century-market-fair-military-drills-displays-and-daniel-boone.html)> Accessed 10/25/2022

¹³ The National Rifle Association of America was founded after the National Rifle Association in the United Kingdom
(1859). <<https://home.nra.org/about-the-nra/>> Accessed 10/25/2022

1 versions of center-fire NATO cartridge firearms.¹⁴ By the nineteenth century, progress on
2 manufacturing processes allowed more firearms of more varieties to be available to the US
3 government as well as civilians. Many of the repeaters of all sorts produced during this century came
4 in specific models indicating sporting vs military variants.¹⁵

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6 17. The line between military and civilian arms was certainly blurred at the founding of the
7 country and thereafter, as was the role of the civilian and the soldier. In the colonies and in early
8 America, certain citizens were required to serve in their militias with firearm and ammunition
9 requirements and some soldiers carried their personal firearms into battle. By the American Civil
10 War, it was not unheard of for soldiers to privately purchase firearms that the US government had
11 not adopted or did not issue to them for use in battle. After the war, even issued weapons that were
12 used *in war* were often sold on the civilian market. After the Civil War, soldiers could buy their
13 firearms and many dealers and distributors sold the surplus in mass in their catalogs or at stores for
14 even lower prices. According to Springfield Armory National Historic Site, “many thousands [of]
15 cheap surplus weapons were released into private hands through General Orders 101, providing
16 rifles, pistols, carbines, and muskets that found their ways into the hands of Americans in the decades
17 following the Civil War.”¹⁶ The tradition of selling military arms to civilians continues today with
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24 ¹⁴ An example of a centerfire modified firearm can be found in the Cody Firearms Museum. Here is a succinct
25 summary of the history of the biathlon <<https://minnesotabiathlon.com/about-biathlon/the-history-of-biathlon/>>
10/25/2022

26 ¹⁵ Flayderman, Norm. *The Flayderman’s Guide to Antique American Firearms...and their Values*. 9th Ed (2019). This
27 book is considered the gold standard in the evaluation of antique American made firearms. It provides not only
firearms organized by manufacturer but also by type, such as repeater, military etc. Here is just one example: pgs. 694-
695

28 ¹⁶ Springfield Armory details this information here <[https://www.nps.gov/spar/learn/historyculture/a-springfield-rifle-
musket.htm](https://www.nps.gov/spar/learn/historyculture/a-springfield-rifle-musket.htm)> Accessed 10/24/22

1 firearms such as the Springfield Model 1903 bolt action rifle and even with semi-automatics such as
2 the M1 Garand rifle and the Model 1911 pistol.¹⁷

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

8 **The Founding Era**

9 19. In today's understanding of historical relevance, *Bruen* affirms that the most crucial time for
10 consideration of the constitutionality of modern regulations falls under the Founding Era defined as
11 the time around the ratification of the Second Amendment. By this era, repeating, including
12 magazine-fed, firearms had been around for a long time. Additionally, repeaters, including those
13 with magazines, could have capacities of over ten rounds at least a century before and during the
14 ratification of the Second Amendment. Despite the invention of these technologies, firearms laws
15 during this time were primarily focused on restricting access to enslaved, Native, and free Black
16 peoples as well as other people of color.

18 *Repeaters*

19 20. The concept of a repeating firearm dates to the earliest technology of firearms. Hand cannons
20 even came in repeating variations.¹⁸ While some repeaters were employed or simply attempted on
21 the battlefield, repeating technology would not be widely popular for use in war until the late
22 nineteenth century. That did not mean however that innovation in repeating technology was stymied.
23 In fact, it was quite the opposite. Without the confines of wartime tactics and budget, many repeating
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27 ¹⁷ Today, postwar weapon surplus guns including several semi-automatic firearms such as the M1 Garand are sold
28 through the Civilian Marksmanship Unit <<https://thecmp.org/sales-and-service/1911-information/>>
<<https://thecmp.org/sales-and-service/services-for-the-m1-garand/>> Accessed 11/25/2022

¹⁸ An example can be found in the Cody Firearms Museum Collection
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1 firearms were commissioned by civilians who utilized them. The simplest method of producing arms
2 capable of firing more than one round at a time initially was to fit a firearm with more than one
3 barrel. However, due to weight limitations, gunmakers began experimenting with other means of
4 producing repeating arms during the sixteenth century. One of the first methods attempted involved
5 superimposed loads, which were successive charges of powder and ball on top of each other that
6 were separated by wadding or the projectile itself in one barrel. They were fitted with locks that
7 either had multiple cocks and pans or a single lock that could slide upon a rail. One such example
8 was a sixteen-shot firearm made in 1580.¹⁹

10 21. By the 1630s, a Dutch gun making family, Kalthoff, began experimenting with a design that
11 allowed up to fifteen shots to be fired in rapid succession. It utilized a tubular magazine located in a
12 pistol's butt or a fowling piece's stock to hold powder and balls.²⁰ This system was so innovative it
13 was reproduced and modified for over 150 years. Also, by the mid-seventeenth century in Italy,
14 magazine-fed repeaters were being developed. According to the Royal Armouries (Leeds), the
15 earliest example can be found at the Musée de l'Armée which was made by Giacomo Berselli of
16 Bologna in the late 1660s.²¹ However, more well-known and relevant to the Founding Fathers, is
17 Michele Lorenzoni of Florence. He developed a magazine-fed repeater, in pistol and rifle form,
18 known as the Lorenzoni system. This design was copied and modified by numerous designers after
19 its invention with various configurations and magazine capacities. One such firearm was designed
20 by British gunsmith, John Cookson in the late seventeenth century. A gunmaker in Boston, also
21 named John Cookson – it is not clear if this person was the same Cookson from England, a relative,
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26 ¹⁹ This firearm was on display at the National Firearms Museum's location in Missouri. Winant, Lewis. "A 16-Shot
Wheel Lock," *America's 1st Freedom* (2014).

27 ²⁰ Some of this research was compiled by the late historian, Herbert G. Houze and was featured in the Houston
Museum of Natural Science's *The Art of the Hunt: Decorated European Sporting Arms from 1500-1800* (2019).

