

# Exhibit A

*Firearms Commerce in the US, Annual Statistical Update*

for 2011, 2012, and 2013



# **Firearms Commerce in the United States 2011**

**United States Department of Justice  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives**

# INTRODUCTION

The purpose of this report is to provide an overview of firearms commerce in the United States and the role of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in regulating firearms commodities. ATF is responsible for enforcing the Gun Control Act (GCA) of 1968, as amended. The GCA regulates the manufacture, importation, distribution, and sale of firearms, and it contains criminal provisions related to the illegal possession, use, or sale of firearms. ATF also administers the National Firearms Act (NFA), which requires the registration of certain weapons, such as machineguns and destructive devices<sup>1</sup>, and imposes taxes on the making and transfer of those weapons.

This edition contains information about domestic firearms manufacturing, as well as the importation and exportation of firearms. It also provides an update on certain ATF regulatory initiatives, including our collaboration with the firearms industry, to improve compliance with Federal firearms laws and to prevent the diversion of firearms to illegal markets. Further, it furnishes select data sets regarding domestic firearms manufacturing, and the importation and exportation of firearms.

Part I contains information about domestic firearms manufacturing and the importation and exportation of firearms to provide a better understanding of the firearms market.

Part II provides an overview of recent ATF regulatory program initiatives that focus and improve ATF's ability to conduct firearms inspections, ensure compliance, and foster communication and cooperation with the firearms industry.

Part III describes how ATF's enforcement and regulatory missions work together to prevent the unlawful diversion of firearms into illegal markets.

The appendix to this report presents a series of statistical tables containing the most up-to-date information available about the firearms industry and ATF's regulatory activities. Through these activities, ATF works to ensure compliance with Federal firearms laws and to prevent firearms from being diverted, either knowingly or unknowingly, to persons prohibited from possessing them.

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<sup>1</sup> Examples of a destructive device include (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine; (b) weapon which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, etc.

## Mission

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is a law enforcement organization within the U.S. Department of Justice (DOJ). ATF is dedicated to the reduction of violent crime, prevention of terrorism, and protection of our Nation. ATF investigates and prevents crimes that involve the unlawful manufacture, sale, possession, and use of firearms and explosives; acts of arson and bombings; and illegal trafficking of alcohol and tobacco products. ATF regulates the scope of firearms and explosives business activities—from manufacture and/or importation through retail sales; screens and licenses qualified entities that engage in commerce in these commodities; and specifies the form and content of their business records. ATF has established certain standards for the safe storage of explosive materials to which Federal explosive licensees and permittees must adhere.

ATF works closely with government and nongovernment groups in carrying out its regulatory and law enforcement missions. These include industry groups; professional organizations; international, Federal, State, local, and tribal law enforcement authorities; other Federal and public safety agencies; academia; and the communities we serve.

## Recent History

On November 25, 2002, President George W. Bush signed into law the Homeland Security Act of 2002. The Homeland Security Act divided the functions of ATF into two agencies.

On January 24, 2003 (60 days after the Homeland Security Act became law), part of the former ATF was transferred from the Department of the Treasury to the Department of Justice and renamed the Bureau of Alcohol, Tobacco, Firearms and Explosives (preserving the acronym “ATF”). ATF was given the authority to administer and enforce the Gun Control Act of 1968 (GCA), the National Firearms Act of 1934 (NFA), and the Arms Export Control Act (AECA) permanent import provisions. ATF was also tasked with overseeing explosives and arson programs and administering the United States Criminal Code provisions relating to alcohol and tobacco smuggling and diversion. For more information visit [www.atf.gov](http://www.atf.gov).

On the same day, the Alcohol and Tobacco Tax and Trade Bureau (TTB) was created within the Department of the Treasury to handle the regulatory and taxation aspects of the alcohol and tobacco industries. The TTB was entrusted with administering the laws and regulations governing firearms and ammunition excise tax. For more information about TTB activities, visit TTB at [www.ttb.gov](http://www.ttb.gov).

## **PART I: Firearms Entering Into Commerce**

In enforcing the Gun Control Act (GCA) and National Firearms Act (NFA), ATF collects data on the manufacture, importation, and exportation of firearms. This section presents information on current firearms manufacturers and their reported sales volume, along with a review of the necessary procedures for importing and exporting firearms.

### **Manufacturers' Sales, Exports, and Imports**

As of 2011, there are approximately 5,400 licensed firearms manufacturers and 950 licensed importers in the United States. A Federal firearms license is required to engage in the business of manufacturing, importing, or dealing in firearms. These businesses are required by law to maintain records of the production, exportation, importation, acquisition, and disposition of firearms.

Manufacturers' reports to ATF show the number of manufactured firearms disposed of in commerce each calendar year, as well as the number produced for export. In 2009, the most recent calendar year for which information is available, manufacturers disposed of over 2.4 million handguns and more than 3 million rifles and shotguns into commerce. Detailed production information from these manufacturers' reports is contained in the exhibits at the end of this report.

Importation and exportation statistics may also be found in the exhibits. Manufacturers' export volume for calendar year 2009, the most recent year for which complete data is available, reached more than 194,000 firearms. Compared with the 2000 export volume of 188,460 firearms, the increase in firearms exported is significantly less than the increase in firearms imported.

### **Regulation of Firearms Importation and Exportation**

The process of importing and exporting firearms into the United States is regulated by several Federal agencies. ATF administers the import provisions of the GCA, the NFA, and the permanent import provisions of the AECA. This includes the approval or denial of applications to import firearms and ammunition for persons, businesses, and government entities wishing to import such materials into the United States.

ATF also provides technical advice and assistance to the public regarding import requirements applicable to any firearms or ammunition brought into the United States from another country. (See "Technical Assistance to Industry, Law Enforcement, and the Public")

An organization within the Department of State, the Directorate of Defense Trade Controls, regulates the export of firearms other than sporting shotguns. A person wishing to export these firearms must first obtain an export license from the Department of State prior to shipping them. Within the Department of Commerce, the Bureau of Industry and Security regulates the export of

sporting shotguns with barrels between 18 and 28 inches in length. A general license from the Bureau of Industry and Security is required to export sporting shotguns.

## **Statutory Requirements for Importation**

The Gun Control Act of 1968 (GCA) generally prohibits the importation of firearms into the United States. However, the GCA creates four categories of firearms that the Attorney General must authorize for importation: These include firearms that are (1) being used for scientific or research purposes, or particular competition or training purposes; (2) unserviceable firearms (other than machineguns) that are designated as curios or museum pieces; (3) firearms that were previously taken out of the United States by the person who is bringing them back; and (4) firearms—other than National Firearms Act and surplus military weapons—that are of a type “generally recognized as particularly suitable for or readily adaptable to sporting purposes” (the “sporting purposes” test). Firearms in this final category comprise the majority of those that are imported into the United States.

Due to a change in the GCA in 1998 that made nonimmigrant aliens prohibited persons, ATF amended its import regulations to require that all nonimmigrant aliens must obtain an import permit to temporarily import firearms for lawful sporting purposes. ATF began processing temporary import applications from nonimmigrant aliens in February 2002. Nonimmigrant aliens must possess a valid hunting license from any state prior to completing the application, or an invitation or registration to a shooting event or trade show, to submit with their application. Prior to this change, these individuals were not required to obtain permits to import firearms temporarily into the United States for sporting purposes, such as for participation in hunting or competitive shooting events. During FY 2010, ATF received 7,228 import applications from nonimmigrant aliens.

## **Technical Assistance for Industry, Law Enforcement, and the Public**

ATF maintains a staff of firearms enforcement officers (FEOs) who provide technical advice and services for manufacturers and importers of firearms, as well as licensed dealers, and the general public. FEOs examine firearms and related products and classify them under the GCA, NFA, and AECA. The FEO also classifies firearms in order to support law enforcement investigations and programs.

## **PART II: Regulatory Initiatives and Programs**

Part II discusses new and ongoing regulatory programs that have improved ATF's ability to ensure firearms industry compliance and to prevent unlawful firearms sales and trafficking.

### **The Federal Firearms Licensing Center (FFLC)**

The Federal Firearms Licensing Center (FFLC) issues Federal firearms licenses. The FFLC processes applications from persons seeking to engage in firearms commerce in accordance with Federal regulations. The FFLC screens all persons who apply for a Federal firearms license to ensure that felons and other prohibited persons do not gain access to firearms.

### **The Brady Handgun Violence Prevention Act (Brady Act)**

The Brady Act requires a background check through the National Instant Criminal Background Check System (NICS), or a State agency, prior to the transfer of a firearm from a FFL to a non-licensee. While the Federal Bureau of Investigation (FBI) or State agencies perform the NICS record checks, ATF analyzes NICS denials, and investigates and enforces Brady Act violations, including the actual or attempted acquisition of a firearm by a prohibited person.

### **Regulation of Imports, Firearms, and Ammunition**

ATF regulates imports of firearms, ammunition, and certain other defense articles through the issuance of import permits. ATF maintains close liaison with the Departments of State and Defense to ensure that import permits do not conflict with the foreign policy and national security interests of the United States.

### **Licensee Population**

ATF is responsible for licensing persons engaged in the business of manufacturing, importing, and dealing in firearms. In addition, ATF issues collector licenses for those who desire to engage in lawful interstate transactions in curio or relic firearms<sup>2</sup>.

ATF evaluates information on license applications to determine applicant eligibility for licensing. A review of historical data reveals that the Federal firearms licensee population

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<sup>2</sup> Firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories: (1) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof; (2) Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and (3) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.

decreased from a high of more than 286,000 in April 1993, to a low of 102,020 in March 2000, likely due in part to the increase in license fees and requirements to comply with State and local law implemented in 1993 and 1994. Since March 2000, the licensee population has slowly increased to the 2010 level of 118,487 licensees. Trend analysis indicates overall decreases in the number of dealer FFLs and a significant increase in the number of collector FFLs—with approximately 48 percent now licensed as collectors, approximately 45 percent as dealers and pawnbrokers, and 5 percent as manufacturers and importers.

It is also instructive to note the transitory nature of the FFL population. Each year, a significant number of licensees choose to voluntarily cease operations or fail to renew their licenses. For example, during FY 2009, ATF issued over 13,700 new firearms licenses. However, during the same period, the total number of licensees increased by only 2,452.

## **Firearms Qualification and Compliance Inspection Program**

The United States Congress declared that the purpose of the Gun Control Act (GCA) was to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence. Major portions of GCA regulations pertain to licensing and recordkeeping provisions to ensure that individuals who are engaged in the firearms business hold Federal firearms licenses and keep accurate records of firearms acquisition and disposition. Anyone wishing to engage in the activity of importing, manufacturing, or dealing in firearms, or manufacturing or importing ammunition, must obtain a Federal firearms license. Once a license is issued, the licensee has a responsibility to be in full compliance with Federal firearms laws and regulations.

To ensure its mission objectives, ATF conducts face-to-face qualification inspections for all new firearms business applicants. These qualification inspections serve two functions: (1) ensure the applicants understand statutory and regulatory requirements and (2) ensure that only qualified applicants receive a Federal firearms license. ATF conducted almost 7,000 license applicant inspections in FY 2009. During these inspections, ATF Industry Operations Investigators (IOIs) provide extensive education and information about the Federal firearms laws and regulations, and how to stay in compliance with them.

To ensure compliance with recordkeeping requirements, ATF may inspect a licensee once every 12 months. ATF may also inspect a licensee when there is reasonable cause to believe a violation has occurred and a warrant has been issued by a Federal magistrate. Exceptions to the warrant requirement include inspections during the course of a criminal investigation of a person or persons other than the licensee or for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.



## **FFL eZ Check System**

FFL eZ Check, which became operational in October 2000, was created to help the firearms industry prevent the fraudulent use of firearms licenses. Prior to a licensee's disposal of a firearm to another licensee, he or she must verify the identity and license status of the person to whom the firearm will be transferred. This is generally accomplished by obtaining a certified copy of the license.

The advent of new computer imaging, scanning, and internet technologies have made it increasingly easier for an unlicensed person to create an authentic looking copy of a license and to fraudulently use that copy to attempt to order firearms from legitimate FFLs.

To help prevent this unlawful activity from occurring, licensees can access ATF's FFL eZ Check at [www.atf.gov/applications/fflezcheck](http://www.atf.gov/applications/fflezcheck). The FFL eZ Check allows an FFL to verify a license prior to transferring a firearm to another licensee. In 2010, FFL eZ Check recorded more than 850,000 license verifications, showing increased usage each year for the tenth consecutive year.

FFL eZ Check also provides a toll-free number (1-877-560-2435) for licensees to call in order to confirm the validity of a particular license. The toll-free number is operational five days a week during standard business hours.

## **Industry Education**

ATF is continually developing and strengthening new working relationships with the firearms industry and consumers through education and outreach. ATF regularly holds informational seminars for licensees to keep them informed about legislative and regulatory changes that affect their businesses. ATF also provides a variety of instructional and informational materials to the industry, including regularly updated reference guides about Federal, State, and local firearms laws and regulations, such as the NFA Handbook and the ATF Guidebook on Importation and Verification of Firearms, Ammunition and Implements of War, licensee newsletters, and a manual for dealers to help them evaluate their vulnerability to thefts. This information is available at [www.atf.gov](http://www.atf.gov).

To address industry concerns and deal with firearms issues that affect the industry and general public, ATF participates in regularly scheduled meetings with representatives from the National Shooting Sports Foundation (NSSF). ATF also meets with representatives from the National Pawnbrokers Association (NPA), the National Auctioneers Association, and the National Association of Arms Shows (NAAS), in an effort to educate show promoters and attendees about the Federal laws and regulations governing firearms sales at gun shows.

Further, ATF participates in numerous conferences and trade shows sponsored by various firearms industry organizations. The Shooting, Hunting, Outdoor Trade Show and Conference (SHOT Show), sponsored by the National Shooting Sports Foundation, is the largest trade show for all professionals involved with the shooting sports and hunting industries. ATF has been participating in the SHOT Show for over 25 years, regularly hosting an informational booth so

that subject-matter experts can be on hand to answer questions and discuss regulatory issues with the 35,000 industry members who attend the show each year.

During the SHOT Show, ATF also attends meetings and conducts seminars to educate industry members about a host of issues such as anti-straw-purchase programs and firearms licensee requirements. Executive-level meetings with the National Firearms Act Trade and Collectors Association (NFATCA) and Firearms and Ammunition Importers Roundtable (FAIR) have become regular features of ATF's SHOT Show participation. In addition, ATF meets collectively with compliance officers from the largest retail firearms dealers on a regular basis.

One example of the positive nature of these activities is the joint ATF-NSSF educational campaign, entitled "Don't Lie for the Other Guy," which is an effort to prevent prohibited individuals from obtaining firearms. This educational campaign is intended to discourage people from illegally purchasing firearms on behalf of others, often for persons who are unable to legally possess firearms. Moreover, it heightens awareness of these illegal sales among licensed dealers. More information about the Don't Lie for the Other Guy campaign can be found at the campaign website [www.dontlie.org](http://www.dontlie.org).

Currently, more than 50,000 Don't Lie Educational Kits have been distributed to FFLs nationwide. FFLs use these kits to train their employees in detecting and deterring illegal straw purchases of firearms. In 2008, the program was expanded to incorporate a consumer awareness component. ATF uses outdoor advertising and public service announcements to convey the important message that buying guns for people who can't or won't buy guns for themselves is a Federal crime punishable by up to 10 years in prison and a fine of up to \$250,000. The program alerts the potential straw purchasers of the penalties associated with straw purchases before they enter licensee places of business.

In addition, ATF and NSSF jointly hosted the Don't Lie for the Other Guy educational seminars for licensees at convenient locations around the country. Over 8,000 licensees have attended over 70 of these seminars. The NSSF also prints and distributes the educational kits for firearms retailers. The kits contain posters, pamphlets, and other educational materials including a DVD that depicts five scenarios that straw purchasers use to obtain firearms illegally.

ATF also meets frequently with representatives of the FAIR trade group to discuss issues of mutual interest with respect to the importation of firearms and munitions. Furthermore, ATF attends an annual educational conference for licensed importers and defense contractors along with the Departments of State, Commerce, Treasury, and Homeland Security to discuss issues, concerns, and legislation affecting the import sector of the industry.

ATF continues to work with the firearms industry during times of heightened awareness regarding thefts, unusual purchases, or attempted illegal straw purchases of firearms. Additionally, ATF will continue to notify firearms shippers, when necessary, about the importance of maintaining increased awareness of unusual or suspicious activity. ATF is committed to keeping lines of communication open on issues affecting public safety.

## **PART III: Integration of Law Enforcement and Regulatory Missions**

### **ATF's Role in Eliminating Illegal Firearms Trafficking**

The goal of ATF's illegal firearms trafficking enforcement program is to reduce violent crime and protect national security. ATF investigates and arrests individuals and organizations who illegally supply firearms to prohibited individuals. ATF is the Federal law enforcement organization that regulates the firearms industry. It deters the diversion of firearms from lawful commerce into the illegal market with enforcement strategies and technology. In addition, ATF regulates the firearms industry to promote compliance, to prevent diversion, and to detect those criminals who bring violence to our communities. ATF's illegal firearms trafficking and violent crime strategies provide state and local governments a solution for crime that originates within and outside of their jurisdictions.

### **Integrated Violence Reduction Strategy (IVRS)**

The focus of the Integrated Violence Reduction Strategy (IVRS) is to remove violent offenders from our communities, keep firearms from prohibited persons, eliminate illegal firearms transfers, and prevent firearms violence through community outreach. IVRS builds upon traditional enforcement efforts with the use of State-of-the-art technology, intelligence and information sharing, industry regulation, and community outreach.

### **The ATF National Tracing Center (NTC)**

The ATF National Tracing Center (NTC) is the only firearms tracing facility in the United States. GCA regulations define the required records that allow ATF to trace each firearm from its point of manufacture or importation to the point of its first retail sale. The NTC traces crime guns for Federal, State, local, and international law enforcement agencies to provide investigative leads. By tracing firearms recovered by law enforcement authorities, ATF is able to discern patterns of names, locations, and weapon types. This information provides invaluable leads that help identify persons engaged in the unlawful diversion of firearms into illegal commerce, links suspects to firearms in criminal investigations, identifies potential traffickers, and detects intrastate, interstate, and international patterns in trafficking.

### **Illegal Firearms Trafficking Information and Intelligence**

Because of ATF's unique combination of criminal and regulatory authorities under the GCA, the National Firearms Act (NFA), and the Arms Export Control Act (AECA), it has developed specialized expertise, information, and intelligence resources to more effectively enforce these laws. ATF intelligence research specialists combine ATF proprietary data (e.g.,

Multiple Sales and FFL Out of Business Records) and all source information to identify firearms traffickers, illegal firearms trafficking corridors, and armed violators. ATF intelligence products provide special agents with comprehensive information to detect, investigate, apprehend, and recommend for prosecution those individuals or groups of persons who unlawfully transfer or possess firearms. These tools also assist industry operations investigators (IOIs) in conducting thorough qualification and compliance investigations. ATF's sharing of information and intelligence products contribute to our national security efforts.

## **Enforcement of the National Firearms Act**

By law, ATF regulates National Firearms Act (NFA) weapons such as machineguns, short-barreled rifles, short-barreled shotguns, silencers, certain concealable firearms, and destructive devices. The NFA requires that firearm importers, manufacturers, and makers register NFA weapons. ATF approves or disapproves all NFA transfers and processes all applications and notices to manufacture, transfer, and register NFA items. ATF uses the National Firearms Registration and Transfer Record (NFRTR) to support FFL inspections and criminal investigations. In addition, ATF continually provides technical information to the industry and the public concerning the requirements of the NFA.

## **Summary**

ATF strives to provide the public with the most up-to-date information on the firearms industry, as well as to promote industry collaboration and compliance. ATF will continue to release yearly statistical data relating to the industry, along with information concerning new regulatory initiatives. Any suggestions to improve the usefulness of the data presented in this report may be submitted to:

Bureau of Alcohol, Tobacco, Firearms and Explosives  
Office of Enforcement Programs and Services  
99 New York Avenue, NE  
Washington, DC 20226

## Exhibit 1. Firearms Manufactured (1986-2009)

Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms <sup>1</sup>	Total Firearms
1986	662,973	761,414	970,507	641,482	4,558	3,040,934
1987	964,561	722,512	1,007,661	857,949	6,980	3,559,663
1988	1,101,011	754,744	1,144,707	928,070	35,345	3,963,877
1989	1,404,753	628,573	1,407,400	935,541	42,126	4,418,393
1990	1,371,427	470,495	1,211,664	848,948	57,434	3,959,968
1991	1,378,252	456,966	883,482	828,426	15,980	3,563,106
1992	1,669,537	469,413	1,001,833	1,018,204	16,849	4,175,836
1993	2,093,362	562,292	1,173,694	1,144,940	81,349	5,055,637
1994	2,004,298	586,450	1,316,607	1,254,926	10,936	5,173,217
1995	1,195,284	527,664	1,411,120	1,173,645	8,629	4,316,342
1996	987,528	498,944	1,424,315	925,732	17,920	3,854,439
1997	1,036,077	370,428	1,251,341	915,978	19,680	3,593,504
1998	960,365	324,390	1,535,690	868,639	24,506	3,713,590
1999	995,446	335,784	1,569,685	1,106,995	39,837	4,047,747
2000	962,901	318,960	1,583,042	898,442	30,196	3,793,541
2001	626,836	320,143	1,284,554	679,813	21,309	2,932,655
2002	741,514	347,070	1,515,286	741,325	21,700	3,366,895
2003	811,660	309,364	1,430,324	726,078	30,978	3,308,404
2004	728,511	294,099	1,325,138	731,769	19,508	3,099,025
2005	803,425	274,205	1,431,372	709,313	23,179	3,241,494
2006	1,021,260	385,069	1,496,505	714,618	35,872	3,653,324
2007	1,219,664	391,334	1,610,923	645,231	55,461	3,922,613
2008	1,609,381	431,753	1,734,536	630,710	92,564	4,498,944
2009	1,868,258	547,195	2,248,851	752,699	138,815	5,555,818

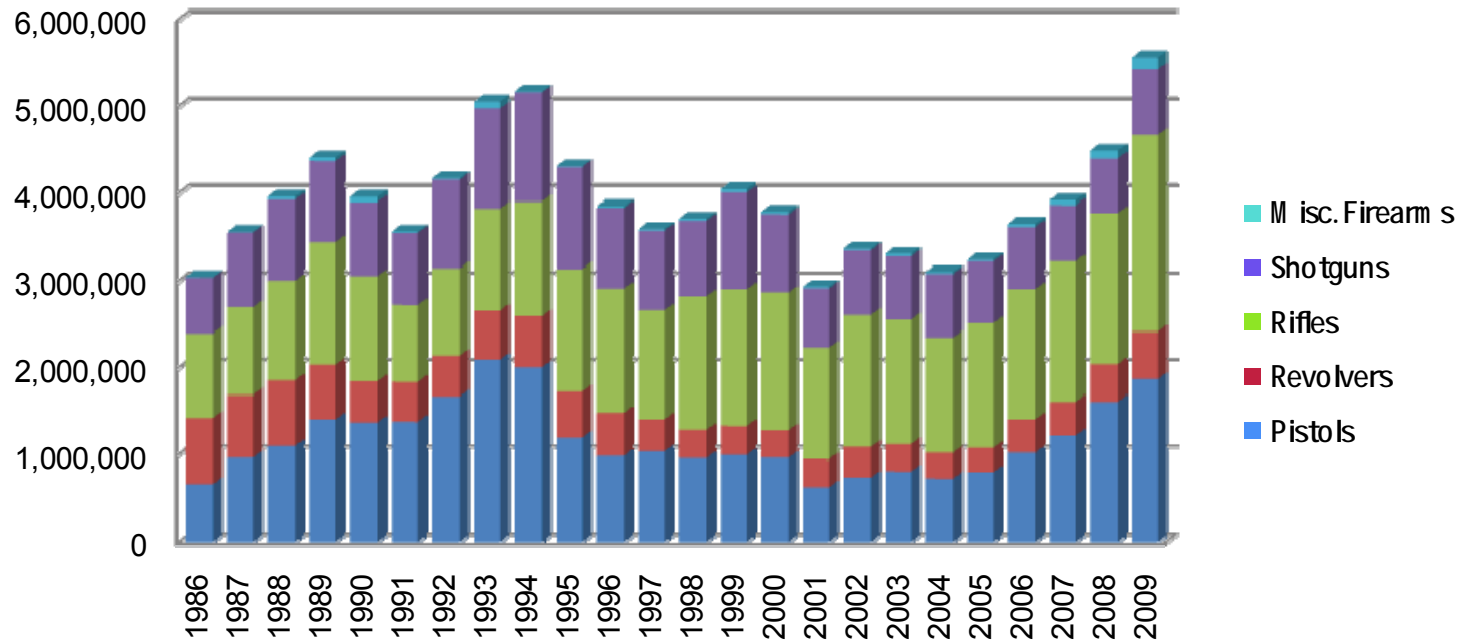
Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMER).