28 ²¹ For more information, visit: <https://royalarmouries.org/stories/our-collection/the-christmas-connection-to-captain-souths-lorenzoni-pistol-our-collection/> Accessed 10/24/2022

1 or a coincidence – published an ad in the *Boston Gazette*, in 1756, advertising a nine-shot repeating
2 firearm. Around the same time a Cookson-type twelve-shot repeater was made by gunmaker John
3 Shaw.²² Another example from the 1750s in America is the Belton repeating fusil. This gun was
4 invented by Joseph Belton around 1758. Not a magazine repeater like the Lorenzoni, the Belton
5 utilized superimposed loads. Notably, he petitioned the Continental Congress during the American
6 Revolution to adopt his firearm. In 1776, he wrote Congress saying he designed a firearm that could
7 fire eight shots in three seconds. Benjamin Franklin wrote to George Washington in support of the
8 idea.²³ Washington ordered one hundred Belton firearms for use in the Continental Army. However,
9 this order was canceled because, as this report has previously stated, cost is often an impediment to
10 battlefield adoption. It is alleged that Belton then sold his firearms to the public.²⁴ A few decades
11 later around 1779, the Girardoni (also spelled Girandoni) air rifle was developed. It was a repeating
12 arm that could fire twenty-two rounds from a tubular magazine.²⁵ This design also was copied by
13 gunmakers around the world.²⁶ The actual Girardoni was used by Meriweather Lewis on the Lewis
14 and Clark Expedition (1804-1806). This air rifle had also been in service with the Austrian military,
15 but light weight examples were produced in sporting variations.²⁷

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

20 ²³ These letters can be found here: <<https://founders.archives.gov/documents/Washington/03-05-02-0311>> Accessed 10/22/22

21 ²⁴ What is believed to be the prototype of the Belton fusil is in the Smithsonian Institution’s National Firearms Collection:< https://americanhistory.si.edu/collections/search/object/nmah_440031> Accessed 10/22/2022. Additionally, Rock Island Auctions, who has sold recently several reproduction Beltons provides a great overview of this history <<https://www.rockislandauction.com/riac-blog/assault-weapons-before-the-second-amendment#:~:text=The%20Belton%20%22Roman%20candle%22%20fusil%20is%20the%20first,a%20chained%20charge%20much%20like%20a%20Roman%20candle>> Accessed 10/22/2022

22 ²⁵ Kopel, David. “The History of Firearms Magazines and Magazine Prohibitions.” *Albany Law Review*, Vol. 88, 2015, pg. 853

23 ²⁶ An example of a Russian copy of a Girardoni Rifle can be found in the Cody Firearms Museum

24 ²⁷For more information on Lewis and Clark and the Girardoni, the most comprehensive research on the Girardoni air rifle was done by scholar Michael Carrick. His research is footnoted in this summary article of the Lewis and Clark firearms that can be found here: <http://www.westernexplorers.us/Firearms_of_Lewis_and_Clark.pdf> Accessed 10/22/22 Additionally, Ian McCollum, one of the foremost authorities on firearms technology in the United States, has
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DECLARATION OF ASHLEY HLEBINSKY - 14

1 22. The above text serves merely as an example of the numerous types of repeating firearms,
2 utilizing a range of technologies including magazines, which existed leading up to and at the time
3 of the ratification of the Second Amendment and in some cases had direct ties to Founding Fathers.
4 While these repeaters can be criticized as “one-off examples” or in some cases unsuccessful by
5 modern and/or historic standards, it is important to keep in mind that this was typical as they were
6 often made by private gunsmiths and sometimes individually commissioned. Additionally, just
7 because some firearms designs had flaws, imperfections, or issues, does not mean the technology
8 ceases to exist or should be ignored. As manufacturing processes advanced, these concepts evolved
9 into repeaters produced in greater and more standard quantities.
10

11 *Laws and Relevance*

12 23. In the colonial period, the bulk of firearms laws were centered on restricting access to certain
13 people rather than firearms themselves. Therefore, even if a firearm or weapon was specifically
14 mentioned in a law, the type of weapon is not necessarily relevant, as other civilians were still
15 permitted to own them even if some people were restricted. Each colony developed their own
16 policies. In 1640, Virginia law stated, “that all such free Mulattoes, Negroes and Indians...shall
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26 done several videos and articles about the firearm. This is one article he did
27 <<https://www.forgottenweapons.com/rifles/girardoni-air-rifle/>> Accessed 10/22/2022. A surviving example of a
28 Girardoni can be found: <<https://www.nramuseum.org/guns/the-galleries/a-prospering-new-republic-1780-to-1860/case-8-romance-of-the-long-rifle/girardoni-air-rifle-as-used-by-lewis-and-clark.aspx>> Accessed 10/22/22 Rock
Island sold a sporting variation in 2018: <<https://www.rockislandauction.com/detail/75/3293/girandoni-system-repeating-air-gun>> Accessed 10/22/22

DECLARATION OF ASHLEY HLEBINSKY - 15

In Support of Defendants’ Opposition
to Motion for Preliminary Injunction
NO. 22-2-20064-2

Silent Majority Foundation 5238 Outlet Dr. Pasco, WA 99301
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1 appear without arms.”²⁸ South Carolina also had similar bans in 1712.²⁹ It is generally understood
2 that early laws were largely motivated by race.³⁰

3 24. The British government also used regulation to control the colonists through access to
4 gunpowder by seizing public powder houses, also referred to as “magazines.” Although it is not to
5 be confused or conflated with the mechanical devices discussed throughout this declaration. They
6 achieved this because, due to fire hazard, large stocks of black powder were kept in a communal
7 powder house, which was a repository for both individuals and merchants to store their powder. It
8 also provided powder for people who were unable to afford it.³¹ In one instance of disarmament,
9 Royal Governor Thomas Gage, in 1774, seized remaining powder in Charleston, causing a flurry of
10 responses, known as the Powder Alarm, from the colonists that was considered preparation for the
11 Battles of Lexington and Concord.³² Shortly thereafter, King George III enacted a restriction to
12 “prohibit the Exportation of Gunpowder.”³³ As a result, Revolutionary leaders, such as Paul Revere,
13 required possession of arms and ammunition by militiamen and many required powder and
14 projectiles in quantities greater than ten pounds and rounds respectively.³⁴

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17 25. While the ownership of gunpowder was outright encouraged, there were still very real
18 concerns about the instability of gunpowder. It is important to note that modern gunpowder is far
19 more stable than historic black powder. Even so, it is still recommended to be stored separately from
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22 ²⁸ One of the best resources to search all firearms laws is the Repository of Historical Gun Laws, Duke University
23 School of Law. <<https://firearmslaw.duke.edu/>> Accessed 10/25/2022. However, a concise summary of these laws is
24 also broken down by: Ekwall, Steve. *The Racist Origins of US Gun Control*.

25 <<https://www.sedgwickcounty.org/media/29093/the-racist-origins-of-us-gun-control.pdf>> Accessed 10/22/22 Here he
26 references: 7 The Statues at Large; Being a Collection of all the Laws of Virginia, from the First Session of the
27 Legislature, in the Year 1619, p. 95 (W.W. Henning ed. 1823) (GMU CR LJ, p. 67)

28 ²⁹Eckwall, 7 Statutes at Large of South Carolina, p. 353-54 (D.J. McCord ed. 1836-1873). (GMU CR LJ, p. 70)

³⁰ The abstract of Cramer, Clayton E. “Colonia Firearms Regulation” (April 6, 2016) puts it fairly succinctly:
“Firearms regulation in Colonial America was primarily focused on encouraging gun ownership for defense against
external threats (Indians, pirates, non-British European powers) and internal threats (slave rebellions)”

³¹ Johnson et al. *Firearms Law and Second Amendment Regulation, Rights, and Policy* (3rd ed. 2021), pg. 271

³² Johnson, et al., pg. 271

³³ Ibid, pg. 272

³⁴ *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1150 (S.D. Cal. 2019)