<sup>1</sup> Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies. The report also includes firearms manufactured for export.

AFMER data is not published until one year after the close of the calendar year reporting period because the proprietary data furnished by filers is protected from immediate disclosure by the Trade Secrets Act. For example, calendar year 2009 data was due to ATF by April 1, 2010, but not published until January 2011.

**Exhibit 1a. Firearms Manufactured (1986-2009)**



## Exhibit 2. Firearms Manufacturers' Exports (1986-2009)

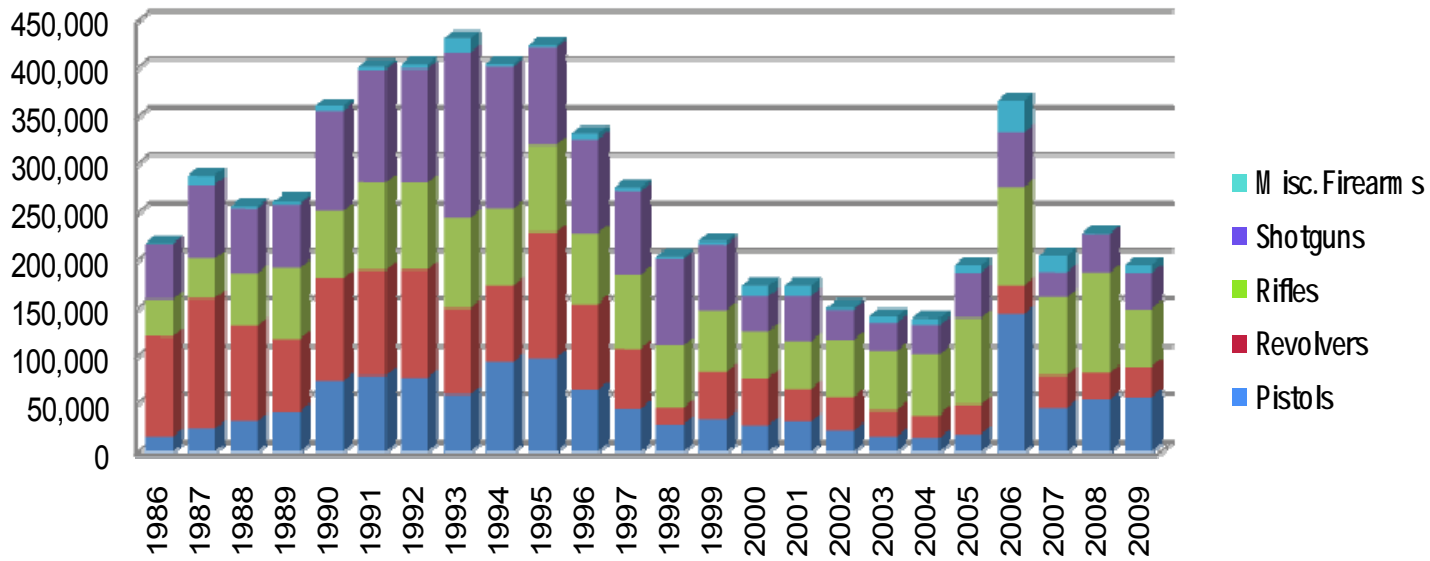
Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms <sup>1</sup>	Total Firearms
1986	16,511	104,571	37,224	58,943	199	217,448
1987	24,941	134,611	42,161	76,337	9,995	288,045
1988	32,570	99,289	53,896	68,699	2,728	257,182
1989	41,970	76,494	73,247	67,559	2,012	261,282
1990	73,398	106,820	71,834	104,250	5,323	361,625
1991	79,275	110,058	91,067	117,801	2,964	401,165
1992	76,824	113,178	90,015	119,127	4,647	403,791
1993	59,234	91,460	94,272	171,475	14,763	431,204
1994	93,959	78,935	81,835	146,524	3,220	404,473
1995	97,969	131,634	90,834	101,301	2,483	424,221
1996	64,126	90,068	74,557	97,191	6,055	331,997
1997	44,182	63,656	76,626	86,263	4,354	275,081
1998	29,537	15,788	65,807	89,699	2,513	203,344
1999	34,663	48,616	65,669	67,342	4,028	220,318
2000	28,636	48,130	49,642	35,087	11,132	172,627
2001	32,151	32,662	50,685	46,174	10,939	172,611
2002	22,555	34,187	60,644	31,897	1,473	150,756
2003	16,340	26,524	62,522	29,537	6,989	141,912
2004	14,959	24,122	62,403	31,025	7,411	139,920
2005	19,196	29,271	92,098	46,129	7,988	194,682
2006	144,779	28,120	102,829	57,771	34,022	367,521
2007	45,053	34,662	80,594	26,949	17,524	204,782
2008	54,030	28,205	104,544	41,186	523	228,488
2009	56,402	32,377	61,072	36,455	8,438	194,744

Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMER).

<sup>1</sup> Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies. The report also includes firearms manufactured for export.

**Exhibit 2a. Firearms Manufacturers' Exports (1986-2009)**





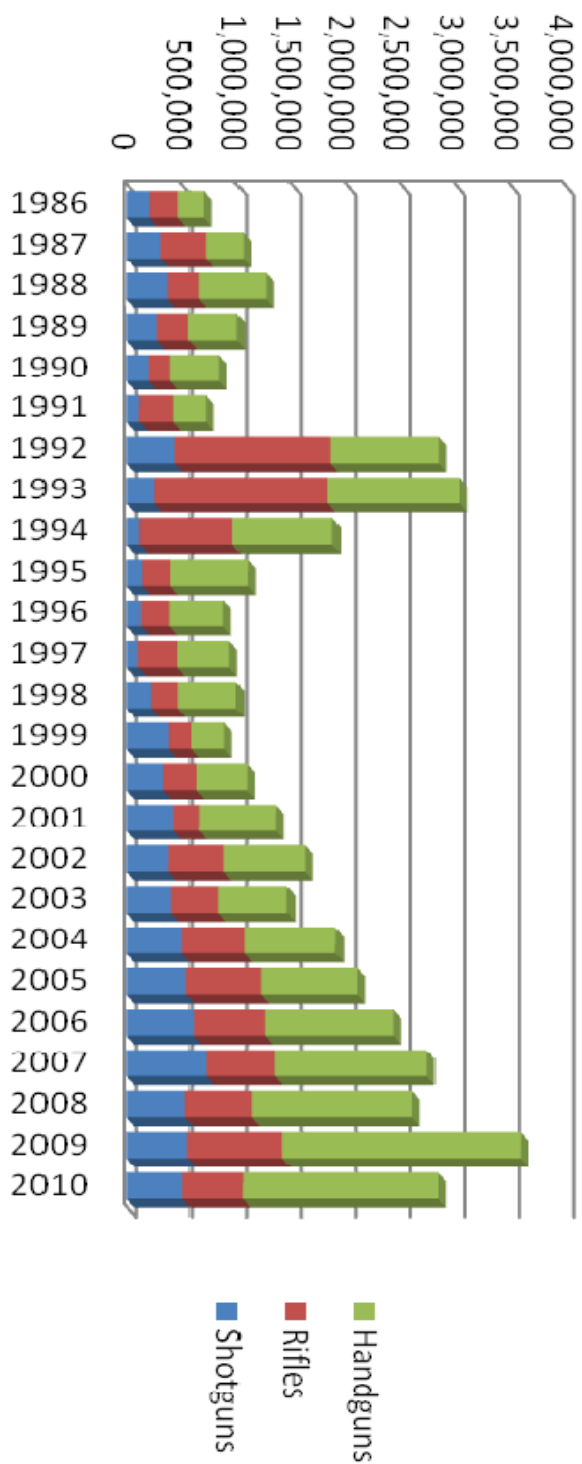
### Exhibit 3. Firearms Imports (1986-2010)

Calendar Year	Shotguns	Rifles	Handguns	Total Firearms
1986	201,000	269,000	231,000	701,000
1987	307,620	413,780	342,113	1,063,513
1988	372,008	282,640	621,620	1,276,268
1989	274,497	293,152	440,132	1,007,781
1990	191,787	203,505	448,517	843,809
1991	116,141	311,285	293,231	720,657
1992	441,933	1,423,189	981,588	2,846,710
1993	246,114	1,592,522	1,204,685	3,043,321
1994	117,866	847,868	915,168	1,880,902
1995	136,126	261,185	706,093	1,103,404
1996	128,456	262,568	490,554	881,578
1997	106,296	358,937	474,182	939,415
1998	219,387	248,742	531,681	999,810
1999	385,556	198,191	308,052	891,799
2000	331,985	298,894	465,903	1,096,782
2001	428,330	227,608	710,958	1,366,896
2002	379,755	507,637	741,845	1,629,237
2003	407,402	428,837	630,263	1,466,502
2004	507,050	564,953	838,856	1,910,859
2005	546,403	682,100	878,172	2,106,675
2006	606,820	659,393	1,166,309	2,432,522
2007	725,752	631,781	1,386,460	2,743,993
2008	535,960	602,364	1,468,062	2,606,386
2009	558,679	864,010	2,184,417	3,607,106
2010	509,913	547,449	1,782,585	2,839,947

Source: ATF and United States International Trade Commission.

Statistics prior to 1992 are for fiscal years—1992 is a transition year with five quarters.

**Exhibit 3a. Firearms Imports (1986 - 2010)**



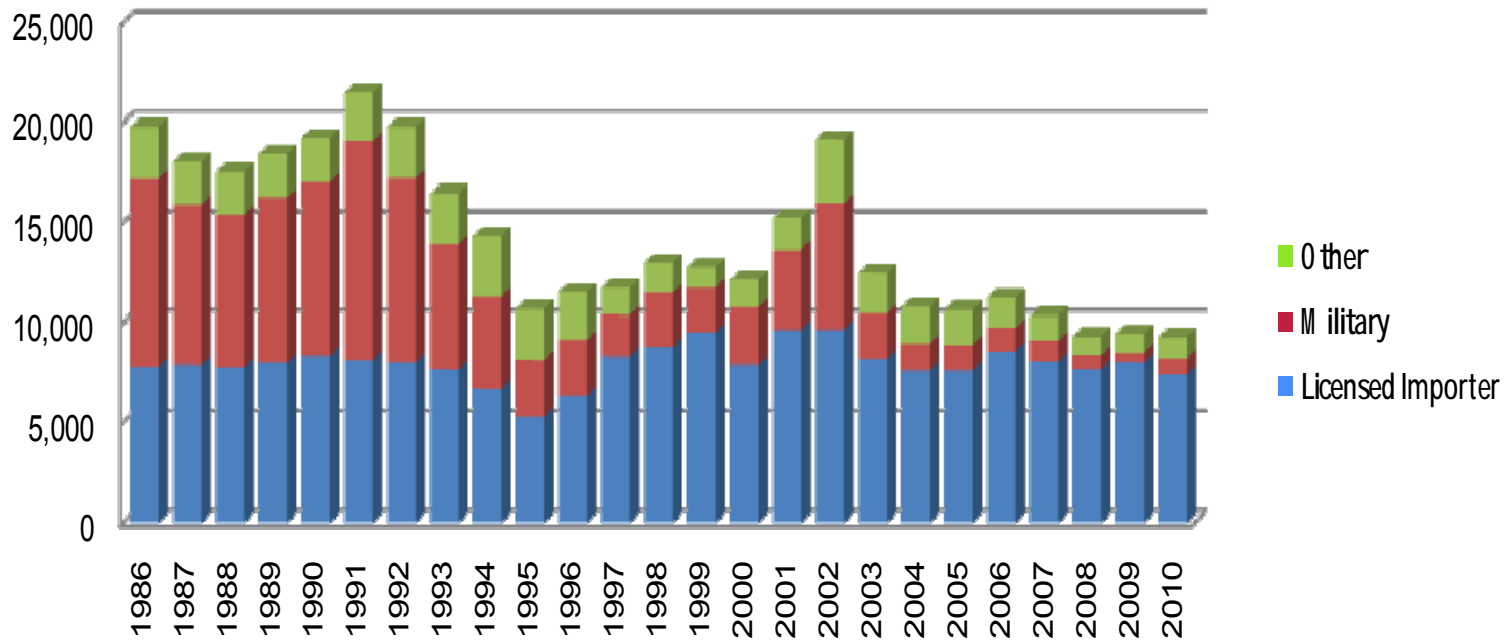
## Exhibit 4. Importation Applications (1986-2010)

Fiscal Year	Licensed Importer	Military	Other	Total
1986	7,728	9,434	2,631	19,793
1987	7,833	8,059	2,130	18,022
1988	7,711	7,680	2,122	17,513
1989	7,950	8,293	2,194	18,437
1990	8,292	8,696	2,260	19,248
1991	8,098	10,973	2,412	21,483
1992	7,960	9,222	2,623	19,805
1993	7,591	6,282	2,585	16,458
1994	6,704	4,570	3,024	14,298
1995	5,267	2,834	2,548	10,649
1996	6,340	2,792	2,395	11,527
1997	8,288	2,069	1,395	11,752
1998	8,767	2,715	1,536	13,019
1999	9,505	2,235	1,036	12,776
2000	7,834	2,885	1,416	12,135
2001	9,639	3,984	1,569	15,192
2002	9,646	6,321	3,199	19,166
2003	8,160	2,264	2,081	12,505
2004	7,539	1,392	1,819	10,750
2005	7,539	1,320	1,746	10,605
2006	8,537	1,180	1,505	11,222
2007	8,004	1,081	1,236	10,321
2008	7,610	718	980	9,308
2009	7,967	504	970	9,441
2010	7,367	823	1,088	9,278

Source: ATF's Firearms and Explosives Import System (FEIS)

Import data excludes temporary permits issued to nonimmigrant aliens.

**Exhibit 4a. Importation Applications (1986-2010)**



## Exhibit 5. Firearms Imported into the United States by Country 2010

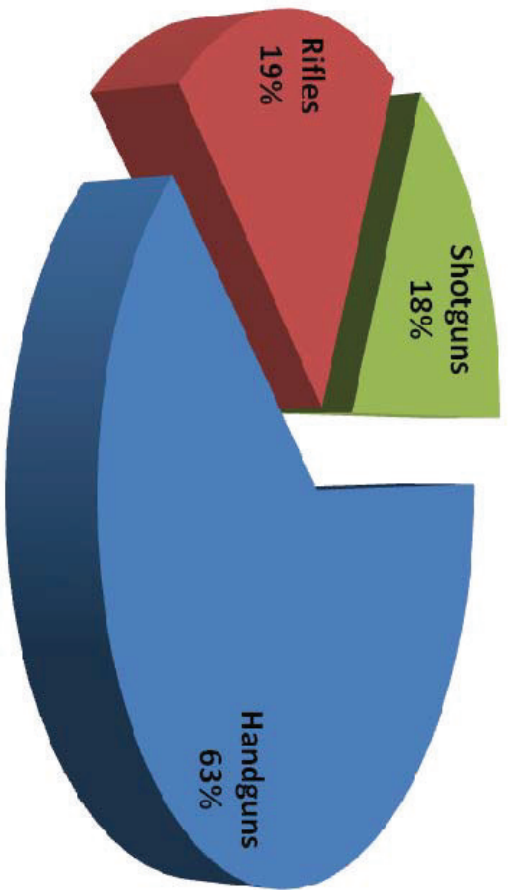
	Handguns	Rifles	Shotguns	Total Firearms
Brazil	526,011	46,243	169,136	741,390
Austria	431,118	2,759	497	434,374
Italy	129,509	16,393	139,181	285,083
Germany	230,477	33,847	2,364	266,688
Croatia	239,021	0	0	239,021
Turkey	24,443	400	122,721	147,564
Canada	6	154,953	0	154,959
Russia	1,050	90,854	3,708	95,612
Argentina	74,245	0	0	74,245
China <sup>1</sup>	0	300	61,956	62,256
Romania	16,945	35,197	0	52,142
Japan	0	49,946	344	50,290
Philippines	44,626	2,050	1,139	47,815
Serbia	12,455	28,042	0	40,497
Czech Republic	21,140	15,148	34	36,322
Belgium	18,874	16,017	48	34,939
Finland	0	26,464	0	26,464
United Kingdom	387	6,839	6,221	13,447
Spain	989	6,898	1,722	9,609
Ukraine	0	8,800	0	8,800
Portugal	0	4,740	704	5,444
Bulgaria	3,325	0	0	3,325
Poland	3,922	0	70	3,992
Israel	2,645	0	0	2,645
Switzerland	738	1,295	0	2,033
Other <sup>2</sup>	659	264	68	991
Totals	1,782,585	547,449	509,913	2,839,947

Source: United States International Trade Commission

<sup>1</sup>On May 26, 1994, the United States instituted a firearms imports embargo against China. Shotguns, however, are exempt from the embargo.

<sup>2</sup>Imports of fewer than 1,000 per country.

**Exhibit 5a. Imported Firearms by Type 2010**



## Exhibit 6. National Firearms Act Tax Revenues and Related Activities (1979-2010)

Fiscal Year <sup>1</sup>	Occupational Tax Paid <sup>2</sup>	Transfer and Making Tax Paid <sup>3</sup>	Enforcement Support <sup>4</sup>	
			Certifications	Records Checks
1979	\$0	\$500,000	3,559	0
1980	\$0	\$716,000	4,377	0
1981	\$268,000	\$611,000	1,482	3,627
1982	\$391,000	\$723,000	1,306	2,841
1983	\$591,000	\$594,000	4,335	0
1984	\$596,000	\$666,000	1,196	2,771
1985	\$606,000	\$594,000	921	3,682
1986	\$667,000	\$1,372,000	690	3,376
1987	\$869,000	\$1,576,000	575	4,135
1988	\$2,095,000	\$1,481,000	701	3,738
1989	\$1,560,000	\$1,527,000	1,196	6,128
1990	\$1,442,000	\$1,308,000	666	7,981
1991	\$1,556,000	\$1,210,000	764	7,857
1992	\$1,499,000	\$1,237,000	1,257	8,582
1993	\$1,493,000	\$1,264,000	1,024	7,230
1994	\$1,444,000	\$1,596,000	586	6,283
1995	\$1,007,000	\$1,311,000	882	5,677
1996	\$1,143,000	\$1,402,000	529	5,215
1997	\$1,284,000	\$1,630,000	488	4,395
1998	\$1,299,000	\$1,969,000	353	3,824
1999	\$1,330,000	\$2,422,000	345	3,994
2000	\$1,399,000	\$2,301,000	422	4,690
2001	\$1,456,000	\$2,800,000	367	2,862
2002	\$1,492,000	\$1,510,000	503	3,644
2003	\$1,758,000	\$2,699,000	475	3,749
2004	\$1,640,000	\$3,052,000	460	3,511
2005	\$1,659,000	\$2,810,000	471	3,527
2006	\$1,709,000	\$3,951,000	433	3,349
2007	\$1,815,000	\$4,890,000	418	3,390
2008	\$1,950,000	\$5,742,000	304	3,191
2009	\$2,125,000	\$7,971,000	638	3,175
2010	\$2,530,000	\$7,183,511	810	3,211

Source: ATF's National Firearms Registration and Transfer Record (NFRTR)

<sup>1</sup> Data from 1997-2000 were based on calendar year data.

<sup>2</sup> Occupational tax revenues for FY 1990-1996 include collections made during the fiscal year for prior tax years.

<sup>3</sup> Importers, manufacturers, or dealers in NFA firearms are subject to a yearly occupational tax.

<sup>4</sup> ATF searches the NFRTR in support of criminal investigations and regulatory inspections in order to determine whether persons are legally in possession of NFA weapons and whether transfers are made lawfully.