1 firearms in the home even today.³⁵ As a result of instability, fire prevention laws were enacted, not
2 to disarm individuals but to provide them a safe place to store their powder while also reducing the
3 potential for fire within communities. Philadelphia in 1725 enacted a law “for the better securing of
4 the city of Philadelphia from the Danger of Gunpowder.” Under this Act, safety was also defined as
5 the distance of beyond two miles outside of town limits.³⁶ Similarly, Boston in 1783 also made a
6 storage law citing the instability of black powder. “In the houses of the town of Boston, [it] is
7 dangerous to the lives of those who are disposed to exert themselves when a fire happens to break
8 out in town.”³⁷ The idea of a required distance in which it was safe to use black powder for firearms
9 and also for fireworks, was echoed in these laws. While in the above example it considered distance
10 within town limits, some places legislated a safe distance from the powder house itself. For example,
11 in 1762, Rhode Island enacted “that no person whatsoever shall fire a gun or other fireworks within
12 one hundred yards of the said powder house.”³⁸ Additionally, Rhode Island in 1798, provided
13 guidance on how to safely store powder in the home. They also provided a safe space to store
14 anything over twenty-eight pounds³⁹ These laws strongly focused on safety from a perspective of
15 fire prevention rather than a position of regulating the amount of powder one could have since
16 powder houses were built for large quantities of chemically unstable and combustible material.
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22 ³⁵ According to the Sporting Arms and Ammunition Manufacturer’s Institute, “ammunition should be stored in a cool,
23 dry location away from solvents and other chemical heat sources, or open flames...ammunition should be stored
24 separately from firearms” < https://saami.org/wp-content/uploads/2018/01/SAAMI_AmmoStorage.pdf> Accessed
25 10/25/22

26 ³⁶ 1725 Pa. Laws 31, An Act for the Better Securing of the City of Philadelphia from the Danger of Gunpowder
27 <<https://firearmslaw.duke.edu/laws/1725-pa-laws-31-an-act-for-the-better-securing-of-the-city-of-philadelphia-from-the-danger-of-gunpowder-%c2%a7-2/>> Accessed 10/25/22

28 ³⁷ Thomas Wetmore, Commissioner, The Charter and Ordinances of the City of Boston
<<https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the-legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-making-of/>> Accessed 10/25/2022

³⁸ 1762 R.I. Pub. Laws 132 <<https://firearmslaw.duke.edu/laws/1762-r-i-pub-laws-132/>> Accessed 10/25/22

³⁹ 1798-1813 R.I. Pub Laws 85 < <https://firearmslaw.duke.edu/laws/1798-1813-r-i-pub-laws-85-an-act-relative-to-the-keeping-gun-powder-in-the-town-of-providence-%c2%a72/>> Accessed 10/25/22

1 26. In summary, at the time of the Founding Era, laws about firearms restriction were regularly
2 directed towards groups of people rather than the firearms themselves. Within these laws, repeating
3 and firing capacity are not mentioned. In some cases, the militia required arms and ammunition to
4 be in civilian possession partially due to British attacks on public powder houses. Additionally, laws
5 concerning the private possession of gunpowder were centered around fire prevention within and
6 near town's limits or proximity to a powder house.
7

8 **The Second Founding Era**

9 27. According to *Bruen*, under certain circumstances the Second Founding Era, surrounding the
10 Fourteenth Amendment, can be used to provide insight into historical analogues. As mentioned in
11 the previous section, repeaters, including magazine-fed firearms, were known, and becoming
12 increasingly popular at the time of the Fourteenth Amendment. Capacities over ten rounds existed
13 before and during this time. Laws yet again did not concern capacity. They continued to center
14 around restrictions against groups of people. They also centered around carry. Ironically, though
15 some firearms regulated in carry laws were still legal, despite having the same or even greater
16 capacity, as long as they were physically larger in size, or in some cases more expensive.
17

18 ***Repeaters***

19 28. The period before and after ratification of the Fourteenth Amendment saw changes in the
20 landscape of design and technology outside of just firearms. The transition of firearms being made
21 by private gunmakers began shifting to factories by the mid-nineteenth century. Inline
22 manufacturing, interchangeable parts, and mass production impacted not only the types of firearms
23 that were available, but also quantity and quality. Prior to the American Civil War, there were many
24 makers and manufacturers of repeating firearms, however, the tradition of individual gunmakers was
25 still prominent. While repeating firearms, magazine-fed or not, exceeded ten-rounds centuries prior,
26 the number of distinct types of repeaters by the middle of the nineteenth century was staggering. It
27 is important to note that while this report references the ceiling of ten rounds, that number is
28

1 historically arbitrary as it is unfair to assume that a person during that time would make a distinction
2 between capacities under and over ten rounds, especially considering to my knowledge, the federal
3 government itself did not until the 1990s.⁴⁰

4 29. After the ratification of the Second Amendment, repeating technology continued to evolve
5 as it had for centuries. During this time frame, especially leading up to the Industrial Revolutions
6 and standardization of interchangeability and in-line manufacturing processes, designs were very
7 much a trial-and-error process. One such repeater was designed in 1821 and was known as the
8 Jennings repeating flintlock. It was capable of firing twelve rounds before having to reload.⁴¹
9 Pepperbox pistols, a revolving pistol with multiple barrels that were manually rotated on a central
10 axis, were popular in the United States by the 1830s, some were even taken out west with California
11 gold miners. One maker of pepperboxes alone, Ethan Allen, between the 1840s and 1850s made
12 over forty variations of this style of firearm.⁴² While many pepperbox pistols typically fired four to
13 six shots, some were capable of firing twelve, eighteen, or twenty-four rounds.⁴³ It becomes difficult
14 to quantify the number of repeaters on the market though because makers were so plentiful. In 1836,
15 a year before Samuel Colt's first patent in England of his revolving mechanism, the patent process
16 was standardized through the United States Patent Act. That year, Samuel Colt took out two patents
17 for five or six-shot revolving rifles and pistols. As a result, he owned the legal right to produce,
18 essentially the revolver, until it expired in the mid-1850s. This Act created a flurry of production,
19 innovation, and design especially towards repeaters and magazines to varying degrees of success.
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25 ⁴⁰ This date is referencing the Public Safety and Recreational Firearms Use Protection Act (1994). Additionally, there
26 are many resources that can showcase the number of repeaters available in this time frame in the United States, but the
27 place that aggregates them the best is Flayderman, Norm. *The Flayderman's Guide to Antique American*
28 *Firearms...and their Values*. 9th Ed.

⁴¹ Flayderman, Pg 683

⁴² Ibid pg. 56-61

⁴³ Kopel, pg. 854. Additionally, pinfire pistols and long guns can be found in museum collections with capacities
greater than ten rounds.