## Exhibit 7. National Firearms Act Firearms Processed by Form Type (1990-2010)

Calendar Year <sup>1</sup>	Application to Make <input type="checkbox"/> FA Firearms <sup>2</sup> ATF Form 1 <input type="checkbox"/>	Manufactured and Imported ATF Form 2 <input type="checkbox"/>	Application for Tax Exempt Transfer Between Licensees ATF Form 3 <input type="checkbox"/>	Application for Taxpaid Transfer ATF Form 4 <input type="checkbox"/>	Application for Tax Exempt Transfer <sup>3</sup> ATF Form 5 <input type="checkbox"/>	Exported ATF Form 9 <input type="checkbox"/>	Total Firearms Processed <sup>4</sup>
1990	399	66,084	23,149	7,024	54,959	21,725	173,340
1991	524	80,619	19,507	5,395	44,146	40,387	190,578
1992	351	107,313	26,352	6,541	45,390	22,120	208,067
1993	310	70,342	22,071	7,388	60,193	24,041	184,345
1994	1,076	97,665	27,950	7,600	67,580	34,242	236,113
1995	1,226	95,061	18,593	8,263	60,055	31,258	214,456
1996	1,174	103,511	16,931	6,418	72,395	40,439	240,868
1997	855	110,423	18,371	7,873	70,690	36,284	244,496
1998	1,093	141,101	27,921	10,181	93,135	40,221	313,652
1999	1,071	137,373	28,288	11,768	95,554	28,128	302,182
2000	1,334	141,763	23,335	11,246	96,234	28,672	302,584
2001	2,522	145,112	25,745	10,799	101,955	25,759	311,892
2002	1,173	162,321	25,042	10,686	92,986	47,597	339,805
2003	1,003	156,620	21,936	13,501	107,108	43,668	343,836
2004	980	83,483	20,026	14,635	54,675	19,425	193,224
2005	1,902	65,865	26,603	14,606	26,210	20,951	156,137
2006	2,610	188,134	51,290	20,534	100,458	42,175	405,201
2007	3,553	296,267	51,217	22,260	194,794	76,467	644,558
2008	4,583	424,743	71,404	26,917	183,271	206,411	917,329
2009	5,345	371,920	56,947	31,551	201,267	163,951	830,981
2010	5,169	296,375	58,875	33,059	189,449	136,335	719,262

Source: ATF's National Firearms Registration and Transfer Record (NFRTR)

<sup>1</sup> Data from 1990 - 1996 represent fiscal year.

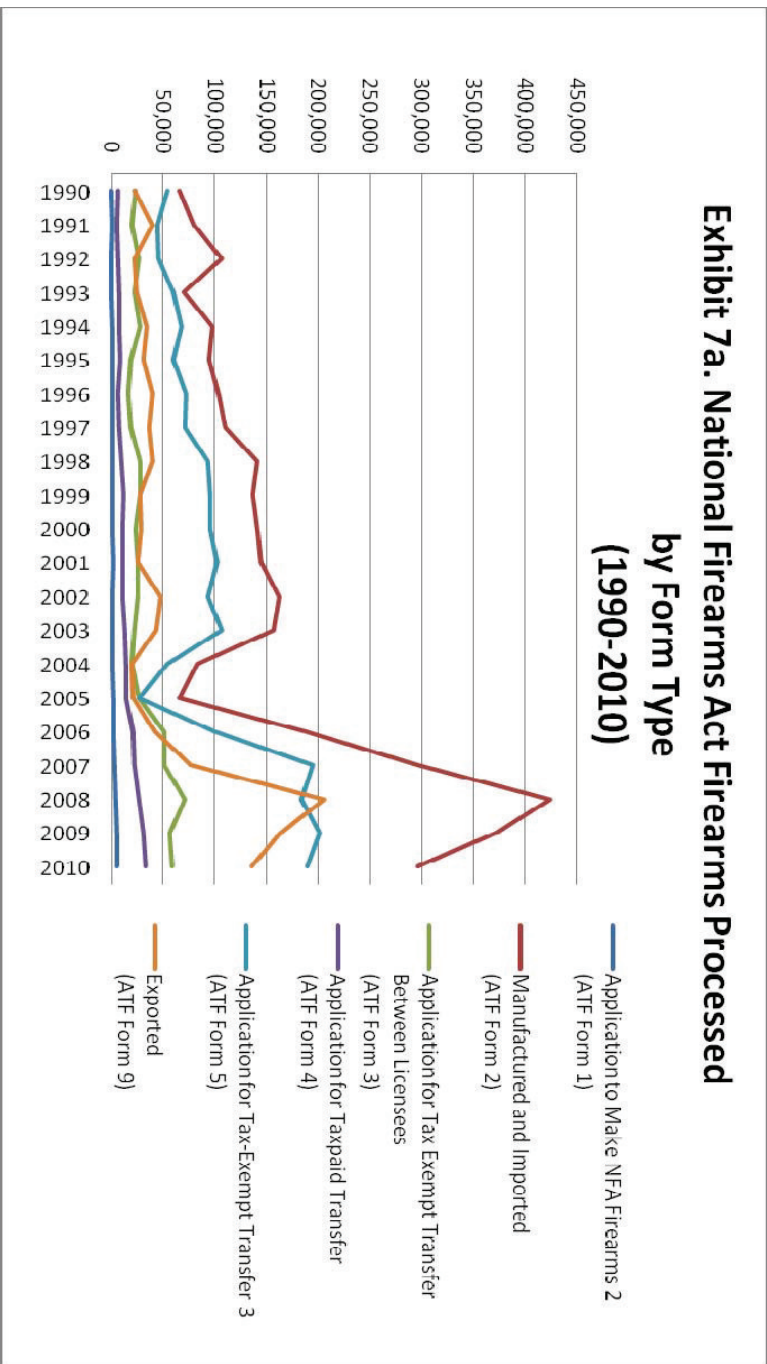
<sup>2</sup> Firearms manufactured by, or on behalf of, the U.S. Government or any department, independent establishment, or agency thereof are exempt from the making tax.

<sup>3</sup> Firearms may be transferred to the U.S. Government or its possessions, to State governments, or to official police organizations without the payment of a transfer tax. Further, transfers of FA firearms between licensees registered as importers, manufacturers, or dealers who have paid the special occupational tax are likewise exempt from transfer tax.

<sup>4</sup> Totals do not include ATF Form 5320.20 or ATF Form 10 because these do not relate to commercial transactions.



### Exhibit 7a. National Firearms Act Firearms Processed by Form Type (1990-2010)



## Exhibit 8. National Firearms Act Registered Weapons by State (December 2010)

State	Any Other Weapon <sup>1</sup>	Reconstructive Device <sup>2</sup>	Machinegun <sup>3</sup>	Silencer <sup>4</sup>	Short Barreled Rifle <sup>5</sup>	Short Barreled Shotgun <sup>6</sup>	Total
Alabama	1,085	38,742	14,201	7,195	791	2,013	64,027
Alaska	307	2,840	1,602	1,779	419	1,071	8,018
Arkansas	568	43,567	4,188	5,705	839	977	55,844
Arizona	1,029	63,380	15,633	13,828	4,388	1,747	100,005
California	3,562	195,423	26,237	4,798	2,643	10,103	242,766
Colorado	856	34,346	5,766	4,792	1,675	1,348	48,783
Connecticut	633	8,846	21,943	4,568	878	2,518	39,386
District of Columbia	69	34,059	4,103	160	182	978	39,551
Delaware	32	1,974	515	257	85	441	3,304
Florida	2,906	92,609	27,607	22,517	6,019	5,313	156,971
Georgia	1,687	43,185	20,129	29,004	2,755	9,241	106,001
Hawaii	34	5,019	428	102	50	59	5,692
Iowa	870	11,058	3,055	229	314	882	16,408
Idaho	561	12,432	3,822	8,993	900	379	27,087
Illinois	947	79,858	23,625	1,007	1,100	1,633	108,170
Indiana	1,285	32,239	16,623	11,471	1,886	8,303	71,807
Kansas	670	18,638	2,765	1,284	845	822	25,024
Kentucky	983	20,527	8,706	7,481	1,188	1,615	40,500
Louisiana	511	43,001	6,274	3,302	1,352	1,443	55,883
Massachusetts	817	12,255	6,341	4,769	1,035	844	26,061
Maryland	893	38,657	23,393	5,991	1,408	3,679	74,021
Maine	556	2,342	4,597	1,135	1,370	376	10,376
Michigan	1,038	20,312	8,656	1,322	628	1,094	33,050
Minnesota	2,625	33,944	7,876	632	1,044	995	47,116
Missouri	1,286	23,468	7,660	3,382	1,523	2,088	39,407
Mississippi	387	5,854	3,797	2,416	435	686	13,575
Montana	385	2,652	1,842	1,631	404	338	7,252
North Carolina	801	64,510	10,026	6,862	2,251	2,377	86,827
North Dakota	171	1,433	1,226	1,434	214	149	4,627
Nebraska	703	4,873	2,012	1,792	546	734	10,660
New Hampshire	410	3,203	5,479	2,293	1,121	349	12,855
New Jersey	422	35,733	6,749	850	584	2,267	46,605
New Mexico	269	52,092	3,652	2,451	743	582	59,789
Nevada	674	27,385	6,342	5,575	2,186	742	40,008
New York	1,853	33,689	6,675	892	948	7,243	51,300
Ohio	1,710	67,249	16,254	7,450	2,364	3,589	98,616
Oklahoma	1,065	12,184	6,858	6,615	1,402	1,398	29,522
Oregon	1,446	16,429	6,234	8,391	1,993	1,225	35,718
Pennsylvania	1,891	103,223	17,355	10,059	3,302	11,057	146,887
Rhode Island	43	2,633	572	26	108	112	3,494
South Carolina	650	24,634	6,165	6,096	976	2,233	40,754
South Dakota	339	3,151	1,425	1,336	216	169	6,636
Tennessee	1,436	30,812	11,883	7,765	2,143	5,398	59,437
Texas	6,113	141,891	26,978	36,204	6,958	6,056	224,200
Utah	355	12,629	5,936	4,400	1,576	1,090	25,986
Virginia	2,456	146,071	28,760	13,207	5,807	5,869	202,170
Vermont	217	2,113	1,064	66	112	92	3,664
Washington	1,631	32,863	3,650	5,136	975	728	44,983
Wisconsin	728	22,776	6,067	3,861	1,207	1,087	35,726
West Virginia	420	5,905	2,375	1,784	519	514	11,517
Wyoming	285	95,528	1,634	777	311	369	98,904
Other US Territories	6	286	175	15	11	47	540
<b>Total</b>	<b>52,676</b>	<b>1,864,522</b>	<b>456,930</b>	<b>285,087</b>	<b>74,729</b>	<b>116,462</b>	<b>2,850,406</b>

- <sup>1</sup> The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.
- <sup>2</sup> "Destructive device" generally is defined as "a" Any explosive, incendiary, or poison gas "1" bomb, "2" grenade, "3" rocket having a propellant charge of more than 4 ounces, "4" missile having an explosive or incendiary charge of more than one-quarter ounce, "5" mine, or "6" device similar to any of the devices described in the preceding paragraphs of this definition "b" any type of weapon "other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes" by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter "and" "c" any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph "a" or "b" of this section and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon "any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device" surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684.2 "4685, or 4686 of title 10, United States Code" or any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.
- <sup>3</sup> Machinegun is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.
- <sup>4</sup> Silencer is defined as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.
- <sup>5</sup> Short-barreled rifle is defined as a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.
- <sup>6</sup> Short-barreled shotgun is defined as a shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.

## Exhibit 9. National Firearms Act Special Occupational Taxpayers by State - Tax Year 2010

State	Importers	Manufacturers	Dealer	Total
Alabama	12	27	42	81
Alaska	0	7	24	31
Arizona	13	128	113	254
Arkansas	6	29	29	64
California	11	41	63	115
Colorado	1	32	46	79
Connecticut	8	41	35	84
Delaware	0	1	3	4
District of Columbia	0	0	1	1
Florida	23	127	208	358
Georgia	9	54	80	143
Hawaii	0	0	2	2
Idaho	0	56	30	86
Illinois	9	37	42	88
Indiana	2	38	64	104
Iowa	1	11	11	23
Kansas	3	14	37	54
Kentucky	7	26	45	78
Louisiana	2	22	59	83
Maine	1	15	16	32
Maryland	6	30	40	76
Massachusetts	2	40	22	64
Michigan	6	35	60	101
Minnesota	2	50	15	67
Mississippi	3	14	32	49
Missouri	3	49	63	115
Montana	2	11	21	34
Nebraska	0	8	12	20
Nevada	2	39	40	81
New Hampshire	5	23	35	63
New Jersey	2	5	17	24
New Mexico	3	12	28	43
New York	1	23	13	37
North Carolina	5	63	81	149
North Dakota	0	3	4	7
Ohio	2	70	96	168
Oklahoma	1	33	55	89
Oregon	2	65	53	120
Pennsylvania	8	68	104	180
Rhode Island	1	1	3	5
South Carolina	4	28	18	50
South Dakota	0	6	19	25
Tennessee	4	35	62	101
Texas	9	132	253	394
Utah	4	34	19	57
Vermont	4	12	8	24
Virginia	19	46	88	153
Washington	6	42	24	72
West Virginia	2	15	24	41
Wisconsin	2	45	39	86
Wyoming	1	6	14	21
<b>Total</b>	<b>219</b>	<b>1,749</b>	<b>2,312</b>	<b>4,280</b>

Source: ATF's National Firearms Act Special Occupational Tax Database (SOT)

## Exhibit 10. Federal Firearms Licensees Total (1975-2010)

Fiscal Year	Dealer	Pawnbroker	Collector	Manufacturer of		Importer	Destructive Device			Total
				Ammunition	Firearms		Dealer	Manufacturer	Importer	
1975	146,429	2,813	5,211	6,668	364	403	9	23	7	161,927
1976	150,767	2,882	4,036	7,181	397	403	4	19	8	165,697
1977	157,463	2,943	4,446	7,761	408	419	6	28	10	173,484
1978	152,681	3,113	4,629	7,735	422	417	6	35	14	169,052
1979	153,861	3,388	4,975	8,055	459	426	7	33	12	171,216
1980	155,690	3,608	5,481	8,856	496	430	7	40	11	174,619
1981	168,301	4,308	6,490	10,067	540	519	7	44	20	190,296
1982	184,840	5,002	8,602	12,033	675	676	12	54	24	211,918
1983	200,342	5,388	9,859	13,318	788	795	16	71	36	230,613
1984	195,847	5,140	8,643	11,270	710	704	15	74	40	222,443
1985	219,366	6,207	9,599	11,818	778	881	15	85	45	248,794
1986	235,393	6,998	10,639	12,095	843	1,035	16	95	52	267,166
1987	230,888	7,316	11,094	10,613	852	1,084	16	101	58	262,022
1988	239,637	8,261	12,638	10,169	926	1,123	18	112	69	272,953
1989	231,442	8,626	13,536	8,345	922	989	21	110	72	264,063
1990	235,684	9,029	14,287	7,945	978	946	20	117	73	269,079
1991	241,706	9,625	15,143	7,470	1,059	901	17	120	75	276,116
1992	248,155	10,452	15,820	7,412	1,165	894	15	127	77	284,117
1993	246,984	10,958	16,635	6,947	1,256	924	15	128	78	283,925
1994	213,734	10,872	17,690	6,068	1,302	963	12	122	70	250,833
1995	158,240	10,155	16,354	4,459	1,242	842	14	118	71	191,495
1996	105,398	9,974	14,966	3,144	1,327	786	12	117	70	135,794
1997	79,285	9,956	13,512	2,451	1,414	733	13	118	72	107,554
1998	75,619	10,176	14,875	2,374	1,546	741	12	125	68	105,536
1999	71,290	10,035	17,763	2,247	1,639	755	11	127	75	103,942
2000	67,479	9,737	21,100	2,112	1,773	748	12	125	71	103,157
2001	63,845	9,199	25,145	1,950	1,841	730	14	117	72	102,913
2002	59,829	8,770	30,157	1,763	1,941	735	16	126	74	103,411
2003	57,492	8,521	33,406	1,693	2,046	719	16	130	82	104,105
2004	56,103	8,180	37,206	1,625	2,144	720	16	136	84	106,214
2005	53,833	7,809	40,073	1,502	2,272	696	15	145	87	106,432
2006	51,462	7,386	43,650	1,431	2,411	690	17	170	99	107,316
2007	49,221	6,966	47,690	1,399	2,668	686	23	174	106	108,933
2008	48,261	6,687	52,597	1,420	2,959	688	29	189	113	112,943
2009	47,509	6,675	55,046	1,511	3,543	735	34	215	127	115,395
2010	47,664	6,895	56,680	1,759	4,293	768	40	243	145	118,487

Source: ATF Federal Firearms Licensing Center, Federal Licensing System (FLS) data is based on active firearms licenses and related statistics as of the end of each fiscal year.

## Exhibit 11. Federal Firearms Licensees by State 2010

State	FF	Population
Alabama	2,050	
Alaska	988	
Arizona	2,641	
Arkansas	1,744	
California	7,177	
Colorado	2,295	
Connecticut	1,561	
Delaware	301	
District of Columbia	25	
Florida	5,995	
Georgia	3,234	
Hawaii	256	
Idaho	1,265	
Illinois	4,103	
Indiana	2,541	
Iowa	1,844	
Kansas	1,699	
Kentucky	2,179	
Louisiana	1,858	
Maine	856	
Maryland	2,261	
Massachusetts	3,165	
Michigan	4,059	
Minnesota	2,606	
Mississippi	1,340	
Missouri	5,500	
Montana	1,414	
Nebraska	1,061	
Nevada	1,160	
New Hampshire	969	
New Jersey	491	
New Mexico	1,005	
New York	3,729	
North Carolina	3,757	
North Dakota	601	
Ohio	4,218	
Oklahoma	2,104	
Oregon	2,317	
Pennsylvania	5,446	
Rhode Island	432	
South Carolina	1,758	
South Dakota	678	
Tennessee	2,952	
Texas	8,383	
Utah	1,032	
Vermont	526	
Virginia	3,629	
Washington	2,340	
West Virginia	1,347	
Wisconsin	2,757	
Wyoming	764	
Other Territories	74	
Total	118,487	

Source: ATF, Federal Firearms Licensing Center, Firearms Licensing System. Data is based on active firearms licenses and related statistics as of the end of the fiscal year.

## Exhibit 12. Actions on Federal Firearms License Applications (1975 - 2010)

Fiscal Year	Original Application			
	Processed	Denied <sup>1</sup>	Withdrawn <sup>2</sup>	Abandoned <sup>3</sup>
1975	29,183	150	1,651	0
1976	29,511	209	2,077	...
1977	32,560	216	1,645	...
1978	29,531	151	1,015	414
1979	32,678	124	432	433
1980	36,052	96	601	661
1981	41,798	85	742	329
1982	44,745	52	580	370
1983	49,669	151	916	649
1984	39,321	98	706	833
1985	37,385	103	666	598
1986	42,842	299	698	452
1987	36,835	121	874	458
1988	32,724	30	506	315
1989	34,318	34	561	360
1990	34,336	46	893	404
1991	34,567	37	1,059	685
1992	37,085	57	1,337	611
1993	41,545	343	6,030	1,844
1994	25,393	136	4,480	3,917
1995	7,777	49	1,046	1,180
1996	8,461	58	1,061	629
1997	7,039	24	692	366
1998	7,090	19	621	352
1999	8,581	23	48	298
2000	10,698	6	447	91
2001	11,161	3	403	114
2002	16,100	13	468	175
2003	13,884	30	729	289
2004	12,953	18	572	235
2005	13,326	33	943	300
2006	13,757	35	898	234
2007	14,123	32	953	402
2008	15,434	21	1,030	291
2009	16,105	20	1,415	724
2010	17,025	32	1,468	380

Source: ATF, Federal Firearms Licensing Center, Firearms Licensing System.

- <sup>1</sup> Whenever ATF has reason to believe that an applicant is not qualified to receive a license, it may pursue denial of an application. Grounds for denial may include falsification of the application, the prohibited status of the applicant (e.g., felon, drug user, illegal alien, etc.) failure to possess adequate business premises, and others, as prescribed by law.
- <sup>2</sup> An application may be withdrawn by an applicant at any time prior to the issuance of a license.
- <sup>3</sup> If ATF cannot locate an applicant during an attempted application inspection or cannot obtain required verification data, then the application will be abandoned.

## Exhibit 13. Federal Firearms Licensees and Compliance Inspections (FY 1969 - FY 2010)

Fiscal Year	Licensees	Inspections	Percent Inspected
1969	86,598	47,454	54.7
1970	138,928	21,295	15.3
1971	149,212	32,684	21.9
1972	150,215	31,164	20.7
1973	152,232	16,003	10.5
1974	158,753	15,751	10.0
1975	161,927	10,944	6.7
1976	165,697	15,171	9.1
1977	173,484	19,741	11.3
1978	169,052	22,130	13.1
1979	171,216	14,744	8.6
1980	174,619	11,515	6.5
1981	190,296	11,035	5.7
1982	211,918	1,829	0.8
1983	230,613	2,662	1.1
1984	222,443	8,861	3.9
1985	248,794	9,527	3.8
1986	267,166	8,605	3.2
1987	262,022	8,049	3.1
1988	272,953	9,283	3.4
1989	264,063	7,142	2.7
1990	269,079	8,471	3.1
1991	276,116	8,258	3.0
1992	284,117	16,328	5.7
1993	283,925	22,330	7.9
1994	250,833	20,067	8.0
1995	187,931	13,141	7.0
1996	135,794	10,051	7.4
1997	107,554	5,925	5.5
1998	105,536	5,043	4.8
1999	103,942	9,004	8.7
2000	103,658	3,640	3.5
2001	102,913	3,677	3.6
2002	103,411	5,467	5.2
2003	104,105	5,170	4.9
2004	106,214	4,509	4.2
2005	106,432	5,189	4.9
2006	107,316	7,294	6.8
2007	108,933	10,141	9.3
2008	112,943	11,100	9.8
2009	115,395	11,375	9.9
2010	118,487	10,538	8.9

Source: ATF





**Firearms Commerce  
in the  
United States  
Annual Statistical Update  
2012**

**United States Department of Justice  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives**

## Exhibit 1. Firearms Manufactured (1986-2010)

Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms <sup>1</sup>	Total Firearms
1986	662,973	761,414	970,507	641,482	4,558	3,040,934
1987	964,561	722,512	1,007,661	857,949	6,980	3,559,663
1988	1,101,011	754,744	1,144,707	928,070	35,345	3,963,877
1989	1,404,753	628,573	1,407,400	935,541	42,126	4,418,393
1990	1,371,427	470,495	1,211,664	848,948	57,434	3,959,968
1991	1,378,252	456,966	883,482	828,426	15,980	3,563,106
1992	1,669,537	469,413	1,001,833	1,018,204	16,849	4,175,836
1993	2,093,362	562,292	1,173,694	1,144,940	81,349	5,055,637
1994	2,004,298	586,450	1,316,607	1,254,926	10,936	5,173,217
1995	1,195,284	527,664	1,411,120	1,173,645	8,629	4,316,342
1996	987,528	498,944	1,424,315	925,732	17,920	3,854,439
1997	1,036,077	370,428	1,251,341	915,978	19,680	3,593,504
1998	960,365	324,390	1,535,690	868,639	24,506	3,713,590
1999	995,446	335,784	1,569,685	1,106,995	39,837	4,047,747
2000	962,901	318,960	1,583,042	898,442	30,196	3,793,541
2001	626,836	320,143	1,284,554	679,813	21,309	2,932,655
2002	741,514	347,070	1,515,286	741,325	21,700	3,366,895
2003	811,660	309,364	1,430,324	726,078	30,978	3,308,404
2004	728,511	294,099	1,325,138	731,769	19,508	3,099,025
2005	803,425	274,205	1,431,372	709,313	23,179	3,241,494
2006	1,021,260	385,069	1,496,505	714,618	35,872	3,653,324
2007	1,219,664	391,334	1,610,923	645,231	55,461	3,922,613
2008	1,609,381	431,753	1,734,536	630,710	92,564	4,498,944
2009	1,868,258	547,195	2,248,851	752,699	138,815	5,555,818
2010	2,258,450	558,927	1,830,556	743,378	67,929	5,459,240

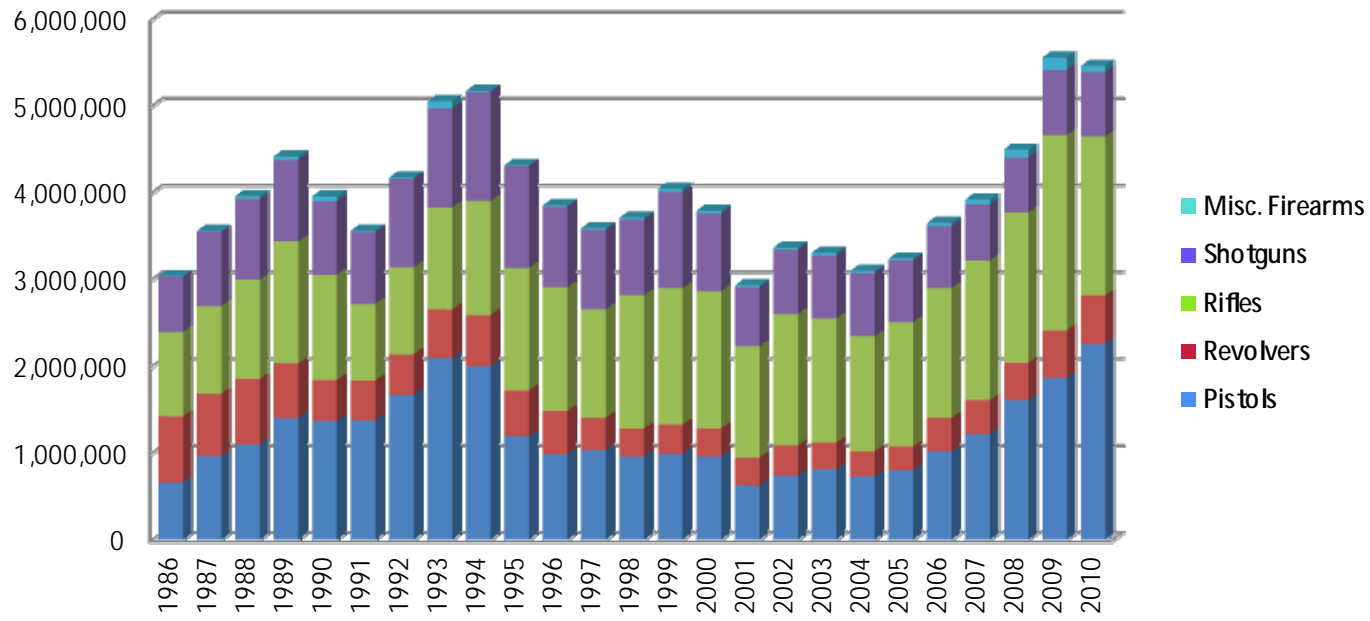
Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMQR)

<sup>1</sup> Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.

The AFMQR report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies. The report also includes firearms manufactured for export.

AFMQR data is not published until one year after the close of the calendar year reporting period because the proprietary data furnished by filers is protected from immediate disclosure by the Trade Secrets Act. For example, calendar year 2009 data was due to ATF by April 1, 2010, but not published until January 2011.

### Exhibit 1a. Firearms Manufactured (1986-2010)



## Exhibit 2. Firearms Manufacturers' Exports (1986 - 2010)

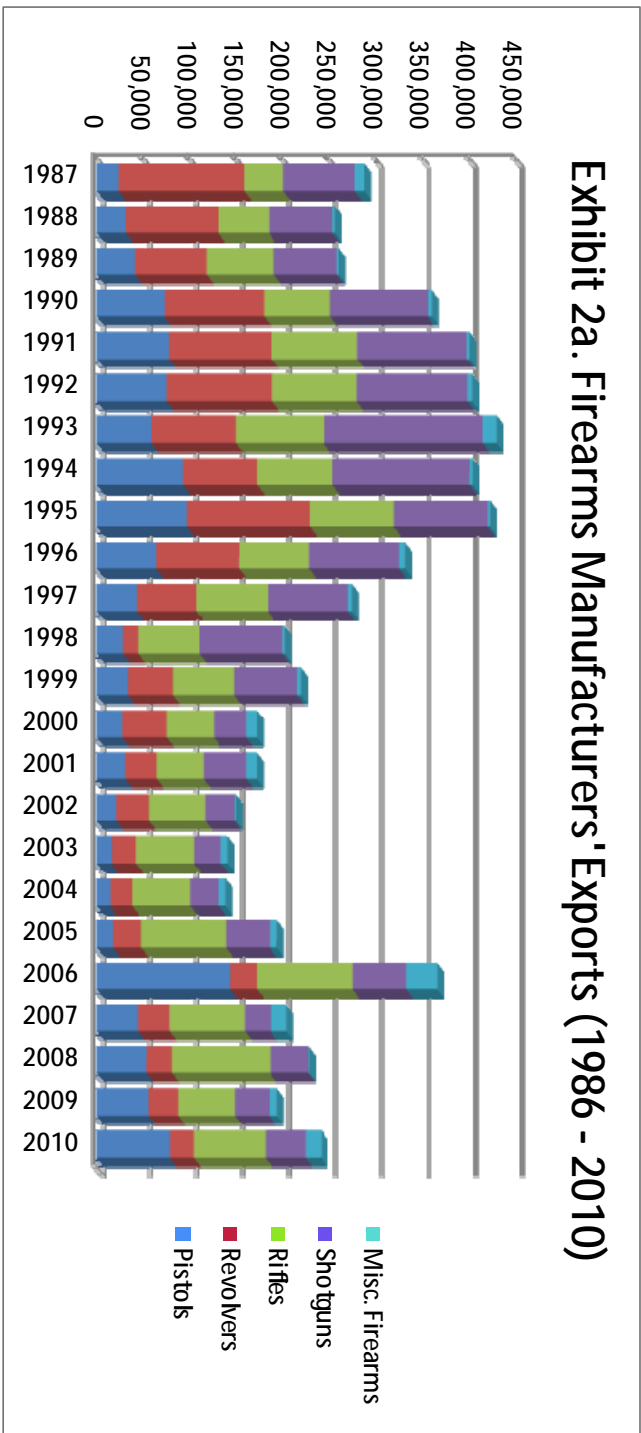
Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms <sup>1</sup>	Total Firearms
1986	16,511	104,571	37,224	58,943	199	217,448
1987	24,941	134,611	42,161	76,337	9,995	288,045
1988	32,570	99,289	53,896	68,699	2,728	257,182
1989	41,970	76,494	73,247	67,559	2,012	261,282
1990	73,398	106,820	71,834	104,250	5,323	361,625
1991	79,275	110,058	91,067	117,801	2,964	401,165
1992	76,824	113,178	90,015	119,127	4,647	403,791
1993	59,234	91,460	94,272	171,475	14,763	431,204
1994	93,959	78,935	81,835	146,524	3,220	404,473
1995	97,969	131,634	90,834	101,301	2,483	424,221
1996	64,126	90,068	74,557	97,191	6,055	331,997
1997	44,182	63,656	76,626	86,263	4,354	275,081
1998	29,537	15,788	65,807	89,699	2,513	203,344
1999	34,663	48,616	65,669	67,342	4,028	220,318
2000	28,636	48,130	49,642	35,087	11,132	172,627
2001	32,151	32,662	50,685	46,174	10,939	172,611
2002	22,555	34,187	60,644	31,897	1,473	150,756
2003	16,340	26,524	62,522	29,537	6,989	141,912
2004	14,959	24,122	62,403	31,025	7,411	139,920
2005	19,196	29,271	92,098	46,129	7,988	194,682
2006	144,779	28,120	102,829	57,771	34,022	367,521
2007	45,053	34,662	80,594	26,949	17,524	204,782
2008	54,030	28,205	104,544	41,186	523	228,488
2009	56,402	32,377	61,072	36,455	8,438	194,744
2010	80,041	25,286	76,518	43,361	16,771	241,977

Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMER).

<sup>1</sup> Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies. The report also includes firearms manufactured for export.

Exhibit 2a. Firearms Manufacturers' Exports (1986 - 2010)



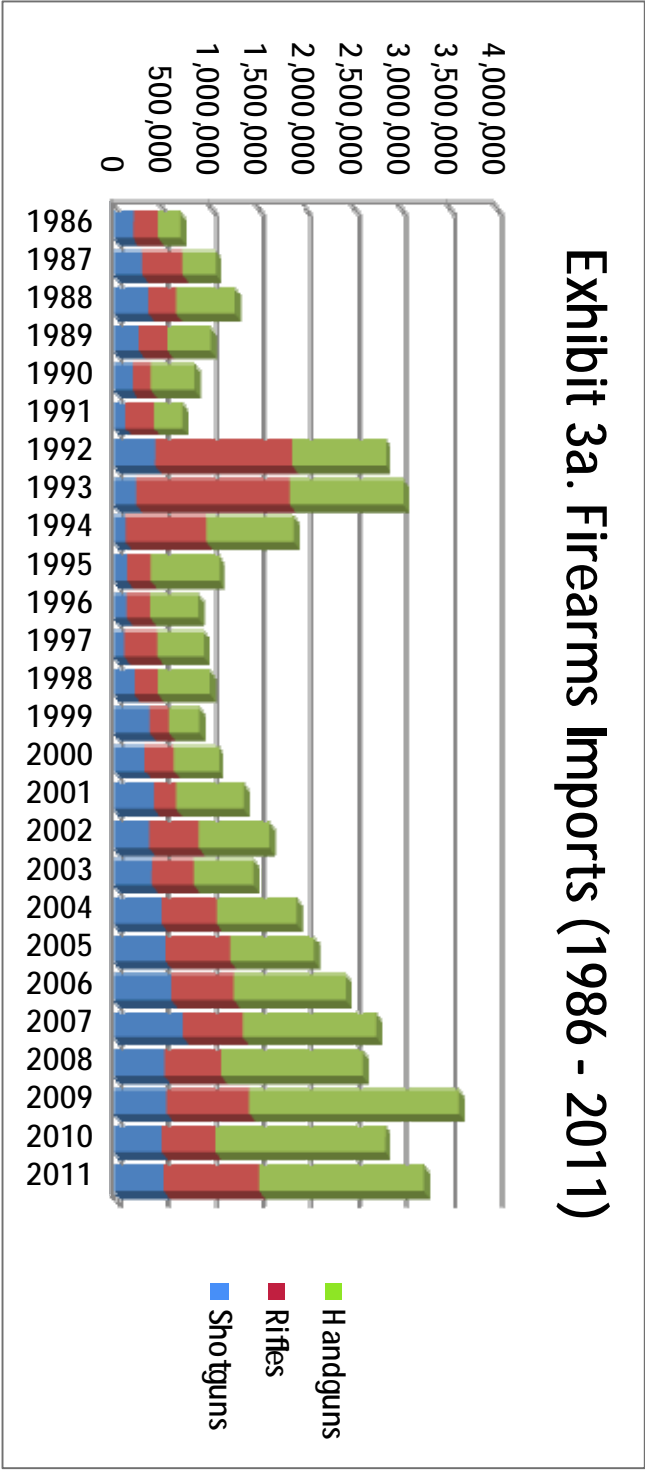
### Exhibit 3. Firearms Imports (1986 - 2011)

Calendar Year	Shotguns	Rifles	Handguns	Total
1986	201,000	269,000	231,000	701,000
1987	307,620	413,780	342,113	1,063,513
1988	372,008	282,640	621,620	1,276,268
1989	274,497	293,152	440,132	1,007,781
1990	191,787	203,505	448,517	843,809
1991	116,141	311,285	293,231	720,657
1992	441,933	1,423,189	981,588	2,846,710
1993	246,114	1,592,522	1,204,685	3,043,321
1994	117,866	847,868	915,168	1,880,902
1995	136,126	261,185	706,093	1,103,404
1996	128,456	262,568	490,554	881,578
1997	106,296	358,937	474,182	939,415
1998	219,387	248,742	531,681	999,810
1999	385,556	198,191	308,052	891,799
2000	331,985	298,894	465,903	1,096,782
2001	428,330	227,608	710,958	1,366,896
2002	379,755	507,637	741,845	1,629,237
2003	407,402	428,837	630,263	1,466,502
2004	507,050	564,953	838,856	1,910,859
2005	546,403	682,100	878,172	2,106,675
2006	606,820	659,393	1,166,309	2,432,522
2007	725,752	631,781	1,386,460	2,743,993
2008	535,960	602,364	1,468,062	2,606,386
2009	558,679	864,010	2,184,417	3,607,106
2010	509,913	547,449	1,782,585	2,839,947
2011	529,056	998,072	1,725,276	3,252,404

Source: ATF and United States International Trade Commission.

Statistics prior to 1992 are for fiscal years. 1992 is a transition year with five quarters.

Exhibit 3a. Firearms Imports (1986 - 2011)



## Exhibit 4. Importation Applications (1986 - 2011)

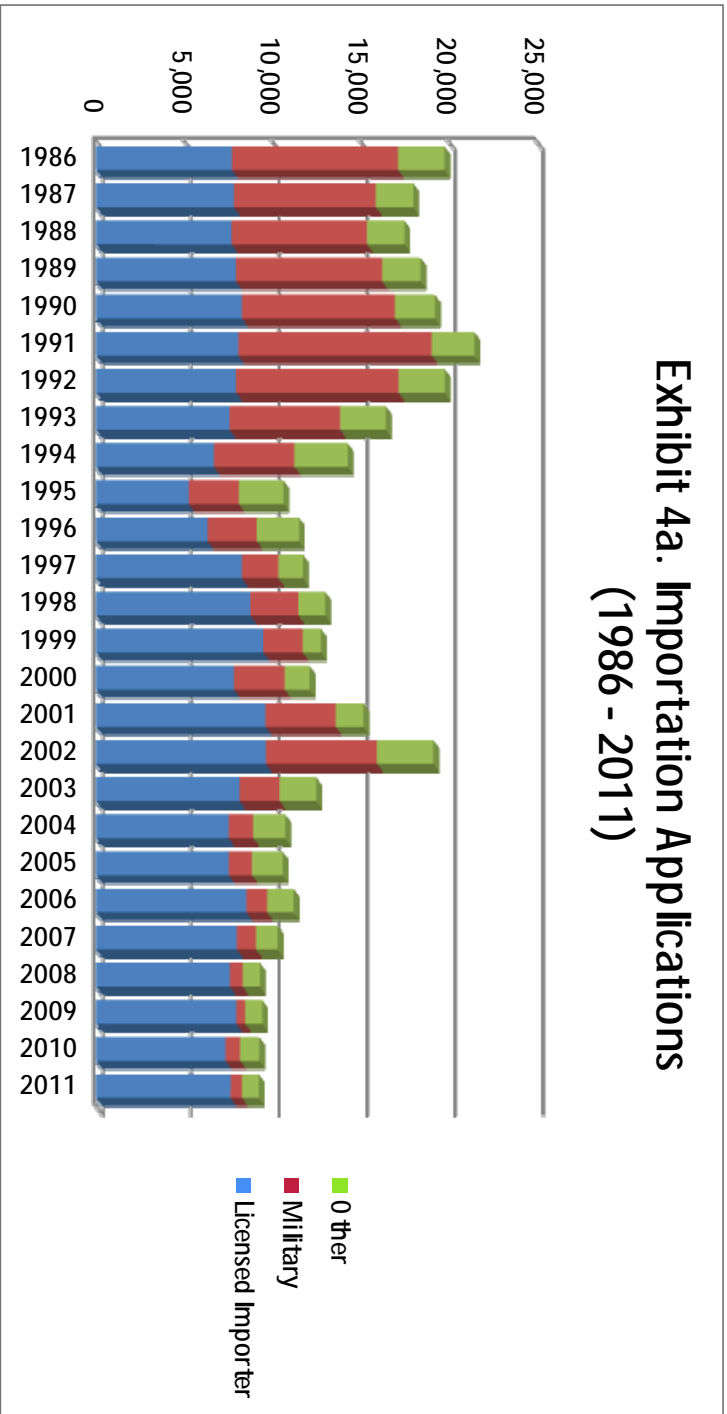
Fiscal Year	Licensed Importer	Military	Other	Total
1986	7,728	9,434	2,631	19,793
1987	7,833	8,059	2,130	18,022
1988	7,711	7,680	2,122	17,513
1989	7,950	8,293	2,194	18,437
1990	8,292	8,696	2,260	19,248
1991	8,098	10,973	2,412	21,483
1992	7,960	9,222	2,623	19,805
1993	7,591	6,282	2,585	16,458
1994	6,704	4,570	3,024	14,298
1995	5,267	2,834	2,548	10,649
1996	6,340	2,792	2,395	11,527
1997	8,288	2,069	1,395	11,752
1998	8,767	2,715	1,536	13,019
1999	9,505	2,235	1,036	12,776
2000	7,834	2,885	1,416	12,135
2001	9,639	3,984	1,569	15,192
2002	9,646	6,321	3,199	19,166
2003	8,160	2,264	2,081	12,505
2004	7,539	1,392	1,819	10,750
2005	7,539	1,320	1,746	10,605
2006	8,537	1,180	1,505	11,222
2007	8,004	1,081	1,236	10,321
2008	7,610	718	980	9,308
2009	7,967	504	970	9,441
2010	7,367	823	1,088	9,278
2011	7,647	641	959	9,247

Source: ATF's Firearms and Explosives Import System (FEIS)

Import data excludes temporary permits issued to nonimmigrant aliens.



**Exhibit 4a. Importation Applications  
(1986 - 2011)**



## Exhibit 5. Firearms Imported into the United States by Country 2011

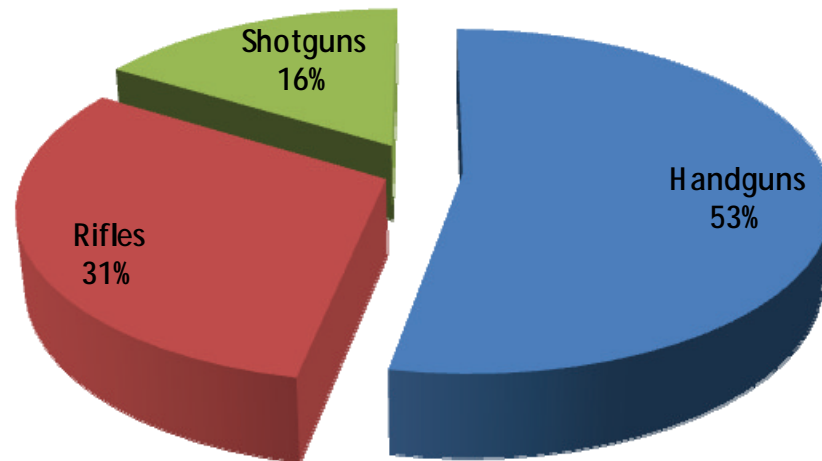
	Handguns	Rifles	Shotguns	Total Firearms
Brazil	359,846	381,097	105,676	846,619
Austria	515,396	7,191	51	522,638
Germany	265,092	46,288	2,148	313,528
Italy	104,911	12,222	137,768	254,901
Russia	16,900	148,556	50,837	216,293
Croatia	211,001	0	0	211,001
Canada	2	194,995	13	195,010
Turkey	22,899	1,153	122,682	146,734
China <sup>1</sup>	0	1,450	90,952	92,402
Argentina	71,838	0	0	71,838
Japan	0	59,471	1,834	61,305
Philippines	54,247	1,430	950	56,627
Romania	13,775	38,048	1	51,824
Czech Republic	20,003	20,236	6	40,245
Belgium	9,769	16,317	114	26,200
Finland	0	23,417	6	23,423
Poland	20,895	1,081	11	21,987
Ukraine	0	20,600	0	20,600
Costa Rica	19,500	0	0	19,500
United Kingdom	4,376	4,046	8,254	16,676
Spain	322	10,015	1,328	11,665
Israel	9,995	157	0	10,152
Serbia	720	7,562	0	8,282
Mexico	0	0	4,284	4,284
Other <sup>2</sup>	1,348	2,246	16	3,610
Portugal	0	0	2,115	2,115
Switzerland	991	494	10	1,495
Bulgaria	1,450	0	0	1,450
<b>Totals</b>	<b>1,725,276</b>	<b>998,072</b>	<b>529,056</b>	<b>3,252,404</b>

Source: United States International Trade Commission

<sup>1</sup> On May 26, 1994, the United States instituted a firearms imports embargo against China. Shotguns, however, are exempt from the embargo.

<sup>2</sup> Imports of fewer than 1,000 per country.

Exhibit 5a. Imported Firearms by Type 2011



## Exhibit 6. National Firearms Act Tax Revenues and Related Activities (1979 - 2011)

Fiscal Year <sup>1</sup>	Occupational Tax Paid <sup>2</sup>	Transfer and Mailing Tax Paid <sup>3</sup>	Enforcement Support <sup>4</sup>	
			Certifications	Records Checks
1979	\$0	\$500,000	3,559	\$0
1980	\$0	\$716,000	4,377	\$0
1981	\$268,000	\$611,000	1,482	\$3,627
1982	\$391,000	\$723,000	1,306	\$2,841
1983	\$591,000	\$594,000	4,335	\$0
1984	\$596,000	\$666,000	1,196	\$2,771
1985	\$606,000	\$594,000	921	\$3,682
1986	\$667,000	\$1,372,000	690	\$3,376
1987	\$869,000	\$1,576,000	575	\$4,135
1988	\$2,095,000	\$1,481,000	701	\$3,738
1989	\$1,560,000	\$1,527,000	1,196	\$6,128
1990	\$1,442,000	\$1,308,000	666	\$7,981
1991	\$1,556,000	\$1,210,000	764	\$7,857
1992	\$1,499,000	\$1,237,000	1,257	\$8,582
1993	\$1,493,000	\$1,264,000	1,024	\$7,230
1994	\$1,444,000	\$1,596,000	586	\$6,283
1995	\$1,007,000	\$1,311,000	882	\$5,677
1996	\$1,143,000	\$1,402,000	529	\$5,215
1997	\$1,284,000	\$1,630,000	488	\$4,395
1998	\$1,299,000	\$1,969,000	353	\$3,824
1999	\$1,330,000	\$2,422,000	345	\$3,994
2000	\$1,399,000	\$2,301,000	144	\$2,159
2001	\$1,456,000	\$2,800,000	402	\$5,156
2002	\$1,492,000	\$1,510,000	441	\$6,381
2003	\$1,758,000	\$2,699,000	401	\$6,597
2004	\$1,640,000	\$3,052,000	435	\$6,191
2005	\$1,659,000	\$2,810,000	447	\$6,218
2006	\$1,709,000	\$3,951,000	327	\$6,331
2007	\$1,815,000	\$4,890,000	530	\$7,468
2008	\$1,950,000	\$5,742,000	375	\$5,872
2009	\$2,125,000	\$7,971,000	418	\$5,736
2010	\$2,530,000	\$7,184,000	267	\$5,883
2011	\$2,952,000	\$9,576,000	287	\$6,313

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

<sup>1</sup>Data from 1997-2000 were based on calendar year data.