1 The fact though that so many people were trying to design the next great repeater shows the desire
2 to capitalize on this technology.⁴⁴

3 30. It has been cited and challenged that the Winchester Model 1866 was the first magazine-fed
4 repeater that held more than ten rounds to achieve commercial success.⁴⁵ The Winchester Model
5 1866 lever action rifle was the first firearm sold using the Winchester name. Between 1866 and
6 1898, approximately 170,101 Model 1866s, in .44 Rimfire, were produced. Of that model alone,
7 around ten variations existed. It was hoped that the Winchester Model 1866 would see successful
8 adoption by the US military, however, it did not. Only a small percentage, roughly 1/3 of total
9 production, were made ultimately for use by foreign militaries.⁴⁶ In reference to his Model 1866,
10 Oliver Winchester referred to it as “one of [the company’s] best sporting guns” in a letter, dating
11 1871, to prominent gunmaker R.S. Lawrence.⁴⁷ In a Winchester testimonial from 1865, W.C. Dodge,
12 Late Examiner of the US Patent Office, boasted that Winchester’s “Magazine Rifle, with the recent
13 improvement, is superior to any other arm ever presented to the public.”⁴⁸ In the beginning,
14 Winchester did lean into its previous involvement with the Henry rifle as a marketing tool because
15 it was a known commodity, however, within a decade after the company’s founding, Winchester
16 catalogs detailing their sporting models and diverse product lines were interspersed with testimonies
17
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21 ⁴⁴ Examples of these patented repeaters include Volcanic lever actions, the Jarre Harmonica pistol and rifle, Porter and
22 Genhart turret rifles, Josselyn Chain Revolvers etc. More successfully were revolvers and repeaters by Smith &
23 Wesson, Remington, Merwin & Hulbert, Henry, Winchester etc.

24 ⁴⁵ Kopel, pg. 869

25 ⁴⁶ Flayderman’s also provides the number of Mexican contract firearms there were. The records are not complete for
26 the Model 1866. The Records can be found in the Cody Firearms Museum’s Records Office. Here is a breakdown of
27 what has survived through the Winchester collector. <https://winchestercollector.org/models/model-1866/> This article
28 also provides a breakdown of other military contracts. < <https://www.americanriflemansociety.org/content/winchester-lever-actions-go-to-war/>> Accessed 10/22/22

29 ⁴⁷ Oliver F. Winchester’s letter to R.S. Lawrence, dated 10 February 1871. McCracken Research Library, MS20, Box
30 51, Folder 6

31 ⁴⁸ Dodge is most likely referencing the 1865 King’s Patent Improvement which incorporated a side loading gate to
32 improve the speed of loading the firearm. Winchester’s Repeating Fire-Arms Rifled Muskets, Carbines, Hunting, and
33 Target Rifles, &c...Metallic Cartridges of all Kinds, manufactured by the Winchester Repeating Arms Company.”
34 Catalogues Vol. 1 (1865-1881). McCracken Research Library TS 533.5.W5431991v1c2

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1 from hunters and civilians about their love of the technology.⁴⁹ The categories for their 1875 catalog
2 reads: “Winchester’s Repeating Fire-Arms, Rifled Muskets, Carbines, Hunting and Target Rifles,
3 &c...”⁵⁰ One such testimonial was from famous performer, William F. Cody, who proclaimed, “I
4 have tried and used nearly every kind of gun made in the United States, and for general hunting or
5 Indian fighting, I pronounce your improved Winchester the *boss*.”⁵¹ Despite the ways that
6 Winchester chose to frame and market their firearms though, it should be noted that while advertising
7 can influence a consumer, a consumer also has agency to purchase and use the product they want
8 for their own purposes.
9

10 31. While Winchester would provide the United States smaller runs of their firearms designs
11 modified for military service around the turn of the twentieth century, Winchester would not truly
12 be seen as a full-scale military manufacturer until their involvement in World War I when
13 government owned armories could no longer meet the demand for military arms. Winchester and
14 other manufacturers such as Remington stepped in initially producing firearms – not even associated
15 with their brands - invented by other designers, companies, and/or armories, such as the British
16 Pattern 1914 Enfield and the American version, the U.S. Model 1917. These military contracts
17 however would ultimately be the financial demise of the company as it went into receivership in
18 1931.⁵²
19

20 32. Outside of those early small contracts, Winchester continued designing guns for the civilian
21 market. The Winchester Model 1873 boasted a production of around 720,610 manufactured in at
22 least twelve variations, including almost 20,000 in .22 caliber rimfire – a caliber used for target
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26 ⁴⁹ McCracken Research Library TS 533.5.W5431991v1c2

⁵⁰ Ibid

⁵¹ Ibid, pg. 28-29

⁵² This information can be found in pretty much any book about Winchester. The author also knows this information for the decade she spent running the Cody Firearms Museum, formerly known as the Winchester Museum, which is home to Winchester’s firearms collection as well as archives from the company

1 shooting and varmint hunting. Model 1873 rifles were chambered in .32-20, .38-40, .44-40, and .22
2 caliber. The Model 1876 had a manufacturing run of 63,871 firearms with around fifteen variations.
3 This Model was a larger version of the Model 1873 and chambered in heavier calibers (.40-60, .45-
4 60, .45-75, .50-95), which made the firearm more desirable for hunters, including President
5 Theodore Roosevelt.⁵³ At one point, they produced an exclusive line of high-level sporting arms of
6 the Models 1873 and 1876 known as the “1 of 100” and “1 of 1,000” models. Between the start of
7 the company until 1898, Winchester released fourteen repeating models – not all lever actions. Those
8 models would eventually be produced in over one hundred variations, chambered for around thirty
9 different cartridges.⁵⁴ Winchester continued mass producing repeating firearms throughout the rest
10 of the nineteenth century and beyond. Considering the diversity within models, variations and
11 especially calibers, these guns were developed for specific and sometimes divergent purposes and
12 cannot not be reduced into one category of simply being a Winchester repeater.
13

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15 33. During this same time, other companies were producing competitive repeaters, such as the
16 Evans Repeating Rifle, which was made between 1873 and 1879. Approximately, 12,200 were made
17 and they came in three variations, Sporting (approximately 4,350 made), Military (approximately
18 3,200), and Carbine (not specified as either sporting or military, approximately 4,700 made). The
19 Evans held magazine capacities at twenty-eight, thirty-four, and thirty-eight rounds.⁵⁵ The Evans as
20 well as other companies such as the Spencer Repeating Rifle, Fogerty Repeating Rifle, Adirondack
21 Firearms, Bullard Repeating Arms, Burgess Gun, and the Whitney Arms Companies were making
22 repeaters. However, they are lesser known, partially because Winchester realized the value in their
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27 ⁵³ Flayderman, pg 309

28 ⁵⁴ Ibid pg 306-322.

⁵⁵ Ibid pg. 694-695

1 designs and the threat of them as a competitor so they acquired the companies.⁵⁶ Other major
2 manufacturers, such as Marlin, quickly popped up as well by the 1880s as a direct competitor to
3 Winchester. In all, there were over one hundred manufacturers or makers in the United States alone
4 producing some type of repeating firearm leading up to and decades after the Civil War.⁵⁷

5
6 34. As plentiful as variations in Winchester firearms are though, the above information does not
7 take into account the gargantuan amount of ammunition Winchester manufactured. In general, not
8 enough is said about Winchester's innovation in cartridge design and the fact that ammunition
9 production was responsible for much of the financial success of the company. According to David
10 Kowalski, author of the *Standard Catalog of Winchester: The Most Comprehensive Price Guide*
11 *Ever Published*, "cartridges played a larger role in the business operations of the Winchester
12 Repeating Arms Company (W.R.A. Co.) than most collectors realize. Because ammunition is a high-
13 volume, high profit product, it literally carried the W.R.A. Co. for most of its existence."⁵⁸ Their
14 cartridge designs were so popular that other companies, such as Colt, would offer variations of their
15 iconic firearms, such as the Colt Single Action Army revolver, to accommodate Winchester
16 developed cartridges, such as the .44-40. Ammunition production was so vital to Winchester that the
17 company who bought them out of receivership, the Olin Corporation, was their ammunition
18 competitor. Today, the only surviving thread of the company is Olin's Winchester Ammunition. The
19 various firearms brands that bear the Winchester name, are produced by companies that license the
20 name from Olin.
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26 ⁵⁶ An entire exhibit at the Cody Firearms Museum is dedicated to the many repeating arms companies that Winchester
acquired. Examples are archived in the Winchester Arms Collection.

27 ⁵⁷ Flayderman, Chapters V: A-F pages 50-299; Chapter VII: A, B, C Pages 351-387; Chapter VIII: A Pg458-524;
Chapter XIII pages 691-697; Chapter XV: pages 709-733

28 ⁵⁸ Kowalski, David D. Ed. *Standard Catalog of Winchester: The Most Comprehensive Price Guide Ever Published*.
Krause Publications 2000, pg. 159.

1 *Magazines*

2 35. In addition to the developments in repeating innovation, magazines began to be patented as
3 well. Even though tubular magazines existed long before, the tubular magazine was first patented in
4 the US in the 1840s, notably with the Hunt Volitional Rifle, the oldest direct ancestor to the
5 Winchester rifle. Magazines though came in many shapes and sizes and became prevalent around
6 this time. For example, the Spencer repeating rifle utilized a detachable tubular magazine from the
7 buttstock capable of holding seven rounds. A speed loader even existed for that magazine. In the
8 1850s, the Genhart turret rifle had a detachable circular magazine with an externally visible
9 shot/round counter. Between 1859 and 1862, the Jarre Harmonica Pistol and Rifle received several
10 patents. This gun has a horizontally seated magazine that slides after each round is fired like a
11 typewriter. It is also detachable.
12

13 36. In terms of box magazines specifically, early ones were patented by designers including
14 Rollin White in 1855.⁵⁹ A detachable version was patented in 1864 by Robert Wilson.⁶⁰ A vertically
15 stacked box magazine was patented by James Paris Lee in 1879 which was applied to several rifles
16 including the Mannlicher Model 1886 rifle.⁶¹ In terms of early semi-automatic pistols, the Mauser
17 C-96 had a fixed magazine and the Borchardt C-93 had a detachable one. Semi-automatic models of
18 Winchester utilized various types of magazines, including the Winchester Model 1907, a centerfire
19 rifle capable of firing up to twenty rounds from a box magazine and the Winchester Model 1903
20 which was also fixed with a lesser-known Sabo ninety-six round detachable magazine. By the end
21 of the nineteenth century, the earliest versions of semi-automatic pistols such as the Borchardt C-93
22 contained eight rounds from a detachable magazine (1893) and the Mauser C-96 had a ten round
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27 ⁵⁹ White, Rollin. US Patent No 12648 (1855)

⁶⁰ Wilson, Robert. US Patent No 45105 (1864)

⁶¹ Lee, James Paris US Patent No 221328 (1879)

1 magazine (1895) but also came in configurations as high as twenty rounds.⁶² Even certain Luger
2 semi-automatic pistols in the early 1900s had the option of thirty-two round snail drum magazines.⁶³

3 *Laws and Relevance*

4 37. Racial firearm bans continued into the nineteenth century. States including but not limited to
5 Louisiana, South Carolina, Florida, Delaware, Maryland, North Carolina, and Mississippi enacted
6 race bans between ratification and the American Civil War.⁶⁴ Some states, for a time, would permit
7 African Americans to carry guns with court approval, but they were eventually repealed.⁶⁵ Several
8 laws upheld their justification for race-based regulation on the fact that Black people were not
9 considered citizens, which was upheld in the 1857 case of *Dred Scott v Sandford*.
10

11 38. During this period in between ratifications of the Second and the Fourteenth Amendments,
12 some laws emerged restricting carry by any person. According to Professor of Sociology at Wake
13 Forest University David Yamane, one of the earliest examples was in Kentucky in 1813. The General
14 Assembly of the Commonwealth stated: “That any person in this commonwealth, who shall hereafter
15 wear a pocket pistol, dirk, large knife, or a sword cane, concealed as a weapon...shall be fined in
16 any sum, not less than one hundred dollars.” However, nine years later in 1822, the Kentucky
17 Supreme Court ruled that ban violated their 1792 Constitution.⁶⁶ Other states adopted similar carry
18 regulations, some still only for certain groups of people.
19

20 39. Despite the abolition of slavery, discriminatory laws that included firearms regulation
21 continued. One such way that could be legally achieved was through the Black Codes. While there
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25 ⁶² Kopel, 857 referencing *Standard Catalog of Firearms*. (2014), Gun Digest Books, pg. 708-709

26 ⁶³ A version of this section on magazines was initially completed by author for Miller et al v Bonta

27 ⁶⁴ Ekwall

28 ⁶⁵ Ibid, referring to Act of Nov. 17, 1828, Sec. 9, 1828 Fla. Laws 174, 177; Act of Jan. 12, 1828, Sec. 9, 1827 Fla. Laws 97, 100; Referring to Act of Jan. 1831, 1831, Fla. Laws 30

⁶⁶ Yamane, David. *Concealed Carry Revolution: Expanding the Right to Bear Arms in America*. A New Press (2021), pg. 17-18. David Yamane is a Sociology Professor at Wake Forest. This book was just a small portion of his larger research on gun culture that he calls, “Gun Culture 2.0.” More of his research can be found at gunculture2point0.com

1 were many aspects of discrimination in the various state “Codes,” many included challenges to Black
2 Second Amendment rights. For example, Alabama in 1866 not only banned Blacks from owning
3 firearms and other weapons, but also made it illegal to lend or sell to a black person.⁶⁷ The Civil
4 Rights Act of 1866, the Fourteenth Amendment and the Second Freedmen’s Bureau Act in 1866
5 attempted to dispel a variety of these issues.⁶⁸ In February 1866, the House of Representatives
6 amended the Second Freedmen’s Bureau Act to explicitly state that people had the “full and equal
7 benefit of all laws and proceedings for the security of person and estate *including the constitutional*
8 *right to bear arms.*”⁶⁹ Following the passage of these acts, however, southern states then passed
9 laws, known as Army/Navy Laws, in which certain firearms, such as Colt Army and Navy model
10 revolvers were permitted while cheaper versions were not legal.⁷⁰ Prohibiting the proliferation of
11 inexpensive handguns on the market, whether intentionally or unintentionally imposed a classist
12 restriction on those who could no longer afford to arm themselves– a trend that has continued well
13 into the modern era.
14