<sup>2</sup>Occupational tax revenues for FY 1990-1996 include collections made during the fiscal year for prior tax years.

<sup>3</sup>Importers, manufacturers, or dealers in NFA firearms are subject to a yearly occupational tax.

<sup>4</sup>ATF searches the NFRTR in support of criminal investigations and regulatory inspections in order to determine whether persons are legally in possession of NFA weapons and whether transfers are made lawfully.

Data from 2000-2010 for Certifications and Records Checks was corrected in the 2012 update.

## Exhibit 7. National Firearms Act Firearms Processed by Form Type (1990 - 2011)

Calendar Year <sup>1</sup>	Application to Manufacture FA Firearms <sup>2</sup> (ATF Form 1)	Manufactured and Imported (ATF Form 2)	Application for Tax Exempt Transfer Between Licensees (ATF Form 3)	Application for Taxpaid Transfer (ATF Form 4)	Application for Tax-Exempt Transfer <sup>3</sup> (ATF Form 5)	Exported (ATF Form 9)	Total Firearms Processed <sup>4</sup>
1990	399	66,084	23,149	7,024	54,959	21,725	173,340
1991	524	80,619	19,507	5,395	44,146	40,387	190,578
1992	351	107,313	26,352	6,541	45,390	22,120	208,067
1993	310	70,342	22,071	7,388	60,193	24,041	184,345
1994	1,076	97,665	27,950	7,600	67,580	34,242	236,113
1995	1,226	95,061	18,593	8,263	60,055	31,258	214,456
1996	1,174	103,511	16,931	6,418	72,395	40,439	240,868
1997	855	110,423	18,371	7,873	70,690	36,284	244,496
1998	1,093	141,101	27,921	10,181	93,135	40,221	313,652
1999	1,071	137,373	28,288	11,768	95,554	28,128	302,182
2000	1,334	141,763	23,335	11,246	96,234	28,672	302,584
2001	2,522	145,112	25,745	10,799	101,955	25,759	311,892
2002	1,173	162,321	25,042	10,686	92,986	47,597	339,805
2003	1,003	156,620	21,936	13,501	107,108	43,668	343,836
2004	980	83,483	20,026	14,635	54,675	19,425	193,224
2005	1,902	65,865	26,603	14,606	26,210	20,951	156,137
2006	2,610	188,134	51,290	20,534	100,458	42,175	405,201
2007	3,553	296,267	51,217	22,260	194,794	76,467	644,558
2008	4,583	424,743	71,404	26,917	183,271	206,411	917,329
2009	5,345	371,920	56,947	31,551	201,267	163,951	830,981
2010	5,169	296,375	58,875	33,059	189,449	136,335	719,262
2011	5,477	530,953	107,066	33,816	147,341	311,214	1,135,867

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

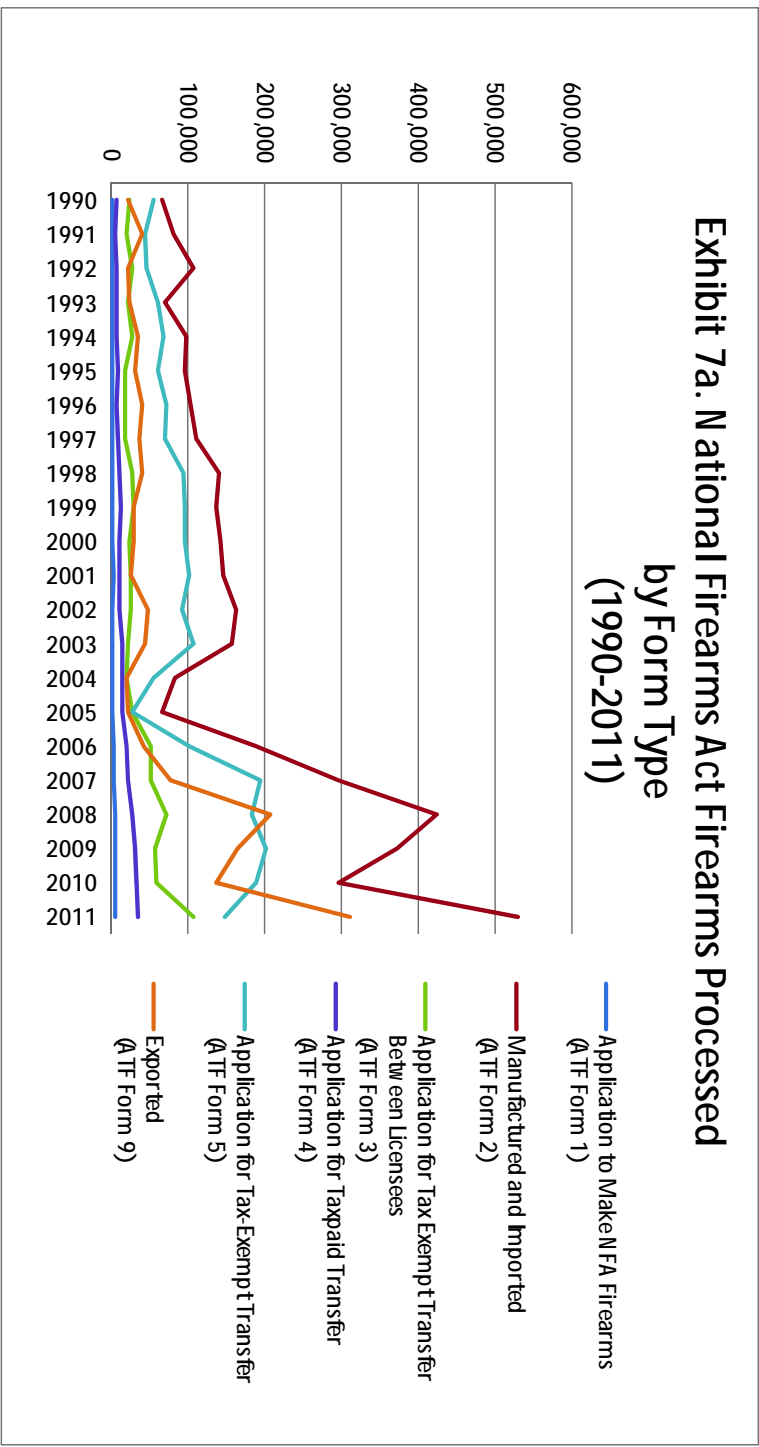
<sup>1</sup>Data from 1990-1996 represent fiscal year.

<sup>2</sup>Firearms manufactured by, or on behalf of, the U.S. Government or any department, independent establishment, or agency thereof are exempt from the manufacturing tax.

<sup>3</sup>Firearms may be transferred to the U.S. Government or its possessions, to State governments, or to official police organizations without the payment of a transfer tax. Further, transfers of FA firearms between licensees registered as importers, manufacturers, or dealers who have paid the special occupational tax are likewise exempt from transfer tax.

<sup>4</sup>Totals do not include ATF Form 5320.20 or ATF Form 10 because these do not relate to commercial transactions.

## Exhibit 7a. National Firearms Act Firearms Processed by Form Type (1990-2011)



## Exhibit 8. National Firearms Act Registered Weapons by State (March 2012)

State	Any Other Weapon <sup>1</sup>	Destructive Device <sup>2</sup>	Machinegun <sup>3</sup>	Silencer <sup>4</sup>	Short barreled Rifle <sup>5</sup>	Short barreled Shotgun <sup>6</sup>	Total
Alabama	1,133	47,421	15,653	8,550	1,327	2,075	76,159
Alaska	311	3,317	1,617	2,085	508	1,101	8,939
Arkansas	591	41,962	4,827	7,218	1,091	1,017	56,706
Arizona	1,080	67,185	16,879	15,860	5,492	1,851	108,347
California	3,698	212,800	28,774	7,303	3,738	12,166	268,479
Colorado	910	37,444	6,040	6,475	2,217	1,389	54,475
Connecticut	643	9,886	22,023	5,170	1,068	960	39,750
District of Columbia	69	34,841	4,278	160	440	1,048	40,836
Delaware	32	2,183	569	302	94	507	3,687
Florida	3,113	101,418	29,128	28,312	7,432	6,125	175,528
Georgia	1,759	48,026	22,081	29,259	3,563	9,422	114,110
Hawaii	34	5,503	429	105	55	59	6,185
Iowa	876	11,737	3,262	301	343	936	17,455
Idaho	588	14,049	4,342	9,839	1,103	398	30,319
Illinois	958	83,363	24,651	1,071	1,214	1,674	112,931
Indiana	1,430	34,628	17,019	16,735	2,343	8,581	80,736
Iowa	674	19,379	3,289	2,266	1,095	850	27,553
Iowa	1,019	22,239	10,703	12,046	1,379	1,638	49,024
Louisiana	517	44,821	6,182	4,359	1,577	1,508	58,964
Massachusetts	837	12,878	6,555	3,679	1,315	887	26,151
Maryland	933	45,037	23,709	7,024	1,713	3,771	82,187
Maine	570	2,517	4,664	1,290	1,420	410	10,871
Michigan	1,061	21,221	9,090	2,887	700	1,121	36,080
Minnesota	2,633	36,066	6,828	619	1,183	1,011	48,340
Missouri	1,330	24,986	8,230	4,913	1,864	2,266	43,589
Mississippi	410	6,776	3,886	3,368	572	712	15,724
Montana	404	2,852	1,892	2,303	497	345	8,293
North Carolina	820	69,005	11,234	8,609	2,850	2,542	95,060
North Dakota	199	1,605	1,480	1,826	260	211	5,581
Nebraska	717	5,068	2,049	2,273	895	768	11,770
New Hampshire	430	3,459	9,863	2,782	1,457	385	18,376
New Jersey	425	37,700	6,895	965	688	2,316	48,989
New Mexico	277	60,764	3,709	2,920	1,094	607	69,371
Nevada	679	30,778	6,843	6,671	2,621	767	48,359
New York	2,012	35,707	7,521	1,153	1,370	7,342	55,105
Ohio	1,776	71,814	18,013	10,407	2,842	3,822	108,574
Oklahoma	1,110	13,004	7,972	11,964	1,787	1,470	37,307
Oregon	1,487	17,492	6,442	9,841	2,346	1,309	38,917
Pennsylvania	2,043	148,700	17,384	12,914	3,853	12,323	197,217
Rhode Island	42	2,710	595	27	106	112	3,592
South Carolina	670	26,358	6,010	7,457	1,380	3,655	45,530
South Dakota	344	3,352	1,495	2,022	264	175	7,652
Tennessee	1,502	32,848	13,442	9,571	2,623	5,538	65,524
Texas	6,169	159,805	28,690	47,712	9,271	6,557	258,204
Utah	403	13,960	6,076	5,857	1,927	1,160	29,383
Virginia	2,514	161,841	30,220	15,736	6,720	6,272	223,303
Vermont	221	2,216	1,070	68	134	94	3,803
Washington	1,726	34,693	3,805	8,400	1,174	752	50,550
Wisconsin	747	25,316	6,385	4,416	1,419	1,106	39,389
West Virginia	431	8,318	2,438	2,325	682	548	14,742
Wyoming	286	102,723	1,659	1,103	369	373	106,513
Other US Territories	6	320	175	16	11	47	575
<b>Total</b>	<b>54,649</b>	<b>2,064,091</b>	<b>488,065</b>	<b>360,534</b>	<b>93,486</b>	<b>124,079</b>	<b>3,184,804</b>

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

<sup>1</sup> The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

<sup>2</sup> "Destructive device generally is defined as (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding paragraphs of this definition (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) of this section and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code or any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.

<sup>3</sup> Machinegun is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

<sup>4</sup> Silencer is defined as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

<sup>5</sup> Short barreled rifle is defined as a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

<sup>6</sup> Short barreled shotgun is defined as a shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.



## Exhibit 9. National Firearms Act Special Occupational Taxpayers by State - Tax Year 2011

State	Importers	Manufacturers	Dealers	Total
Alabama	12	28	43	83
Alaska	0	10	25	35
Arizona	14	140	121	275
Arkansas	8	35	38	81
California	9	45	68	122
Colorado	1	33	52	86
Connecticut	7	43	33	83
Delaware	0	1	2	3
District of Columbia	0	0	1	1
Florida	28	136	215	379
Georgia	11	65	99	175
Hawaii	0	0	2	2
Idaho	0	57	30	87
Illinois	8	36	41	85
Indiana	2	37	69	108
Iowa	1	13	11	25
Kansas	3	16	47	66
Kentucky	8	30	54	92
Louisiana	2	22	65	89
Maine	1	17	18	36
Maryland	6	33	41	80
Massachusetts	3	44	23	70
Michigan	7	32	64	103
Minnesota	3	48	15	66
Mississippi	4	19	31	54
Missouri	4	58	67	129
Montana	1	16	28	45
Nebraska	0	9	14	23
Nevada	2	39	43	84
New Hampshire	6	29	31	66
New Jersey	1	4	17	22
New Mexico	4	17	30	51
New York	1	28	12	41
North Carolina	6	70	85	161
North Dakota	0	3	6	9
Ohio	2	80	104	186
Oklahoma	2	37	61	100
Oregon	2	71	65	138
Pennsylvania	7	79	112	198
Rhode Island	1	1	2	4
South Carolina	4	30	27	61
South Dakota	0	10	20	30
Tennessee	5	52	65	122
Texas	14	167	296	477
Utah	3	35	20	58
Vermont	4	13	7	24
Virginia	19	61	97	177
Washington	6	44	28	78
West Virginia	3	18	26	47
Wisconsin	2	45	40	87
Wyoming	1	7	17	25
<b>Total</b>	<b>238</b>	<b>1,963</b>	<b>2,528</b>	<b>4,729</b>

Source: ATF's National Firearms Act Special Occupational Tax Database (OSOT)

## Exhibit 10. Federal Firearms Licensees Total (1975-2011)

Fiscal Year	Dealer	Pawnbroker	Collector	Manufacturer of		Importer	Destructive Device			Total
				Ammunition	Firearms		Dealer	Manufacturer	Importer	
1975	146,429	2,813	5,211	6,668	364	403	9	23	7	161,927
1976	150,767	2,882	4,036	7,181	397	403	4	19	8	165,697
1977	157,463	2,943	4,446	7,761	408	419	6	28	10	173,484
1978	152,681	3,113	4,629	7,735	422	417	6	35	14	169,052
1979	153,861	3,388	4,975	8,055	459	426	7	33	12	171,216
1980	155,690	3,608	5,481	8,856	496	430	7	40	11	174,619
1981	168,301	4,308	6,490	10,067	540	519	7	44	20	190,296
1982	184,840	5,002	8,602	12,033	675	676	12	54	24	211,918
1983	200,342	5,388	9,859	13,318	788	795	16	71	36	230,613
1984	195,847	5,140	8,643	11,270	710	704	15	74	40	222,443
1985	219,366	6,207	9,599	11,818	778	881	15	85	45	248,794
1986	235,393	6,998	10,639	12,095	843	1,035	16	95	52	267,166
1987	230,888	7,316	11,094	10,613	852	1,084	16	101	58	262,022
1988	239,637	8,261	12,638	10,169	926	1,123	18	112	69	272,953
1989	231,442	8,626	13,536	8,345	922	989	21	110	72	264,063
1990	235,684	9,029	14,287	7,945	978	946	20	117	73	269,079
1991	241,706	9,625	15,143	7,470	1,059	901	17	120	75	276,116
1992	248,155	10,452	15,820	7,412	1,165	894	15	127	77	284,117
1993	246,984	10,958	16,635	6,947	1,256	924	15	128	78	283,925
1994	213,734	10,872	17,690	6,068	1,302	963	12	122	70	250,833
1995	158,240	10,155	16,354	4,459	1,242	842	14	118	71	191,495
1996	105,398	9,974	14,966	3,144	1,327	786	12	117	70	135,794
1997	79,285	9,956	13,512	2,451	1,414	733	13	118	72	107,554
1998	75,619	10,176	14,875	2,374	1,546	741	12	125	68	105,536
1999	71,290	10,035	17,763	2,247	1,639	755	11	127	75	103,942
2000	67,479	9,737	21,100	2,112	1,773	748	12	125	71	103,157
2001	63,845	9,199	25,145	1,950	1,841	730	14	117	72	102,913
2002	59,829	8,770	30,157	1,763	1,941	735	16	126	74	103,411
2003	57,492	8,521	33,406	1,693	2,046	719	16	130	82	104,105
2004	56,103	8,180	37,206	1,625	2,144	720	16	136	84	106,214
2005	53,833	7,809	40,073	1,502	2,272	696	15	145	87	106,432
2006	51,462	7,386	43,650	1,431	2,411	690	17	170	99	107,316
2007	49,221	6,966	47,690	1,399	2,668	686	23	174	106	108,933
2008	48,261	6,687	52,597	1,420	2,959	688	29	189	113	112,943
2009	47,509	6,675	55,046	1,511	3,543	735	34	215	127	115,395
2010	47,664	6,895	56,680	1,759	4,293	768	40	243	145	118,487
2011	48,676	7,075	59,227	1,895	5,441	811	42	259	161	123,587

Source: ATF Federal Firearms Licensing Center, Federal Licensing System (FLS). Data is based on active firearms licenses and related statistics as of the end of each fiscal year.

## Exhibit 11. Federal Firearms Licensees by State 2011

State	FFL Population
Alabama	2,103
Alaska	997
Arizona	2,723
Arkansas	1,812
California	7,535
Colorado	2,361
Connecticut	1,643
Delaware	314
District of Columbia	27
Florida	6,374
Georgia	3,362
Hawaii	254
Idaho	1,283
Illinois	4,349
Indiana	2,667
Iowa	1,916
Kansas	1,759
Kentucky	2,241
Louisiana	1,931
Maine	861
Maryland	2,495
Massachusetts	3,290
Michigan	4,055
Minnesota	2,639
Mississippi	1,362
Missouri	5,990
Montana	1,423
Nebraska	1,085
Nevada	1,188
New Hampshire	1,018
New Jersey	481
New Mexico	1,026
New York	3,774
North Carolina	3,966
North Dakota	611
Ohio	4,446
Oklahoma	2,189
Oregon	2,376
Pennsylvania	5,649
Rhode Island	452
South Carolina	1,899
South Dakota	691
Tennessee	3,086
Texas	8,912
Utah	1,071
Vermont	538
Virginia	3,813
Washington	2,529
West Virginia	1,337
Wisconsin	2,830
Wyoming	770
Other Territories	84
<b>Total</b>	<b>123,587</b>

Source: ATF, Federal Firearms Licensing Center, Firearms Licensing System. Data is based on active firearms licenses and related statistics as of the end of the fiscal year.

## Exhibit 12. Actions on Federal Firearms License Applications (1975 - 2011)

Original Application

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Fiscal Year	Processed	Denied	Withdrawn <sup>1</sup>	Abandoned <sup>2</sup>
1975	29,183	150	1,651	0
1976	29,511	209	2,077	...
1977	32,560	216	1,645	...
1978	29,531	151	1,015	414
1979	32,678	124	432	433
1980	36,052	96	601	661
1981	41,798	85	742	329
1982	44,745	52	580	370
1983	49,669	151	916	649
1984	39,321	98	706	833
1985	37,385	103	666	598
1986	42,842	299	698	452
1987	36,835	121	874	458
1988	32,724	30	506	315
1989	34,318	34	561	360
1990	34,336	46	893	404
1991	34,567	37	1,059	685
1992	37,085	57	1,337	611
1993	41,545	343	6,030	1,844
1994	25,393	136	4,480	3,917
1995	7,777	49	1,046	1,180
1996	8,461	58	1,061	629
1997	7,039	24	692	366
1998	7,090	19	621	352
1999	8,581	23	48	298
2000	10,698	6	447	91
2001	11,161	3	403	114
2002	16,100	13	468	175
2003	13,884	30	729	289
2004	12,953	18	572	235
2005	13,326	33	943	300
2006	13,757	35	898	234
2007	14,123	32	953	402
2008	15,434	21	1,030	291
2009	16,105	20	1,415	724
2010	16,930	32	1,467	380
2011	19,923	22	1,744	369

Source: ATF

<sup>1</sup> An application can be withdrawn by an applicant at any time prior to the issuance of a license.

<sup>2</sup> If ATF cannot locate an applicant during an attempted application inspection or cannot obtain needed verification data, then the application will be abandoned.