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16 40. The Enforcement Acts of 1870 and 1871 were meant to protect the rights of free men under
17 the Fourteenth and Fifteenth Amendments. Yet these seemingly positive changes were short lived.
18 During the 1872 election for Louisiana governor, President Ulysses S. Grant sent troops to support
19 the Republican candidate. In response, a group of white supremacists began harassing Black and
20 White Republicans. These tensions culminated in Black and White Republicans taking up defense
21 in a local courthouse in Colfax, LA. In 1873, 150 white men surrounded the courthouse and at one
22 point, would fire a cannon at the building. Note: White Republicans were given the opportunity to
23 leave before the massacre ensued. Black Republicans were left to fight with inferior weaponry. In
24

25
26
27 ⁶⁷ Ekwall

⁶⁸ A detailed explanation of this can be found in: Johnson et. al pg. 465-471

⁶⁹ *Ibid*, pg. 466

⁷⁰ Eckwall

1 the end, Black Republicans would surrender to the mob, led by a man named William Cruikshank.
2 After surrender, somewhere between sixty to one hundred and fifty African Americans were killed.⁷¹
3 Although Cruikshank and around ninety-six white vigilantes were charged for violating the
4 Enforcements, only a few were convicted.⁷² Even then, the Supreme Court, in *United States v*
5 *Cruikshank* (1875), overturned the conviction ruling that the federal government could not prevent
6 private citizens, in this case KKK members, from disarming Blacks and that the matter must be
7 relegated to the states.⁷³

9 41. Another example concerning disarmament of a group of people occurred leading up to the
10 American Civil War. Violent confrontations broke out in Kansas, known as Bleeding Kansas,
11 between 1854 and 1859. At one point an anti-slavery movement of “Free Soilers” decided to arm
12 themselves with single-shot Sharps rifles by smuggling them into the territory. However, the pro-
13 slavery segments, under the command of a deputy federal marshal, attempted to disarm these settlers,
14 most notably during the Sacking of Lawrence.⁷⁴ In response to the situation in Kansas, abolitionist
15 Charles Sumner gave his famous speech on the floor of the United States Senate on May 19, 1856,
16 “The Crime Against Kansas.” During which, South Carolina Senator A.P. Butler, supposedly stated
17 that the people of Kansas should no longer possess their arms. During Sumner’s speech, he attacked
18 Butler and affirmed the right of individuals to bear arms:

20 “The rifle has ever been the companion of the pioneer and, under God, his tutelary
21 protector...Never was this efficient weapon [referring to the single shot Sharps Rifle]
22 more needed in self-defence, than now in Kansas, and at least one article in our
23 National Constitution must be blotted out, before the complete right to it can in any
24 way be impeached...”⁷⁵

25 ⁷¹ Johnson et al, pg. 471

26 ⁷² Ibid, pg. 471 as well as summarized in <<https://www.smithsonianmag.com/smart-news/1873-colfax-massacre-crippled-reconstruction-180958746/>> Accessed 10/25/22

27 ⁷³ Ibid, pg. 471

28 ⁷⁴ Ibid, pg. 456

⁷⁵ Ibid, pg. 456

1 This speech culminated in violence against Sumner, who was beaten with a cane on the Senate
2 floor for advocating against disarmament. Yet, even after a Civil War and thirty-five years later
3 government disarmament would lead to the largest mass murder in American history. On December
4 29, 1890, Colonel James Forsyth, commander of the 7th Cavalry, ordered the Lakota to surrender
5 their firearms leading up to their removal from the land they inhabited. It is debated exactly what
6 happened to pull the trigger on the slaughter, but in the end, hundreds of Lakota were killed.⁷⁶

8 42. After a long history of government related violence as well as private vigilantism, Black
9 people, particularly in the South, called for their personal armament to protect themselves. Much
10 research has been done focusing on violence against people of color as a justification for firearms
11 restrictions, however, less explored is the fact that Black people used and relied on firearms for
12 protection *from* violence. These two ideologies conflict with one another. On one side, it is argued
13 that restrictive laws would reduce violence, specifically on marginalized communities. On the other,
14 it is argued that gun ownership allows those communities the best ability to protect themselves. In
15 this circumstance, a restriction would take away rights of the latter, putting them again at risk of
16 violence. This desire to protect oneself with the best technology available was echoed amongst the
17 Black community in the late nineteenth century through prominent leaders. For example, John R.
18 Mitchell, Jr., Vice President of the National Colored Press Association, encouraged Black people to
19 buy Winchesters to protect their families from the ‘two-legged animals...growling around your
20 home in the dead of the night.’⁷⁷ Ida B Wells, an activist and journalist in the South, wrote in 1892,
21 “that a Winchester rifle should have a place of honor in every black home, and it should be used for
22 the protection which the law refuses to give.”⁷⁸ These activists also encouraged Black Americans to
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26 ⁷⁶ Utley, Robert M. *The Last Days of the Sioux Nation*. 2nd Ed. Yale University Press, pg. 211

27 ⁷⁷ Johnson et al., p 521 referencing Giddings, Paula J. *Ida: A Sword Among Lions* (2008), pg. 153-154

28 ⁷⁸ Johnson et al., pg. 521 referencing Wells, Ida B. *Southern Horrors*. N.Y. Age June 25, 1892. Reprinted in Wells, Ida B. *The Light of Truth: Writings of an Anti-Lynching Crusader*, pg. 84

1 move to Oklahoma where they formed self-defense organizations. One Black journalist reported that
2 in Oklahoma he “found in every cabin [he] visited a modern Winchester oiled and ready for use.”⁷⁹

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

13 44. Some scholars argue that the passage, despite the repeal in many instances, of state laws
14 regulating the carry of specific types of weapons serve as sufficient evidence to support a modern
15 magazine ban. However, it is important to reiterate that these regulations regarding specific types of
16 weapons have occurred in some cases to take away the rights of some but not others. For laws that
17 did include everyone, weapons typically on that list had some sort of larger counterpart, as in the
18 Army/Navy laws, which would have at least equal capacity or were still permitted via licensure.
19 Furthermore, these laws did not explicitly concern themselves with capacity or magazines but more
20 often the size and/or other criteria of concealment. Other laws during this period, had more to do
21 with whether or not the government could protect you and your rights resulting in unfortunate
22
23

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25 ⁷⁹ While this reference is obviously anecdotal for the number of Winchesters in circulation in a given area, Michael
26 Vorenberg’s declaration in *Duncan* claims as little as 8,000 Winchesters were in circulation in the post-Civil War
27 South. However, this number is based on an order of 6,000 from Governor Scott for the South Carolina Militia, 1,000
28 for the Metropolitan Police Force in Louisiana, and 1,000 potentially stolen firearms. It has been stated though that the
government was slow to adopt this technology, despite still being produced into the hundreds of thousands. Therefore,
it is misleading to infer these orders would be the only way to measure the number of Winchesters in the South at that
time. The footnoted quote is from: Johnson et al., p 521 referencing Giddings, pg. 198

1 outcomes. In the case of disarmament and the need for defense, it seems that citizens often affected
2 by these tragedies were less concerned about a discourse on the morality of firearms technology, but
3 instead protecting themselves with the best technology available.

4 **Conclusion**

5 45. According to *Bruen*, time frames outside of the Founding and Second Founding Eras can be
6 considered informative, providing context for the mindset and knowledge behind designs and legal
7 decisions, although it does not hold the same weight. This report has provided an outline of repeaters
8 and magazine-fed repeaters with a capacity of over ten rounds in the previous two sections
9 establishing the existence and use of these types of firearms. The proliferation of such technology in
10 the twentieth and twenty-first centuries is astounding. As such and coupled with the tertiary
11 importance according to *Bruen*, I will not dive into a comprehensive look at all repeaters developed
12 into the modern era.

14 46. This report has looked at two timeframes relevant to this case as it pertains to *Bruen*. It has
15 provided a snapshot account of several repeaters and magazine-fed repeaters of capacities over ten
16 rounds throughout history. It has also examined corresponding laws from those time periods
17 rebutting similarities to twentieth and twenty-first century legislation on capacity. It has stated that
18 innumerable magazine-fed repeaters have been developed since the 1600s. At the time of the
19 Founding Era repeaters and magazine-fed firearms, with a capacity over ten rounds had been in
20 existence for over a century. To my knowledge, there are no laws during this period that restrict
21 access to firearms magazines or strict firing capacity. By the time of the Second Founding Era, there
22 were exponentially more repeaters and magazine-fed firearms with capacities greater than ten.
23 According to scholarship outside of this declaration, the first laws referencing capacity, primarily
24 for machine guns, only date to the 1920s, and all except one implemented during this period were
25 repealed. Laws regulating detachable magazines date to the last decade of the twentieth century, and
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1 the ten round magazine limit was imposed through federal law for the first time in 1994, making the
2 relevant conversation in this case much more recent history rather than the historical precedent *Bruen*
3 requires.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed within the
5 United States on December ____, 2022.

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9 _____
10 Ashley Hlebinsky
11 Declarant
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1 **EXHIBIT 1: HLEBINSKY CURRICULUM VITAE**

2 **Ashley Hlebinsky Curriculum Vitae**

3 Ashley Hlebinsky, President, The Gun Code, LLC

4 2124 E Kerry Lane, Phoenix, AZ 85024

5 Email: theguncode@gmail.com

6 Phone: 412-491-2493

7 **Education:**

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

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

10 **Selected Professional Experience:**

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

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

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

15 Senior Consulting Specialist. Cowan’s Auctions, Cincinnati, OH, 2021 (Current)

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

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

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

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

21 Robert W. Woodruff Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody, WY,
22 2015-2020

23 Project Director, Cody Firearms Museum Renovation, Buffalo Bill Center of the West, Cody, WY,
24 2015-2019

25 Consulting Curator, Houston Museum of Natural Sciences, 2018

26 Consultant. Adirondack Experience. November 2019

27 Consultant. Winchester Mystery House, August 2019.

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

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1 Consultant/Curator. Daniel Defense, Black Creek, Georgia. 2017
2
3 Associate & Acting Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody, WY,
4 2015
5 Guest Curator. C.M. Russell Museums and Complex, 2015-2016
6
7 Guest Curator. Cody Firearms Experience, 2015
8
9 Assistant Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody, WY, 2013-2014
10
11 Teaching Assistant, The Jewish Holocaust: 1933-1945, University of Delaware, 2013
12 Teaching Assistant, Introduction to Military History, University of Delaware, 2012
13
14 Teaching Assistant, History Education, University of Delaware, 2011
15
16 Researcher/Fellow, National Museum of American History, Smithsonian Institution, 2010-2013
17
18 Archival Assistant, University of Delaware Special Collection, 2010-2011
19
20 Firearm Intern, Soldiers and Sailors National Memorial Hall, 2008
21

22 **Expert Witness Testimony:**

23 Virginia Duncan et al v Rob Bonta, November 2022
24
25 Ocean State Tactical et al v Rhode Island, October 2022
26
27 Senate Judiciary Subcommittee on the Constitution, Stop Gun Violence: Ghost Guns, May 2021
28
29 Franklin Armory et al v Bonta, February 2021
30
31 FN Herstal v Sturm, Ruger & Co, January 2021
32
33 Sturm, Ruger & Co. v American Outdoor Brands Corp., October 2020
34
35 Guedes v BATFE, June 2019
36
37 Miller v Becerra (Bonta), November 2019
38
39 1. Evidentiary Hearing Testimony October 2020
40
41 2. Deposition January 2021
42
43 Regina (Nova Scotia) v Clayton, January 2019
44
45 Garrison v Sturm, Ruger & Company, Inc. 2018

46 DECLARATION OF HLEBINSKY, EXHIBIT 1

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48 to Motion for Preliminary Injunction
49 NO. 22-2-20064-2

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1
2 1. Deposition November 2018

3 **Recent Honors/Awards:**

4 Second Amendment Foundation's Defender of the Constitution, 2022

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

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

8 Wyoming Business Report's Top 40 Under 40, 2017

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

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

12 **Selected Media Work:**

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 **Selected Lectures/Panels:**

5 Guest Speaker. Gun Rights Policy Conference, October 2022

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

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

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

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

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

11
12 Panelist. Firearms and Museums in the 21st Century. National Council for Public History. March
13 2019.

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

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

18 Guest Lecturer. Unloading the Gun: Firearms, History, and Museums. Yakima Valley Museum, June
19 2018

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

22 Organizer. Arsenal of History: Firearms and Museums in the 21st Century, Buffalo Bill Center of
23 the West, July 2017

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

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

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

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

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

2
3 Panelist. Curator Roundtable, Firearms and Common Law Symposium, Aspen Institute, September 2016

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

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

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

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

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

14 **Selected Firearms Exhibitions:**

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

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

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

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

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

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

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

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

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

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Certifications:

- Certified Firearms Instructor, Basic Pistol, 2016
- Certified Firearms Instructor, Personal Protection Inside the Home, 2016
- Well Armed Woman Instructor Certification, 2016
- Museum Studies Certification, University of Delaware, 2013

Grants:

- National Endowment for the Humanities, 2017
- Institute of Museum and Library Services, 2017
- Gretchen Swanson Family Foundation, 2015, 2016, 2017, 2018, 2019, 2020
- Kinnucan Arms Chair Grant, 2012

Fellowships:

- Firearms Curatorial Resident, Buffalo Bill Center of the West, 2013
- Edward Ezell Fellowship, University of Delaware, 2012
- Buffalo Bill Resident Fellowship, Buffalo Bill Center of the West, 2011

Committees and Memberships:

- Board Member – Walk the Talk America
- Founding President – Association of Firearms History and Museums
 - Academic association for the study of firearms history in United States
- Founder – Arsenals of History Symposia Series
 - First international symposia series on the academic study of firearms
- Spokesperson – NSSF/AFSP Suicide Prevention and Project ChildSafe Programs
- American Alliance of Museums – Member
- American Society of Arms Collectors – Member