## Exhibit 13. Federal Firearms Licensees and Compliance Inspections (FY 1969 - FY 2011)

Fiscal Year	Licensees	Inspections	Percent Inspected
1969	86,598	47,454	54.7
1970	138,928	21,295	15.3
1971	149,212	32,684	21.9
1972	150,215	31,164	20.7
1973	152,232	16,003	10.5
1974	158,753	15,751	10.0
1975	161,927	10,944	6.7
1976	165,697	15,171	9.1
1977	173,484	19,741	11.3
1978	169,052	22,130	13.1
1979	171,216	14,744	8.6
1980	174,619	11,515	6.5
1981	190,296	11,035	5.7
1982	211,918	1,829	0.8
1983	230,613	2,662	1.1
1984	222,443	8,861	3.9
1985	248,794	9,527	3.8
1986	267,166	8,605	3.2
1987	262,022	8,049	3.1
1988	272,953	9,283	3.4
1989	264,063	7,142	2.7
1990	269,079	8,471	3.1
1991	276,116	8,258	3.0
1992	284,117	16,328	5.7
1993	283,925	22,330	7.9
1994	250,833	20,067	8.0
1995	187,931	13,141	7.0
1996	135,794	10,051	7.4
1997	107,554	5,925	5.5
1998	105,536	5,043	4.8
1999	103,942	9,004	8.7
2000	103,658	3,640	3.5
2001	102,913	3,677	3.6
2002	103,411	5,467	5.2
2003	104,105	5,170	4.9
2004	106,214	4,509	4.2
2005	106,432	5,189	4.9
2006	107,316	7,294	6.8
2007	108,933	10,141	9.3
2008	112,943	11,100	9.8
2009	115,395	11,375	9.9
2010	118,487	10,538	8.9
2011	123,587	13,159	9.4

Source: ATF

# **Firearms Commerce**

★ **in the** ★

## **United States**

### **Annual Statistical Update**

**2013**

**United States Department of Justice  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives**

1972

## Exhibit 1. Firearms Manufactured (1986-2011)

Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms <sup>1</sup>	Total Firearms
1986	662,973	761,414	970,507	641,482	4,558	3,040,934
1987	964,561	722,512	1,007,661	857,949	6,980	3,559,663
1988	1,101,011	754,744	1,144,707	928,070	35,345	3,963,877
1989	1,404,753	628,573	1,407,400	935,541	42,126	4,418,393
1990	1,371,427	470,495	1,211,664	848,948	57,434	3,959,968
1991	1,378,252	456,966	883,482	828,426	15,980	3,563,106
1992	1,669,537	469,413	1,001,833	1,018,204	16,849	4,175,836
1993	2,093,362	562,292	1,173,694	1,144,940	81,349	5,055,637
1994	2,004,298	586,450	1,316,607	1,254,926	10,936	5,173,217
1995	1,195,284	527,664	1,411,120	1,173,645	8,629	4,316,342
1996	987,528	498,944	1,424,315	925,732	17,920	3,854,439
1997	1,036,077	370,428	1,251,341	915,978	19,680	3,593,504
1998	960,365	324,390	1,535,690	868,639	24,506	3,713,590
1999	995,446	335,784	1,569,685	1,106,995	39,837	4,047,747
2000	962,901	318,960	1,583,042	898,442	30,196	3,793,541
2001	626,836	320,143	1,284,554	679,813	21,309	2,932,655
2002	741,514	347,070	1,515,286	741,325	21,700	3,366,895
2003	811,660	309,364	1,430,324	726,078	30,978	3,308,404
2004	728,511	294,099	1,325,138	731,769	19,508	3,099,025
2005	803,425	274,205	1,431,372	709,313	23,179	3,241,494
2006	1,021,260	385,069	1,496,505	714,618	35,872	3,653,324
2007	1,219,664	391,334	1,610,923	645,231	55,461	3,922,613
2008	1,609,381	431,753	1,734,536	630,710	92,564	4,498,944
2009	1,868,258	547,195	2,248,851	752,699	138,815	5,555,818
2010	2,258,450	558,927	1,830,556	743,378	67,929	5,459,240
2011	2,598,133	572,857	2,318,088	862,401	190,407	6,541,886

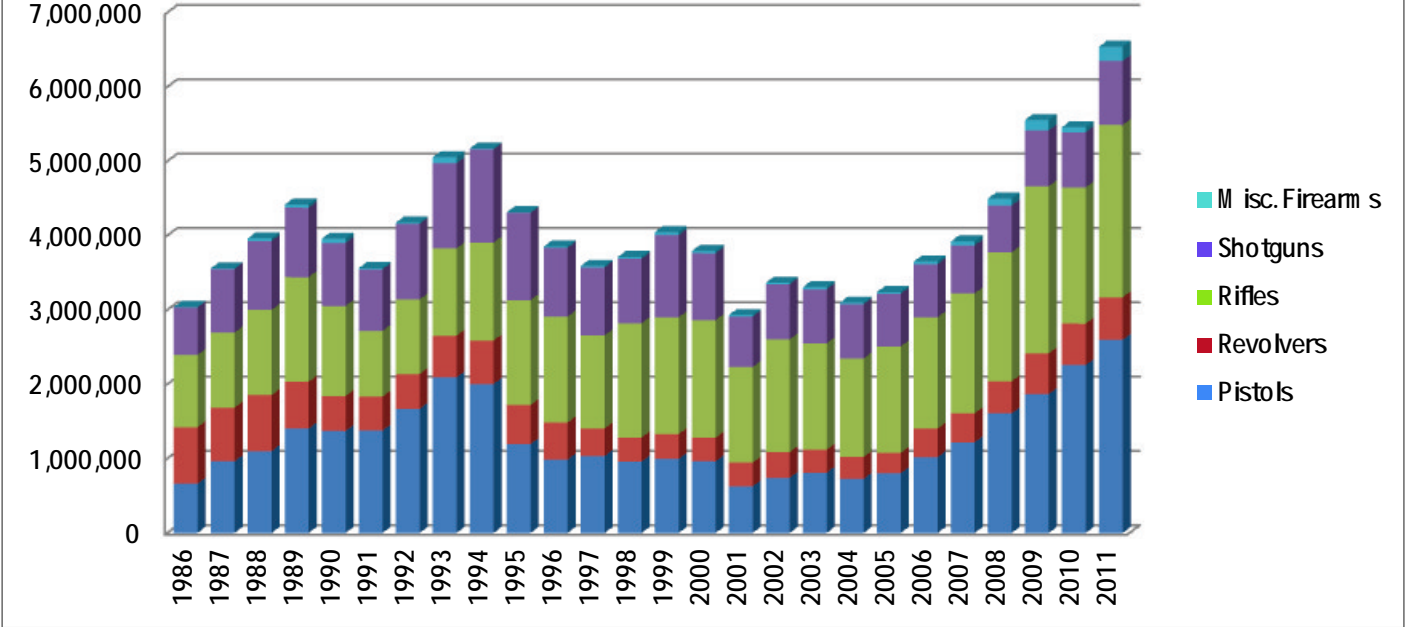
Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMER).

<sup>1</sup> Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies. The report also includes firearms manufactured for export.

AFMER data is not published until one year after the close of the calendar year reporting period because the proprietary data furnished by filers is protected from immediate disclosure by the Trade Secrets Act. For example, calendar year 2011 data was due to ATF by April 1, 2012, but not published until January 2013.

Exhibit 1a. Firearms Manufactured (1986-2011)





## Exhibit 2. Firearms Manufacturers' Exports (1986 - 2011)

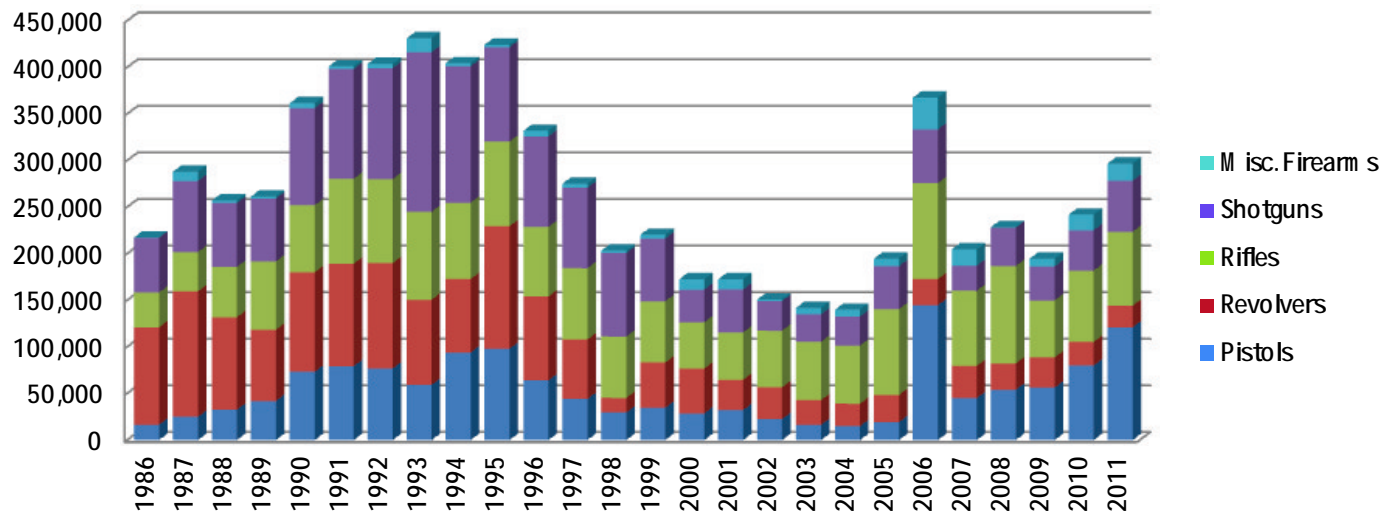
Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms <sup>1</sup>	Total Firearms
1986	16,511	104,571	37,224	58,943	199	217,448
1987	24,941	134,611	42,161	76,337	9,995	288,045
1988	32,570	99,289	53,896	68,699	2,728	257,182
1989	41,970	76,494	73,247	67,559	2,012	261,282
1990	73,398	106,820	71,834	104,250	5,323	361,625
1991	79,275	110,058	91,067	117,801	2,964	401,165
1992	76,824	113,178	90,015	119,127	4,647	403,791
1993	59,234	91,460	94,272	171,475	14,763	431,204
1994	93,959	78,935	81,835	146,524	3,220	404,473
1995	97,969	131,634	90,834	101,301	2,483	424,221
1996	64,126	90,068	74,557	97,191	6,055	331,997
1997	44,182	63,656	76,626	86,263	4,354	275,081
1998	29,537	15,788	65,807	89,699	2,513	203,344
1999	34,663	48,616	65,669	67,342	4,028	220,318
2000	28,636	48,130	49,642	35,087	11,132	172,627
2001	32,151	32,662	50,685	46,174	10,939	172,611
2002	22,555	34,187	60,644	31,897	1,473	150,756
2003	16,340	26,524	62,522	29,537	6,989	141,912
2004	14,959	24,122	62,403	31,025	7,411	139,920
2005	19,196	29,271	92,098	46,129	7,988	194,682
2006	144,779	28,120	102,829	57,771	34,022	367,521
2007	45,053	34,662	80,594	26,949	17,524	204,782
2008	54,030	28,205	104,544	41,186	523	228,488
2009	56,402	32,377	61,072	36,455	8,438	194,744
2010	80,041	25,286	76,518	43,361	16,771	241,977
2011	121,035	23,221	79,256	54,878	14,498	296,888

Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMER).

<sup>1</sup> Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies.

### Exhibit 2a. Firearms Manufacturers' Exports (1986 - 2011)



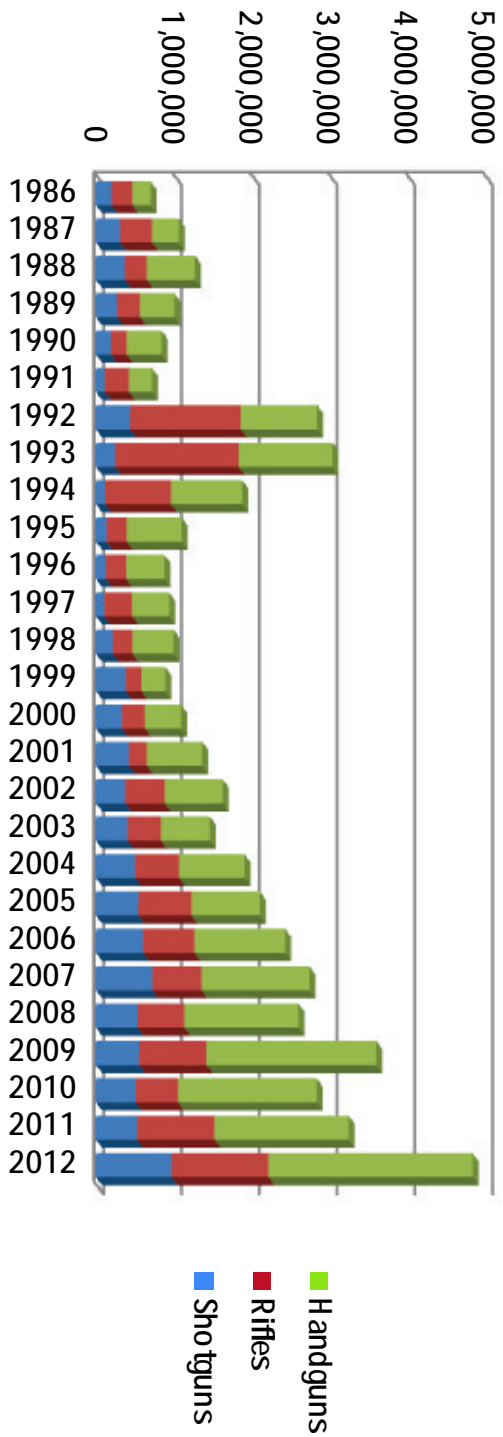
### Exhibit 3. Firearms Imports (1986 - 2012)

Calendar Year	Shotguns	Rifles	Handguns	Total
1986	201,000	269,000	231,000	701,000
1987	307,620	413,780	342,113	1,063,513
1988	372,008	282,640	621,620	1,276,268
1989	274,497	293,152	440,132	1,007,781
1990	191,787	203,505	448,517	843,809
1991	116,141	311,285	293,231	720,657
1992	441,933	1,423,189	981,588	2,846,710
1993	246,114	1,592,522	1,204,685	3,043,321
1994	117,866	847,868	915,168	1,880,902
1995	136,126	261,185	706,093	1,103,404
1996	128,456	262,568	490,554	881,578
1997	106,296	358,937	474,182	939,415
1998	219,387	248,742	531,681	999,810
1999	385,556	198,191	308,052	891,799
2000	331,985	298,894	465,903	1,096,782
2001	428,330	227,608	710,958	1,366,896
2002	379,755	507,637	741,845	1,629,237
2003	407,402	428,837	630,263	1,466,502
2004	507,050	564,953	838,856	1,910,859
2005	546,403	682,100	878,172	2,106,675
2006	606,820	659,393	1,166,309	2,432,522
2007	725,752	631,781	1,386,460	2,743,993
2008	535,960	602,364	1,468,062	2,606,386
2009	558,679	864,010	2,184,417	3,607,106
2010	509,913	547,449	1,782,585	2,839,947
2011	529,056	998,072	1,725,276	3,252,404
2012	973,465	1,243,924	2,627,201	4,844,590

Source: ATF and United States International Trade Commission.

Statistics prior to 1992 are for fiscal years—1992 is a transition year with five quarters.

Exhibit 3a. Firearms Imports (1986 - 2012)



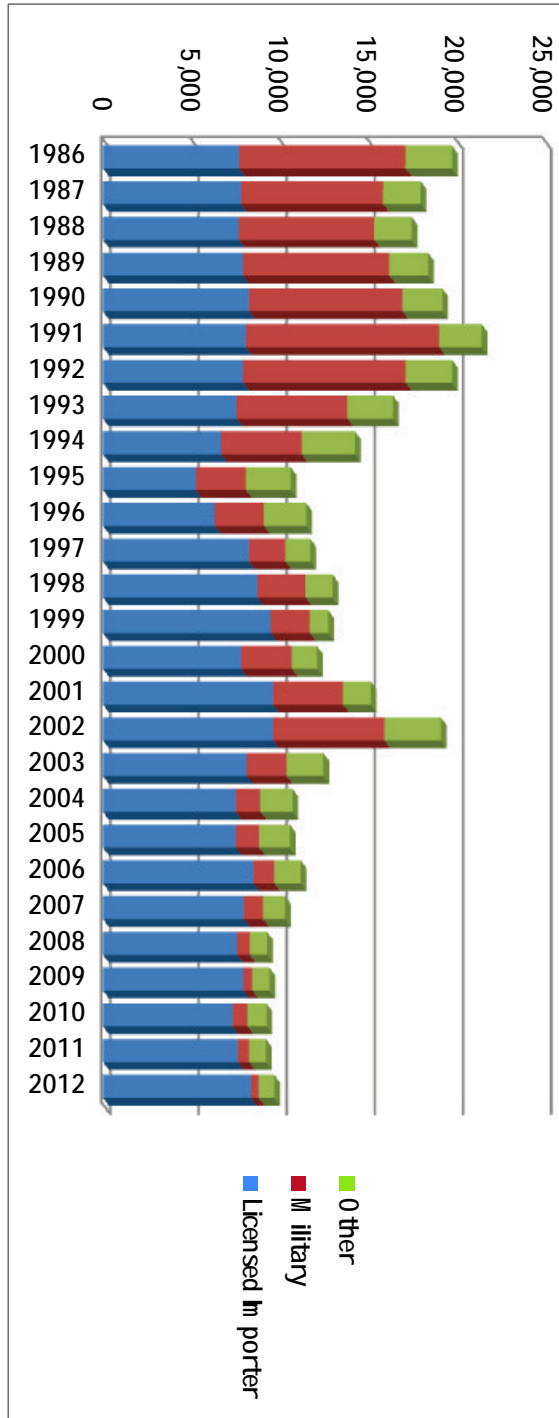
## Exhibit 4. Importation Applications (1986 - 2012)

Fiscal Year	Licensed Importer	Military	Other	Total
1986	7,728	9,434	2,631	19,793
1987	7,833	8,059	2,130	18,022
1988	7,711	7,680	2,122	17,513
1989	7,950	8,293	2,194	18,437
1990	8,292	8,696	2,260	19,248
1991	8,098	10,973	2,412	21,483
1992	7,960	9,222	2,623	19,805
1993	7,591	6,282	2,585	16,458
1994	6,704	4,570	3,024	14,298
1995	5,267	2,834	2,548	10,649
1996	6,340	2,792	2,395	11,527
1997	8,288	2,069	1,395	11,752
1998	8,767	2,715	1,536	13,019
1999	9,505	2,235	1,036	12,776
2000	7,834	2,885	1,416	12,135
2001	9,639	3,984	1,569	15,192
2002	9,646	6,321	3,199	19,166
2003	8,160	2,264	2,081	12,505
2004	7,539	1,392	1,819	10,750
2005	7,539	1,320	1,746	10,605
2006	8,537	1,180	1,505	11,222
2007	8,004	1,081	1,236	10,321
2008	7,610	718	980	9,308
2009	7,967	504	970	9,441
2010	7,367	823	1,088	9,278
2011	7,647	641	959	9,247
2012	8,408	420	895	9,723

Source: ATF's Firearms and Explosives Import System (FEIS)

Import data excludes temporary permits issued to nonimmigrant aliens.

**Exhibit 4a. Importation Applications  
(1986 - 2012)**



## Exhibit 5. Firearms Imported into the United States by Country of Manufacture 2012

	Handguns	Rifles	Shotguns	Total Firearms
Brazil	444,346	316,577	125,891	886,814
Austria	821,522	8,620	2,239	832,381
Germany	414,471	103,972	3,524	521,967
Turkey	35,997	475	441,332	477,804
Italy	213,147	23,355	170,460	406,962
Croatia	389,014	0	0	389,014
Canada	13	323,886	26	323,925
Russia	11,547	153,433	47,360	212,340
China <sup>1</sup>	0	47,821	154,446	202,267
Philippines	80,096	2,437	5,500	88,033
Argentina	76,184	0	0	76,184
Japan	0	71,538	2,875	74,413
Czech Republic	41,024	23,264	0	64,288
Serbia	29,204	26,251	0	55,455
Romania	3,579	46,533	0	50,112
Finland	1	33,536	0	33,537
Belgium	10,754	20,807	157	31,718
Spain	376	18,989	1,692	21,057
Israel	20,017	4	0	20,021
Bulgaria	4,586	10,805	0	15,391
United Kingdom	21	3,592	8,840	12,453
Poland	9,806	2,380	0	12,186
United Arab Emirates	8,359	1	0	8,360
France	467	64	6,284	6,815
Ukraine	5,500	0	0	5,500
Switzerland	3,080	553	0	3,633
Other <sup>2</sup>	788	1,520	355	2,663
Portugal	0	250	2,384	2,634
Montenegro	1,000	1,442	0	2,442
Malaysia	0	1,800	100	1,900
Slovak Republic	1,281	19	0	1,300
Korea	1,021	0	0	1,021
Totals	2,627,201	1,243,924	973,465	4,844,590

Source: United States International Trade Commission

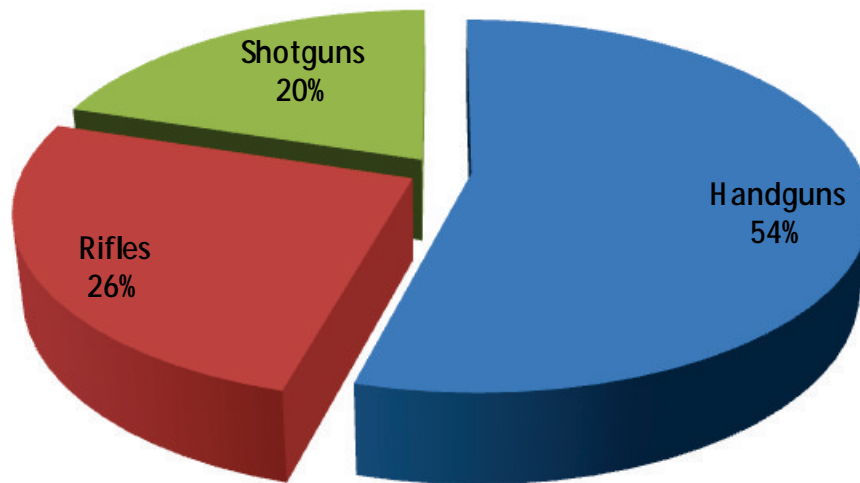
<sup>1</sup>On May 26, 1994, the United States instituted a firearms imports embargo against China. Shotguns, however, are exempt from the embargo.

<sup>2</sup>Imports of fewer than 1,000 per country.

Imports from Afghanistan, Belarus, Burma, China Cuba, Democratic Republic of Congo, Haiti, Iran, Iraq, Libya, Mongolia, North Korea, Rwanda, Somalia Sudan, Syria, Unita (Angola), Vietnam, may include surplus military curio and relic firearms that were manufactured in these countries prior to becoming proscribed or embargoed and had been outside those proscribed countries for the preceding five years prior to import. Imports may also include those that obtained a waiver from the U.S. State Department.

Imports from Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Turkmenistan, Ukraine, Uzbekistan are limited to firearms enumerated on the Voluntary Restraint Agreement (VRA).

Exhibit 5a. Imported Firearms by Type 2012





## Exhibit 6. National Firearms Act Tax Revenues and Related Activities (1984 - 2012)

Fiscal Year <sup>1</sup>	Occupational Tax Paid <sup>2</sup>	Transfer and Mailing Tax Paid <sup>3</sup>	Enforcement Support <sup>4</sup>	
			Certifications	Records Checks
1984	\$596,000	\$666,000	1,196	2,771
1985	\$606,000	\$594,000	921	3,682
1986	\$667,000	\$1,372,000	690	3,376
1987	\$869,000	\$1,576,000	575	4,135
1988	\$2,095,000	\$1,481,000	701	3,738
1989	\$1,560,000	\$1,527,000	1,196	6,128
1990	\$1,442,000	\$1,308,000	666	7,981
1991	\$1,556,000	\$1,210,000	764	7,857
1992	\$1,499,000	\$1,237,000	1,257	8,582
1993	\$1,493,000	\$1,264,000	1,024	7,230
1994	\$1,444,000	\$1,596,000	586	6,283
1995	\$1,007,000	\$1,311,000	882	5,677
1996	\$1,143,000	\$1,402,000	529	5,215
1997	\$1,284,000	\$1,630,000	488	4,395
1998	\$1,299,000	\$1,969,000	353	3,824
1999	\$1,330,000	\$2,422,000	345	3,994
2000	\$1,399,000	\$2,301,000	144	2,159
2001	\$1,456,000	\$2,800,000	402	5,156
2002	\$1,492,000	\$1,510,000	441	6,381
2003	\$1,758,000	\$2,699,000	401	6,597
2004	\$1,640,000	\$3,052,000	435	6,191
2005	\$1,659,000	\$2,810,000	447	6,218
2006	\$1,709,000	\$3,951,000	327	6,331
2007	\$1,815,000	\$4,890,000	530	7,468
2008	\$1,950,000	\$5,742,000	375	5,872
2009	\$2,125,000	\$7,971,000	418	5,736
2010	\$2,530,000	\$7,184,000	267	5,883
2011	\$2,952,000	\$9,576,000	287	6,313
2012	\$3,628,000	\$12,814,000	390	7,103

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

<sup>1</sup>Data from 1997-2000 were based on calendar year data.