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--

1 Winchester Arms Collectors Association – Honorary

2 Remington Society of Arms Collectors – Member

3 Weatherby Collector’s Association –Life Member

4
5 **Publication History**

6 Editorial Board – Armax Journal

7 **Selected Articles:**

8 Author. “Guns and Mental Health.” *Recoil Magazine*, Upcoming

9 Author. “Colt Single Actions and Safety.” *Armax Journal*, October 2021

10 Author. “Guns and Partisan Politics.” *Recoil Magazine*, January 2021

11 Author. “Feminism & Firearms.” *Recoil Magazine*, Summer 2020

12 Author. “Burton Light Machine Rifle.” *Recoil Magazine*. October, 2019

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

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

15 Contributor. “Firearms Curator Roundtable” *Technology & Culture Journal*, August 2018

16 Author. “Displaying the ‘Politically Incorrect.’” *CLOG X Guns*: Chicago, IL, September 2017

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

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

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

20 Author. “Glock Exhibit Opening.” *Glock Magazine*. Bang Media. Annual 2017

21 Author. “The 28 Most Notable Guns from Remington’s 200-Year History.” *Outdoor Life Magazine*. Bonnier Corporation, 2016

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

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

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

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

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

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

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

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

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

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

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

16 **Columns:**

17 Author. Old School Series. *Recoil Magazine*

18 Author. Flashback. *Concealment Magazine*

19 Author/Brand Ambassador. *The Bourbon Review*.

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

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

23 1st Assault Rifle

24 Colt VS Winchester Revolver

25 Did Winchester Really Win the West?

26 Oliver Winchester's Lever Action Shotgun

27 Remington Cane Gun

28 DECLARATION OF HLEBINSKY, EXHIBIT 1

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

3 **Reviews:**

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

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

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

9 **Selected Blogs & Vlogs:**

10 Recoil Magazine

11 Weekly video series beginning October 2017 to Present

12 Dillon Precision

13 Historical Videos on Ammunition (Upcoming)

14 Outdoor Life

15 Top 10 Guns in American History

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

17 Who Shot Them

18 13 of the Biggest Gun Fails in Recent Firearms History

19 Gun of the Week:

20 John Martz Luger

21 Apache Revolver

22 German Frei Pistol

23 King Louis XV Embellished Blunderbuss

24 Armalite AR-17 Shotgun

25 Getting the Christmas Goose with a Goose Rifle & Cutaway Suppressor

26 Mossberg Brownie

27 Wesson & Leavitt Belt Revolver

28 William Harnett and the Faithful Colt 1890

Winchester Model 1894 Lever Action Rifle

Ruger Semi-Automatic Pistol, 1 of 5,000

Herb Parson's Winchester Model 71 Lever Action Rifle

Lincoln Head Hammer Gun

American Trap Gun

Browning Brother's Single Shot Rifle Patent

Feltman Pneumatic Machine Gun

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

Winchester Wetmore-Wood Revolver

Webley-Fosbery Automatic Revolver

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- 1 Hopkins & Allen XL3 Double Action Revolver
- 2 DuBiel Modern Classic Rifle
- 3 Colt Model 1877 "Thunderer" Double Action Revolver
- 4 Tom Tobin's Colt Model 1878 Frontier Revolver
- 5 Walch 10-Shot Double Hammers Pocket Revolver
- 6 Winchester Model 1887, Serial No. 1
- 7 Deringer vs Derringer
- 8 The Forgotten Winchester 1873 of Great Basin National Park
- 9 Range 365
- 10 To the One Who Got Away
- 11 Gun Review: New Glock 19 Gen 5
- 12 Ain't She a Pistol? 10 Historic Gun Ads Featuring Women
- 13 National Shooting Sports Foundation
- 14 The Gun Vault:
- 15 Winchester 1873 Found in Great Basin National Park
- 16 Col. Jeff Cooper's Colt MK IV Series 80
- 17 500+ Year Old Firearms, Matchlocks, Flintlocks
- 18 U.S. Presidents Guns
- 19 Cross Dominance Shotgun
- 20 Herb Parson's Winchester Model 71 Rifle
- 21 Audie Murphy's Colt Bisley Revolver
- 22 4 Gauge Winchester Wildfowler
- 23 Pocket Pistols
- 24 Henry Ford's Winchester Model 1887 Lever Action Shotgun
- 25 Tom Knapp's First Gun
- 26 Buffalo Bill Cody's Winchester 1873
- 27 Colt Model 1861 Navy Serial No. 1
- 28 Cassie Waters' Hopkins & Allen XL3 Revolver
- 29 Glock 17
- 30 The Truth About Guns
- 31 Presidential Presentation Rifles
- 32 Factory Cut-Away M16A1
- 33 1854 Smith & Wesson Repeating Rifle (Serial Number 8)
- 34 Winchester World's Fair Model 1866 Deluxe Sporting Rifle
- 35 Raymond Wielgus Collection
- 36 Gastinne-Renette Muzzleloading Percussion Target Pistols
- 37 Oliver Winchester's Jennings Repeater
- 38 Henry Ford's Winchester Model 1887
- 39 Winchester Model 1866 Musket in .44 Rimfire
- 40 English Wheellock
- 41 Southern Belle American Longrifle
- 42 Annie Oakley's Model 1892 Smoothbore Rifle
- 43 Catherine the Great of Russia's Blunderbuss Gift to King Louis XV of France
- 44 Color Case-Hardened GLOCK 43: Merging the Old West with the New
- 45 Buffalo Bill Center of the West – Unloading the Myth
- 46 The Cody Firearms Museum – Yesterday, Today, and Tomorrow
- 47 Guns of the Week – Christmas List

DECLARATION OF HLEBINSKY, EXHIBIT 1

In Support of Defendants' Opposition
to Motion for Preliminary Injunction
NO. 22-2-20064-2

Silent Majority Foundation
5238 Outlet Dr.
Pasco, WA 99301

- 1 Guns of the Week: December 15-19
- 2 Guns of the Week – The Cody Firearms Museum
- 3 Guns of the Week – German Firearms
- 4 Guns of the Week – Scheutzenfest
- 5 Guns of the Week – Air Guns
- 6 Guns of the Week – Early Firearms Law
- 7 Guns of the Week – October 13-17
- 8 Guns of the Week – Ingenious Engineering
- 9 Guns of the Week – Remington – Smoot
- 10 Guns of the Week – September 22-26; 15-19; 8-12
- 11 CSI: Firearms Museum Edition
- 12 Confessions of a Gun Historian
- 13 Art Guns: Aesthetics Over Function?
- 14 What Good’s a Gun Without a Firing Pin?
- 15 Gun Installations, Trials & Tribulations
- 16 A True Test of Marital Trust and Love
- 17 Remembering Tom Knapp
- 18 Cody Firearms Museum Goes Hollywood
- 19 When Will My Firearms Go On Display
- 20 What’s Your Cody Firearms Museum
- 21 To Vlog or Not to Vlog
- 22 We Don’t Just Have Old Guns in Our Museum: SHOT Show 2014
- 23 Taking a Staba at Displaying More Guns
- 24 “Hi Yo Silver” Cook Away! Lone Ranger Display
- 25 The Shooting Wire
- 26 Winchester’s 150th Anniversary Website
- 27 Remington’s 200th Anniversary Website
- 28

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