<sup>2</sup>Occupational tax revenues for FY 1990-1996 include collections made during the fiscal year for prior tax years.

<sup>3</sup>Importers, manufacturers, or dealers in NFA firearms are subject to a yearly occupational tax.

<sup>4</sup>ATF searches the NFRTR in support of criminal investigations and regulatory inspections in order to determine whether persons are legally in possession of NFA weapons and whether transfers are made lawfully.

Data from 2000-2010 for Certifications and Records Checks was corrected in the 2012 update.

## Exhibit 7. National Firearms Act Firearms Processed by Form Type (1990 - 2012)

Calendar Year <sup>1</sup>	Application to Make <input type="checkbox"/> FA Firearms <sup>2</sup> (ATF Form 1)	Manufactured and imported (ATF Form 2)	Application for Tax Exempt Transfer <input type="checkbox"/> etween <input type="checkbox"/> icensees (ATF Form 3)	Application for Taxpaid Transfer (ATF Form 4)	Application for Tax Exempt Transfer <sup>3</sup> (ATF Form 5)	Exported (ATF Form 9)	Total <sup>4</sup>
1990	399	66,084	23,149	7,024	54,959	21,725	173,340
1991	524	80,619	19,507	5,395	44,146	40,387	190,578
1992	351	107,313	26,352	6,541	45,390	22,120	208,067
1993	310	70,342	22,071	7,388	60,193	24,041	184,345
1994	1,076	97,665	27,950	7,600	67,580	34,242	236,113
1995	1,226	95,061	18,593	8,263	60,055	31,258	214,456
1996	1,174	103,511	16,931	6,418	72,395	40,439	240,868
1997	855	110,423	18,371	7,873	70,690	36,284	244,496
1998	1,093	141,101	27,921	10,181	93,135	40,221	313,652
1999	1,071	137,373	28,288	11,768	95,554	28,128	302,182
2000	1,334	141,763	23,335	11,246	96,234	28,672	302,584
2001	2,522	145,112	25,745	10,799	101,955	25,759	311,892
2002	1,173	162,321	25,042	10,686	92,986	47,597	339,805
2003	1,003	156,620	21,936	13,501	107,108	43,668	343,836
2004	980	83,483	20,026	14,635	54,675	19,425	193,224
2005	1,902	65,865	26,603	14,606	26,210	20,951	156,137
2006	2,610	188,134	51,290	20,534	100,458	42,175	405,201
2007	3,553	296,267	51,217	22,260	194,794	76,467	644,558
2008	4,583	424,743	71,404	26,917	183,271	206,411	917,329
2009	5,345	371,920	56,947	31,551	201,267	163,951	830,981
2010	5,169	296,375	58,875	33,059	189,449	136,335	719,262
2011	5,477	530,953	107,066	33,816	147,341	311,214	1,135,867
2012	7,886	484,928	149,762	52,490	170,561	219,700	1,085,327

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

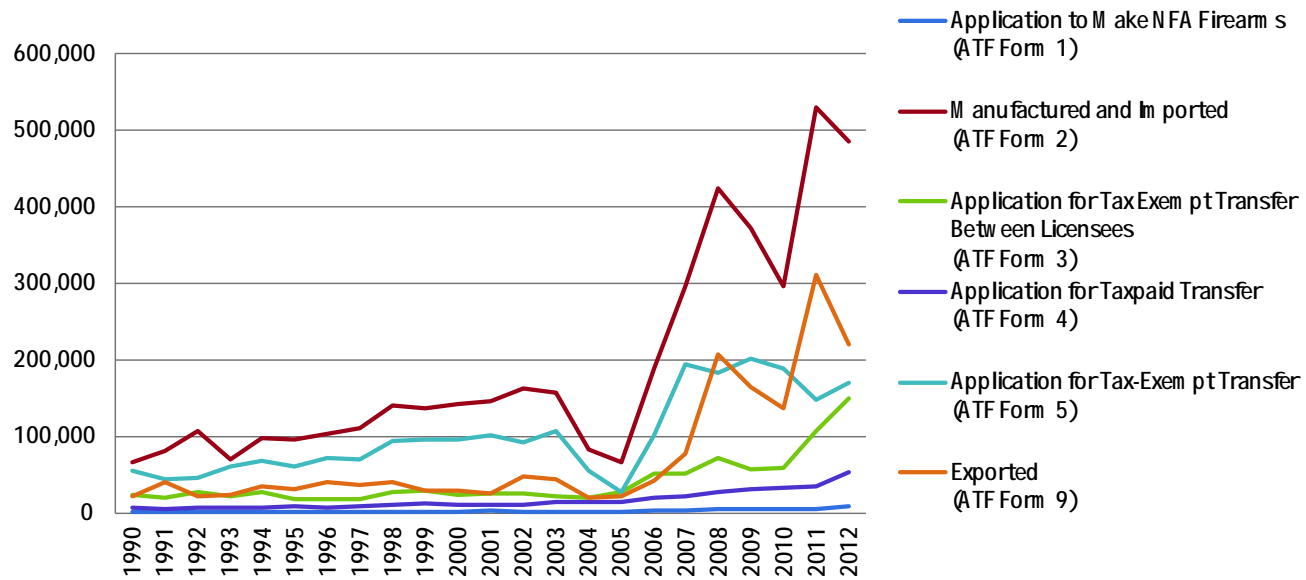
<sup>1</sup>Data from 1990-1996 represent fiscal year.

<sup>2</sup>Firearms manufactured by, or on behalf of, the U.S. Government or any department, independent establishment, or agency thereof are exempt from the making tax.

<sup>3</sup>Firearms may be transferred to the U.S., State or local governments without the payment of a transfer tax. Further transfers of FA firearms between licensees registered as importers, manufacturers, or dealers who have paid the special occupational tax are likewise exempt from transfer tax.

<sup>4</sup>Totals do not include ATF Form 5320.20 or ATF Form 10 because these do not relate to commercial transactions.

### Exhibit 7a. National Firearms Act Firearms Processed by Form Type (1990-2012)



## Exhibit 8. National Firearms Act Registered Weapons by State (April 2013)

State	Any Other Weapon <sup>1</sup>	Restrictive Device <sup>2</sup>	Machinegun <sup>3</sup>	Silencer <sup>4</sup>	Short Barreled Rifle <sup>5</sup>	Short Barreled Shotgun <sup>6</sup>	Total
Alabama	1,139	61,755	17,400	10,610	1,688	2,129	94,721
Alaska	317	3,419	1,623	2,660	796	1,185	10,000
Arkansas	589	42,590	5,092	8,702	1,563	1,022	59,558
Arizona	1,118	71,220	15,498	19,356	6,567	1,940	115,699
California	3,813	224,946	28,954	7,714	5,700	12,786	283,913
Colorado	928	39,837	6,357	8,899	2,700	1,450	60,171
Connecticut	661	10,410	20,731	5,883	1,305	960	39,950
District of Columbia	69	36,063	4,344	207	760	1,048	42,491
Delaware	32	2,273	573	295	144	515	3,832
Florida	3,199	103,765	30,227	34,720	9,383	6,469	187,763
Georgia	1,789	54,484	27,449	36,140	4,531	10,631	135,024
Hawaii	34	6,313	377	114	55	61	6,954
Iowa	878	12,465	3,387	360	403	946	18,439
Idaho	595	16,525	3,984	11,667	1,744	417	34,932
Illinois	960	86,075	25,936	1,289	1,440	1,673	117,373
Indiana	1,546	38,134	17,825	21,212	2,846	8,611	90,174
Kansas	684	20,241	3,534	3,686	1,315	863	30,323
Kentucky	1,045	23,394	11,458	16,368	1,686	1,719	55,670
Louisiana	527	47,438	6,495	5,668	1,877	1,597	63,602
Massachusetts	861	13,505	6,896	7,248	1,468	880	30,858
Maryland	957	46,788	25,022	7,991	2,188	3,923	86,869
Maine	567	2,663	4,524	1,538	1,544	417	11,253
Michigan	1,076	22,460	11,057	4,736	774	1,129	41,232
Minnesota	2,634	37,895	7,542	689	1,350	1,040	51,150
Missouri	1,335	26,311	8,656	7,309	2,344	2,363	48,318
Mississippi	408	7,694	4,016	5,017	853	717	18,705
Montana	430	3,078	2,190	3,670	621	375	10,364
North Carolina	851	76,713	10,577	11,243	3,439	2,683	105,506
North Dakota	193	1,646	1,544	2,369	314	219	6,285
Obrasca	724	5,688	2,112	2,980	814	778	13,096
New Hampshire	439	3,874	7,966	3,768	1,632	410	18,089
New Jersey	427	39,145	6,990	1,009	737	2,404	50,712
New Mexico	292	68,957	3,736	3,651	1,245	614	78,495
Nevada	807	31,460	7,224	8,079	3,119	835	51,524
New York	2,171	37,228	8,017	2,948	3,424	7,544	61,332
Ohio	1,814	73,788	18,515	25,353	3,820	5,233	128,523
Oklahoma	1,131	14,000	8,363	20,247	2,219	1,537	47,497
Oregon	1,518	18,542	6,448	12,239	2,757	1,353	42,857
Pennsylvania	2,049	160,958	17,528	18,710	4,707	12,418	216,370
Rhode Island	41	2,996	637	28	99	112	3,913
South Carolina	680	27,258	6,355	11,036	1,871	3,696	50,896
South Dakota	347	3,515	1,524	3,369	321	180	9,256
Tennessee	1,549	35,444	13,180	12,005	3,317	5,612	71,107
Texas	6,337	176,494	30,782	70,569	12,722	6,950	303,854
Utah	408	14,534	6,202	9,965	2,213	1,214	34,536
Virginia	2,572	166,468	31,014	19,134	8,081	6,449	233,718
Vermont	224	2,258	1,087	71	161	103	3,904
Washington	1,791	37,138	3,979	11,918	1,355	770	56,951
Wisconsin	753	27,388	6,523	5,513	1,745	1,137	43,059
West Virginia	437	8,851	2,488	2,994	844	558	16,172
Wyoming	298	109,083	1,708	1,490	413	383	113,375
Other US Territories	6	320	215	16	11	47	615
<b>Total</b>	<b>56,050</b>	<b>2,205,487</b>	<b>505,861</b>	<b>494,452</b>	<b>119,025</b>	<b>130,105</b>	<b>3,510,980</b>

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

<sup>1</sup> The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

<sup>2</sup> Destructive device generally is defined as (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding paragraphs of this definition (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) of this section and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon (i) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device (ii) surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code (iii) any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.

<sup>3</sup> Machinegun is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

<sup>4</sup> Silencer is defined as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

<sup>5</sup> Short-barreled rifle is defined as a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

<sup>6</sup> Short-barreled shotgun is defined as a shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.

## Exhibit 9. National Firearms Act Special Occupational Taxpayers by State - Tax Year 2012

State	Importers	Manufacturers	Dealers	Total
Alabama	11	44	49	104
Alaska	0	15	25	40
Arizona	11	170	132	313
Arkansas	9	44	46	99
California	10	59	71	140
Colorado	1	48	67	116
Connecticut	6	39	35	80
Delaware	0	1	2	3
District of Columbia	0	0	1	1
Florida	29	173	245	447
Georgia	10	74	119	203
Hawaii	0	1	1	2
Idaho	0	62	63	125
Illinois	8	38	40	86
Indiana	2	48	82	132
Iowa	1	14	11	26
Kansas	3	19	53	75
Kentucky	8	32	58	98
Louisiana	2	31	75	108
Maine	2	18	27	47
Maryland	6	39	40	85
Massachusetts	3	46	24	73
Michigan	7	39	91	137
Minnesota	3	48	15	66
Mississippi	5	31	30	66
Missouri	4	62	77	143
Montana	2	24	26	52
Nebraska	0	8	15	23
Nevada	1	57	47	105
New Hampshire	6	30	40	76
New Jersey	1	4	19	24
New Mexico	4	18	38	60
New York	1	29	11	41
North Carolina	5	81	109	195
North Dakota	0	4	12	16
Ohio	2	99	118	219
Oklahoma	3	56	73	132
Oregon	2	75	73	150
Pennsylvania	9	93	128	230
Rhode Island	1	1	3	5
South Carolina	5	36	32	73
South Dakota	0	11	24	35
Tennessee	4	60	74	138
Texas	15	231	362	608
Utah	2	46	24	72
Vermont	4	12	6	22
Virginia	21	76	113	210
Washington	5	56	49	110
West Virginia	3	21	34	58
Wisconsin	4	49	45	98
Wyoming	1	11	19	31
<b>Total</b>	<b>242</b>	<b>2,383</b>	<b>2,973</b>	<b>5,598</b>

Source: ATF's National Firearms Act Special Occupational Tax Database (NSOT)

## Exhibit 10. Federal Firearms Licensees Total (1975-2012)

Fiscal Year	Dealer	Pawn-broker	Collector	Manufacturer of		Importer	Destructive Device			Total
				Ammunition	Firearms		Dealer	Manufacturer	Importer	
1975	146,429	2,813	5,211	6,668	364	403	9	23	7	161,927
1976	150,767	2,882	4,036	7,181	397	403	4	19	8	165,697
1977	157,463	2,943	4,446	7,761	408	419	6	28	10	173,484
1978	152,681	3,113	4,629	7,735	422	417	6	35	14	169,052
1979	153,861	3,388	4,975	8,055	459	426	7	33	12	171,216
1980	155,690	3,608	5,481	8,856	496	430	7	40	11	174,619
1981	168,301	4,308	6,490	10,067	540	519	7	44	20	190,296
1982	184,840	5,002	8,602	12,033	675	676	12	54	24	211,918
1983	200,342	5,388	9,859	13,318	788	795	16	71	36	230,613
1984	195,847	5,140	8,643	11,270	710	704	15	74	40	222,443
1985	219,366	6,207	9,599	11,818	778	881	15	85	45	248,794
1986	235,393	6,998	10,639	12,095	843	1,035	16	95	52	267,166
1987	230,888	7,316	11,094	10,613	852	1,084	16	101	58	262,022
1988	239,637	8,261	12,638	10,169	926	1,123	18	112	69	272,953
1989	231,442	8,626	13,536	8,345	922	989	21	110	72	264,063
1990	235,684	9,029	14,287	7,945	978	946	20	117	73	269,079
1991	241,706	9,625	15,143	7,470	1,059	901	17	120	75	276,116
1992	248,155	10,452	15,820	7,412	1,165	894	15	127	77	284,117
1993	246,984	10,958	16,635	6,947	1,256	924	15	128	78	283,925
1994	213,734	10,872	17,690	6,068	1,302	963	12	122	70	250,833
1995	158,240	10,155	16,354	4,459	1,242	842	14	118	71	191,495
1996	105,398	9,974	14,966	3,144	1,327	786	12	117	70	135,794
1997	79,285	9,956	13,512	2,451	1,414	733	13	118	72	107,554
1998	75,619	10,176	14,875	2,374	1,546	741	12	125	68	105,536
1999	71,290	10,035	17,763	2,247	1,639	755	11	127	75	103,942
2000	67,479	9,737	21,100	2,112	1,773	748	12	125	71	103,157
2001	63,845	9,199	25,145	1,950	1,841	730	14	117	72	102,913
2002	59,829	8,770	30,157	1,763	1,941	735	16	126	74	103,411
2003	57,492	8,521	33,406	1,693	2,046	719	16	130	82	104,105
2004	56,103	8,180	37,206	1,625	2,144	720	16	136	84	106,214
2005	53,833	7,809	40,073	1,502	2,272	696	15	145	87	106,432
2006	51,462	7,386	43,650	1,431	2,411	690	17	170	99	107,316
2007	49,221	6,966	47,690	1,399	2,668	686	23	174	106	108,933
2008	48,261	6,687	52,597	1,420	2,959	688	29	189	113	112,943
2009	47,509	6,675	55,046	1,511	3,543	735	34	215	127	115,395
2010	47,664	6,895	56,680	1,759	4,293	768	40	243	145	118,487
2011	48,676	7,075	59,227	1,895	5,441	811	42	259	161	123,587
2012	50,848	7,426	61,885	2,044	7,423	848	52	261	169	130,956

Source: ATF Federal Firearms Licensing Center, Federal Licensing System (FLS). Data is based on active firearms licenses and related statistics as of the end of each fiscal year.

## Exhibit 11. Federal Firearms Licensees by State 2012

State	FFL Population
Alabama	2,241
Alaska	998
Arizona	2,895
Arkansas	1,938
California	7,989
Colorado	2,611
Connecticut	1,721
Delaware	326
District of Columbia	26
Florida	6,951
Georgia	3,601
Hawaii	278
Idaho	1,307
Illinois	4,584
Indiana	2,825
Iowa	2,018
Kansas	1,826
Kentucky	2,346
Louisiana	2,040
Maine	913
Maryland	2,780
Massachusetts	3,524
Michigan	4,177
Minnesota	2,682
Mississippi	1,418
Missouri	6,015
Montana	1,467
Nebraska	1,115
Nevada	1,285
New Hampshire	1,088
New Jersey	509
New Mexico	1,076
New York	3,928
North Carolina	4,331
North Dakota	620
Ohio	4,712
Oklahoma	2,301
Oregon	2,509
Pennsylvania	5,891
Rhode Island	504
South Carolina	2,047
South Dakota	742
Tennessee	3,316
Texas	9,614
Utah	1,133
Vermont	553
Virginia	4,183
Washington	2,724
West Virginia	1,420
Wisconsin	2,959
Wyoming	806
Other Territories	93
Total	130,956

Source: ATF, Federal Firearms Licensing Center, Firearms Licensing System. Data is based on active firearms licenses and related statistics as of the end of the fiscal year.



## Exhibit 12. Actions on Federal Firearms License Applications (1975 - 2012)

Original Application				
Fiscal Year	Processed	Denied	Withdrawn <sup>1</sup>	Abandoned <sup>2</sup>
1975	29,183	150	1,651	0
1976	29,511	209	2,077	...
1977	32,560	216	1,645	...
1978	29,531	151	1,015	414
1979	32,678	124	432	433
1980	36,052	96	601	661
1981	41,798	85	742	329
1982	44,745	52	580	370
1983	49,669	151	916	649
1984	39,321	98	706	833
1985	37,385	103	666	598
1986	42,842	299	698	452
1987	36,835	121	874	458
1988	32,724	30	506	315
1989	34,318	34	561	360
1990	34,336	46	893	404
1991	34,567	37	1,059	685
1992	37,085	57	1,337	611
1993	41,545	343	6,030	1,844
1994	25,393	136	4,480	3,917
1995	7,777	49	1,046	1,180
1996	8,461	58	1,061	629
1997	7,039	24	692	366
1998	7,090	19	621	352
1999	8,581	23	48	298
2000	10,698	6	447	91
2001	11,161	3	403	114
2002	16,100	13	468	175
2003	13,884	30	729	289
2004	12,953	18	572	235
2005	13,326	33	943	300
2006	13,757	35	898	234
2007	14,123	32	953	402
2008	15,434	21	1,030	291
2009	16,105	20	1,415	724
2010	16,930	32	1,467	380
2011	19,923	22	1,744	369
2012	20,977	28	2,252	358

Source: ATF

<sup>1</sup>An application can be withdrawn by an applicant at any time prior to the issuance of a license.

<sup>2</sup>If ATF cannot locate an applicant during an attempted application inspection or cannot obtain needed verification data, then the application will be abandoned.

### Exhibit 13. Federal Firearms Licensees and Compliance Inspections (FY 1969 - FY 2012)

Fiscal Year	Licensees	Inspections	Percent Inspected
1969	86,598	47,454	54.7
1970	138,928	21,295	15.3
1971	149,212	32,684	21.9
1972	150,215	31,164	20.7
1973	152,232	16,003	10.5
1974	158,753	15,751	10.0
1975	161,927	10,944	6.7
1976	165,697	15,171	9.1
1977	173,484	19,741	11.3
1978	169,052	22,130	13.1
1979	171,216	14,744	8.6
1980	174,619	11,515	6.5
1981	190,296	11,035	5.7
1982	211,918	1,829	0.8
1983	230,613	2,662	1.1
1984	222,443	8,861	3.9
1985	248,794	9,527	3.8
1986	267,166	8,605	3.2
1987	262,022	8,049	3.1
1988	272,953	9,283	3.4
1989	264,063	7,142	2.7
1990	269,079	8,471	3.1
1991	276,116	8,258	3.0
1992	284,117	16,328	5.7
1993	283,925	22,330	7.9
1994	250,833	20,067	8.0
1995	187,931	13,141	7.0
1996	135,794	10,051	7.4
1997	107,554	5,925	5.5
1998	105,536	5,043	4.8
1999	103,942	9,004	8.7
2000	103,658	3,640	3.5
2001	102,913	3,677	3.6
2002	103,411	5,467	5.2
2003	104,105	5,170	4.9
2004	106,214	4,509	4.2
2005	106,432	5,189	4.9
2006	107,316	7,294	6.8
2007	108,933	10,141	9.3
2008	112,943	11,100	9.8
2009	115,395	11,375	9.9
2010	118,487	10,538	8.9
2011	123,587	13,159	10.6
2012	130,956	11,420	8.7

Source: ATF

The percent inspected for 2011 was corrected in the 2012 update.

# Exhibit B

*Report of the Subcommittee on the Constitution of the Committee on the Judiciary*

United States Senate, 97th Congress, Second Session (February 1982)

97th Congress  
2d Session

COMMITTEE PRINT

**THE RIGHT TO KEEP AND BEAR ARMS**

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REPORT

OF THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION



FEBRUARY 1982

Printed for the use of the Committee on the Judiciary

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U.S. GOVERNMENT PRINTING OFFICE  
88-618 O WASHINGTON : 1982

For sale by the Superintendent of Documents, U. S. Government Printing Office  
Washington, D.C. 20402<sub>(pg.11)</sub>

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## PREFACE

"To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them." (Richard Henry Lee, Virginia delegate to the Continental Congress, initiator of the Declaration of Independence, and member of the first Senate, which passed the Bill of Rights.)

"The great object is that every man be armed . . . Everyone who is able may have a gun." (Patrick Henry, in the Virginia Convention on the ratification of the Constitution.)

"The advantage of being armed . . . the Americans possess over the people of all other nations . . . Notwithstanding the military establishments in the several Kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms." (James Madison, author of the Bill of Rights, in his Federalist Paper No. 26.)

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (Second Amendment to the Constitution.)

In my studies as an attorney and as a United States Senator, I have constantly been amazed by the indifference or even hostility shown the Second Amendment by courts, legislatures, and commentators. James Madison would be startled to hear that his recognition of a right to keep and bear arms, which passed the House by a voice vote without objection and hardly a debate, has since been construed in but a single, and most ambiguous, Supreme Court decision, whereas his proposals for freedom of religion, which he made reluctantly out of fear that they would be rejected or narrowed beyond use, and those for freedom of assembly, which passed only after a lengthy and bitter debate, are the subject of scores of detailed and favorable decisions. Thomas Jefferson, who kept a veritable armory of pistols, rifles and shotguns at Monticello, and advised his nephew to forsake other sports in favor of hunting, would be astounded to hear supposed civil libertarians claim firearm ownership should be restricted. Samuel Adams, a handgun owner who pressed for an amendment stating that the "Constitution shall never be construed . . . to prevent the people of the United States who are peaceable citizens from keeping their own arms," would be shocked to hear that his native state today imposes a year's sentence, without probation or parole, for carrying a firearm without a police permit.<sup>(pg.VI)</sup>

This is not to imply that courts have totally ignored the impact of the Second Amendment in the Bill of Rights. No fewer than twenty-one decisions by the courts of our states have recognized an individual right to keep and bear arms, and a majority of these have not only recognized the right but invalidated laws or regulations which abridged it. Yet in all too many instances, courts or commentators have sought, for reasons only tangentially related to constitutional history, to construe this right out of existence. They argue that the Second Amendment's words "right of the people" mean "a right of the state"—apparently overlooking the impact of those same words when used in the First and Fourth Amendments. The "right of the people" to assemble or to be free from unreasonable searches and seizures is not contested as an individual guarantee. Still they ignore consistency and claim that the right to "bear arms" relates only to military uses. This not only violates a consistent constitutional reading of "right of the people" but also ignores that the second

amendment protects a right to "keep" arms. These commentators contend instead that the amendment's preamble regarding the necessity of a "well regulated militia . . . to a free state" means that the right to keep and bear arms applies only to a National Guard. Such a reading fails to note that the Framers used the term "militia" to relate to every citizen capable of bearing arms, and that Congress has established the present National Guard under its power to raise armies, expressly stating that it was not doing so under its power to organize and arm the militia.

When the first Congress convened for the purpose of drafting a Bill of Rights, it delegated the task to James Madison. Madison did not write upon a blank tablet. Instead, he obtained a pamphlet listing the State proposals for a bill of rights and sought to produce a briefer version incorporating all the vital proposals of these. His purpose was to incorporate, not distinguish by technical changes, proposals such as that of the Pennsylvania minority, Sam Adams, or the New Hampshire delegates. Madison proposed among other rights that "That right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." In the House, this was initially modified so that the militia clause came before the proposal recognizing the right. The proposals for the Bill of Rights were then trimmed in the interests of brevity. The conscientious objector clause was removed following objections by Elbridge Gerry, who complained that future Congresses might abuse the exemption to excuse everyone from military service.

The proposal finally passed the House in its present form: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.:" In this form it was submitted into the Senate, which passed it the following day. The Senate in the process indicated its intent that the right be an individual one, for private purposes, by rejecting an amendment which would have limited the keeping and bearing of arms to bearing "For the common defense".

The earliest American constitutional commentators concurred in giving this broad reading to the amendment. When St. George <sup>(pg. VII)</sup> Tucker, later Chief Justice of the Virginia Supreme Court, in 1803 published an edition of Blackstone annotated to American law, he followed Blackstone's citation of the right of the subject "of having arms suitable to their condition and degree, and such as are allowed by law" with a citation to the Second Amendment, "And this without any qualification as to their condition or degree, as is the case in the British government." William Rawle's "View of the Constitution" published in Philadelphia in 1825 noted that under the Second Amendment: "The prohibition is general. No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both." The Jefferson papers in the Library of Congress show that both Tucker and Rawle were friends of, and corresponded with, Thomas Jefferson. Their views are those of contemporaries of Jefferson, Madison and others, and are entitled to special weight. A few years later, Joseph Story in his "Commentaries on the Constitution" considered the right to keep and bear arms as "the palladium of the liberties of the republic", which deterred tyranny and enabled the citizenry at large to overthrow it should it come to pass.

Subsequent legislation in the second Congress likewise supports the interpretation of the Second Amendment that creates an individual right. In the Militia Act of 1792, the second Congress defined "militia of the United States" to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and



military equipment. This statute, incidentally, remained in effect into the early years of the present century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a "militia", they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a "well regulated militia" of individuals trained in their duties and responsibilities as citizens and owners of firearms.

If gun laws in fact worked, the sponsors of this type of legislation should have no difficulty drawing upon long lists of examples of crime rates reduced by such legislation. That they cannot do so after a century and a half of trying—that they must sweep under the rug the southern attempts at gun control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976—establishes the repeated, complete and inevitable failure of gun laws to control serious crime.

Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities (pg.VIII) of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear—and long-lost—proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms. The summary of our research and findings forms the first portion of this report.

In the interest of fairness and the presentation of a complete picture, we also invited groups which were likely to oppose this recognition of freedoms to submit their views. The statements of two associations who replied are reproduced here following the report of the Subcommittee. The Subcommittee also invited statements by Messrs. Halbrook and Hardy, and by the National Rifle Association, whose statements likewise follow our report.

When I became chairman of the Subcommittee on the Constitution, I hoped that I would be able to assist in the protection of the constitutional rights of American citizens, rights which have too often been eroded in the belief that government could be relied upon for quick solutions to difficult problems.

Both as an American citizen and as a United States Senator I repudiate this view. I likewise repudiate the approach of those who believe to solve American problems you simply become something other than American. To my mind, the uniqueness of our free institutions, the fact that an American citizen can boast freedoms unknown in any other land, is all the more reason to resist any erosion of our individual rights. When our ancestors forged a land "conceived in liberty", they

did so with musket and rifle. When they reacted to attempts to dissolve their free institutions, and established their identity as a free nation, they did so as a nation of armed freemen. When they sought to record forever a guarantee of their rights, they devoted one full amendment out of ten to nothing but the protection of their right to keep and bear arms against government interference. Under my chairmanship the Subcommittee on the Constitution will concern itself with a proper recognition of, and respect for, this right most valued by free men.

ORRIN G. HATCH,  
*Chairman,*  
*Subcommittee on the Constitution.*

JANUARY 20, 1982.(pg.IX)

The right to bear arms is a tradition with deep roots in American society. Thomas Jefferson proposed that "no free man shall ever be debarred the use of arms," and Samuel Adams called for an amendment banning any law "to prevent the people of the United States who are peaceable citizens from keeping their own arms." The Constitution of the State of Arizona, for example, recognizes the "right of an individual citizen to bear arms in defense of himself or the State."

Even though the tradition has deep roots, its application to modern America is the subject of intense controversy. Indeed, it is a controversy into which the Congress is beginning, once again, to immerse itself. I have personally been disappointed that so important an issue should have generally been so thinly researched and so minimally debated both in Congress and the courts. Our Supreme Court has but once touched on its meaning at the Federal level and that decision, now nearly a half-century old, is so ambiguous that any school of thought can find some support in it. All Supreme Court decisions on the second amendment's application to the States came in the last century, when constitutional law was far different than it is today. As ranking minority member of the Subcommittee on the Constitution, I, therefore, welcome the effort which led to this report—a report based not only upon the independent research of the subcommittee staff, but also upon full and fair presentation of the cases by all interested groups and individual scholars.

I personally believe that it is necessary for the Congress to amend the Gun Control Act of 1968. I welcome the opportunity to introduce this discussion of how best these amendments might be made.

The Constitution subcommittee staff has prepared this monograph bringing together proponents of both sides of the debate over the 1968 Act. I believe that the statements contained herein present the arguments fairly and thoroughly. I commend Senator Hatch, chairman of the subcommittee, for having this excellent reference work prepared. I am sure that it will be of great assistance to the Congress as it debates the second amendment and considers legislation to amend the Gun Control Act.

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JANUARY 20, 1982.<sup>(pg.1)</sup>

## HISTORY: SECOND AMENDMENT RIGHT TO "KEEP AND BEAR ARMS"

The right to keep and bear arms as a part of English and American law antedates not only the Constitution, but also the discovery of firearms. Under the laws of Alfred the Great, whose reign began in 872 A.D., all English citizens from the nobility to the peasants were obliged to privately purchase weapons and be available for military duty.<sup>1</sup> This was in sharp contrast to the feudal system as it evolved in Europe, under which armament and military duties were concentrated in the nobility. The body of armed citizens were known as the "fyrd".

While a great many of the Saxon rights were abridged following the Norman conquest, the right and duty of arms possession was retained. Under the Assize of Arms of 1181, "the whole community of freemen" between the ages of 15 and 40 were required by law to possess certain arms, which were arranged in proportion to their possessions.<sup>2</sup> They were required twice a year to demonstrate to Royal Officials that they were appropriately armed. In 1253, another Assize of Arms expanded the duty of armament to include not only freeman, but also villeins, who were the English equivalent of serfs. Now all "citizens, burgesses, free tenants, villeins and others from 15 to 60 years of age" were obliged to be armed.<sup>3</sup> While on the Continent the villeins were regarded as little more than animals hungering for rebellion, the English legal system not only permitted, but affirmatively required them, to be armed.

The thirteenth century saw further definitions of this right as the long bow, a formidable armor-piercing weapon, became increasingly the mainstay of British national policy. In 1285, Edward I commanded that all persons comply with the earlier Assizes and added that "anyone else who can afford them shall keep bows and arrows".<sup>4</sup> The right of armament was subject only to narrow limitations. In 1279, it was ordered that those appearing in Parliament or other public assemblies "shall come without all force and armor, well and peaceably".<sup>5</sup> In 1328, the statute of Northampton ordered that no one use their arms in "affray of the peace, nor to go nor ride armed by day or by night in fairs, markets, nor in the presence of the justices or other ministers".<sup>6</sup> English courts construed this ban consistently with the general right of private armament as applying only to wearing of arms "accompanied with such circumstances as are apt to terrify the people".<sup>7</sup> In 1369, the King ordered that the sheriffs of London require all citizens "at leisure time on holidays" to "use in their recreation bowes and arrows" and to stop all other games which might distract them from this practice.<sup>8</sup>

The Tudor kings experimented with limits upon specialized weapons—mainly crossbows and the then-new firearms. These measures were not intended to disarm the citizenry, but on the contrary, to prevent their being diverted from longbow practice by (pg.2) sport with other weapons which were considered less effective. Even these narrow measures were shortlived. In 1503, Henry VII limited shooting (but not possession) of crossbows to those with land worth 200 marks annual rental, but provided an exception for those who "shote owt of a howse for the lawfull defens of the same".<sup>9</sup> In 1511, Henry VIII increased the property requirement to 300 marks. He also expanded the requirement of longbow ownership, requiring all citizens to "use and exerceyse shootyng in longbowes, and also have a bowe and arrowes contynually" in the house.<sup>10</sup> Fathers were required by law to purchase bows and arrows for their sons between the age of 7 and 14 and to train them in longbow use.

In 1514 the ban on crossbows was extended to include firearms.<sup>11</sup> But in 1533, Henry reduced the property qualification to 100 pounds per year; in 1541 he limited it to possession of

small firearms ("of the length of one hole yard" for some firearms and "thre quarters of a yarde" for others)<sup>12</sup> and eventually he repealed the entire statute by proclamation.<sup>13</sup> The later Tudor monarchs continued the system and Elizabeth added to it by creating what came to be known as "train bands", selected portions of the citizenry chosen for special training. These trained bands were distinguished from the "militia", which term was first used during the Spanish Armada crisis to designate the entire of the armed citizenry.<sup>14</sup>

The militia continued to be a pivotal force in the English political system. The British historian Charles Oman considers the existence of the armed citizenry to be a major reason for the moderation of monarchical rule in Great Britain; "More than once he [Henry VIII] had to restrain himself, when he discovered that the general feeling of his subjects was against him.... His 'gentlemen pensioners' and his yeomen of the guard were but a handful, and bills or bows were in every farm and cottage".<sup>15</sup>

When civil war broke out in 1642, the critical issue was whether the King or Parliament had the right to control the militia.<sup>16</sup> The aftermath of the civil war saw England in temporary control of a military government, which repeatedly dissolved Parliament and authorized its officers to "search for, and seize all arms" owned by Catholics, opponents of the government, "or any other person whom the commissioners had judged dangerous to the peace of this Commonwealth".<sup>17</sup>

The military government ended with the restoration of Charles II. Charles in turn opened his reign with a variety of repressive legislation, expanding the definition of treason, establishing press censorship and ordering his supporters to form their own troops, "the officers to be numerous, disaffected persons watched and not allowed to assemble, and their arms seized".<sup>18</sup> In 1662, a Militia Act was enacted empowering officials "to search for and seize all arms in the custody or possession of any person or persons whom the said lieutenants or any two or more of their deputies shall judge dangerous to the peace of the kingdom".<sup>19</sup> Gunsmiths were ordered to deliver to the government lists of all purchasers.<sup>20</sup> These confiscations were continued under James II, who directed them particularly against the Irish population: "Although the (pg.3) country was infested by predatory bands, a Protestant gentleman could scarcely obtain permission to keep a brace of pistols."<sup>21</sup>

In 1668, the government of James was overturned in a peaceful uprising which came to be known as "The Glorious Revolution". Parliament resolved that James had abdicated and promulgated a Declaration of Rights, later enacted as the Bill of Rights. Before coronation, his successor William of Orange, was required to swear to respect these rights. The debates in the House of Commons over this Declaration of Rights focused largely upon the disarmament under the 1662 Militia Act. One member complained that "an act of Parliament was made to disarm all Englishmen, who the lieutenant should suspect, by day or night, by force or otherwise—this was done in Ireland for the sake of putting arms into Irish hands." The speech of another is summarized as "militia bill—power to disarm all England—now done in Ireland." A third complained "Arbitrary power exercised by the ministry.... Militia—imprisoning without reason; disarming—himself disarmed." Yet another summarized his complaints "Militia Act—an abominable thing to disarm the nation...."<sup>22</sup>

The Bill of Rights, as drafted in the House of Commons, simply provided that "the acts concerning the militia are grievous to the subject" and that "it is necessary for the public Safety that the Subjects, which are Protestants, should provide and keep arms for the common defense; And that the Arms which have been seized, and taken from them, be restored."<sup>23</sup> The House of Lords changed this to make it a more positive declaration of an individual right under English law: "That the subjects which are Protestant may have arms for their defense suitable to their conditions and as allowed by law."<sup>24</sup> The only limitation was on ownership by Catholics, who at that time composed only a few percent of the British population and were subject to a wide variety of punitive

legislation. The Parliament subsequently made clear what it meant by "suitable to their conditions and as allowed by law". The poorer citizens had been restricted from owning firearms, as well as traps and other commodities useful for hunting, by the 1671 Game Act. Following the Bill of Rights, Parliament reenacted that statute, leaving its operative parts unchanged with one exception—which removed the word "guns" from the list of items forbidden to the poorer citizens.<sup>25</sup> The right to keep and bear arms would henceforth belong to all English subjects, rich and poor alike.

In the colonies, availability of hunting and need for defense led to armament statues comparable to those of the early Saxon times. In 1623, Virginia forbade its colonists to travel unless they were "well armed"; in 1631 it required colonists to engage in target practice on Sunday and to "bring their peeces to church."<sup>26</sup> In 1658 it required every householder to have a functioning firearm within his house and in 1673 its laws provided that a citizen who claimed he was too poor to purchase a firearm would have one purchased for him by the government, which would then require him to pay a reasonable price when able to do so.<sup>27</sup> In Massachusetts, the first session of the legislature ordered that not only freemen, but also indentured servants own firearms and in 1644 it imposed a stern 6 shilling fine upon any citizen who was not armed.<sup>28</sup> (pg.4)

When the British government began to increase its military presence in the colonies in the mid-eighteenth century, Massachusetts responded by calling upon its citizens to arm themselves in defense. One colonial newspaper argued that it was impossible to complain that this act was illegal since they were "British subjects, to whom the privilege of possessing arms is expressly recognized by the Bill of Rights" while another argued that this "is a natural right which the people have reserved to themselves, confirmed by the Bill of Rights, to keep arms for their own defense".<sup>29</sup> The newspaper cited Blackstone's commentaries on the laws of England, which had listed the "having and using arms for self preservation and defense" among the "absolute rights of individuals." The colonists felt they had an absolute right at common law to own firearms.

Together with freedom of the press, the right to keep and bear arms became one of the individual rights most prized by the colonists. When British troops seized a militia arsenal in September, 1774, and incorrect rumors that colonists had been killed spread through Massachusetts, 60,000 citizens took up arms.<sup>30</sup> A few months later, when Patrick Henry delivered his famed "Give me liberty or give me death" speech, he spoke in support of a proposition "that a well regulated militia, composed of gentlemen and freemen, is the natural strength and only security of a free government..." Throughout the following revolution, formal and informal units of armed citizens obstructed British communication, cut off foraging parties, and harassed the thinly stretched regular forces. When seven states adopted state "bills of rights" following the Declaration of Independence, each of those bills of rights provided either for protection of the concept of a militia or for an express right to keep and bear arms.<sup>31</sup>

Following the revolution but previous to the adoption of the Constitution, debates over militia proposals occupied a large part of the political scene. A variety of plans were put forth by figures ranging from George Washington to Baron von Steuben.<sup>32</sup> All of the proposals called for a general duty of all citizens to be armed, although some proposals (most notably von Steuben's) also emphasized a "select militia" which would be paid for its services and given special training. In this respect, this "select militia" was the successor of the "trained bands" and the predecessor of what is today the "national guard". In the debates over the Constitution, von Steuben's proposals were criticized as undemocratic. In Connecticut one writer complained of a proposal that "this looks too much like Baron von Steuben's militia, by which a standing army was meant and intended."<sup>33</sup> In Pennsylvania, a delegate argued "Congress may give us a select militia which will, in fact, be a standing army—or Congress, afraid of a general militia, may say there will be no militia at all. When

a select militia is formed, the people in general may be disarmed."<sup>34</sup> Richard Henry Lee, in his widely read pamphlet "Letters from the Federal Farmer to the Republican" worried that the people might be disarmed "by modelling the militia. Should one fifth or one eighth part of the people capable of bearing arms be made into a select militia, as has been proposed, and those the young and ardent parts of the community, possessed of little or no property, the former will answer all the purposes of an army, while the latter will be defenseless." He <sup>(pg.5)</sup> proposed that "the Constitution ought to secure a genuine, and guard against a select militia," adding that "to preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them."<sup>35</sup>

The suspicion of select militia units expressed in these passages is a clear indication that the framers of the Constitution did not seek to guarantee a State right to maintain formed groups similar to the National Guard, but rather to protect the right of individual citizens to keep and bear arms. Lee, in particular, sat in the Senate which approved the Bill of Rights. He would hardly have meant the second amendment to apply only to the select militias he so feared and disliked.

Other figures of the period were of like mind. In the Virginia convention, George Mason, drafter of the Virginia Bill of Rights, accused the British of having plotted "to disarm the people—that was the best and most effective way to enslave them", while Patrick Henry observed that "The great object is that every man be armed" and "everyone who is able may have a gun".<sup>36</sup>

Nor were the antifederalist, to whom we owe credit for a Bill of Rights, alone on this account. Federalist arguments also provide a source of support for an individual rights view. Their arguments in favor of the proposed Constitution also relied heavily upon universal armament. The proposed Constitution had been heavily criticized for its failure to ban or even limit standing armies. Unable to deny this omission, the Constitution's supporters frequently argued to the people that the universal armament of Americans made such limitations unnecessary. A pamphlet written by Noah Webster, aimed at swaying Pennsylvania toward ratification, observed

Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States.<sup>37</sup>

In the Massachusetts convention, Sedgwick echoed the same thought, rhetorically asking if an oppressive army could be formed or "if raised, whether they could subdue a Nation of freemen, who know how to prize liberty, and who have arms in their hands?"<sup>38</sup> In Federalist Paper 46, Madison, later author of the Second Amendment, mentioned "The advantage of being armed, which the Americans possess over the people of all other countries" and that "notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms."

A third and even more compelling case for an individual rights perspective on the Second Amendment comes from the State demands for a bill of rights. Numerous state ratifications called for adoption of a Bill of Rights as a part of the Constitution. The first such call came from a group of Pennsylvania delegates. Their proposals, which were not adopted but had a critical effect on future debates, proposed among other rights that "the people have <sup>(pg.6)</sup> a right to bear arms for the defense of themselves and their own state, or the United States, or for the purpose of killing game; and no law shall be passed for disarming the people or any of them, unless for crimes committed,

or a real danger of public injury from individuals."<sup>39</sup> In Massachusetts, Sam Adams unsuccessfully pushed for a ratification conditioned on adoption of a Bill of Rights, beginning with a guarantee "That the said Constitution shall never be construed to authorize Congress to infringe the just liberty of the press or the rights of conscience; or to prevent the people of the United States who are peaceable citizens from keeping their own arms...."<sup>40</sup> When New Hampshire gave the Constitution the ninth vote needed for its passing into effect, it called for adoption of a Bill of Rights which included the provision that "Congress shall never disarm any citizen unless such as are or have been in actual rebellion".<sup>41</sup> Virginia and North Carolina thereafter called for a provision "that the people have the right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms is the proper, natural and safe defense of a free state."<sup>42</sup>

When the first Congress convened for the purpose of drafting a Bill of Rights, it delegated the task to James Madison. Madison did not write upon a blank tablet. Instead, he obtained a pamphlet listing the State proposals for a Bill of Rights and sought to produce a briefer version incorporating all the vital proposals of these. His purpose was to incorporate, not distinguish by technical changes, proposals such as that of the Pennsylvania minority, Sam Adams, and the New Hampshire delegates. Madison proposed among other rights that:

"The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person."<sup>43</sup>

In the House, this was initially modified so that the militia clause came before the proposal recognizing the right. The proposals for the Bill of Rights were then trimmed in the interests of brevity. The conscientious objector clause was removed following objections by Elbridge Gerry, who complained that future Congresses might abuse the exemption for the scrupulous to excuse everyone from militia service.

The proposal finally passed the House in its present form: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." In this form it was submitted into the Senate, which passed it the following day. The Senate in the process indicated its intent that the right be an individual one, for private purposes, by rejecting an amendment which would have limited the keeping and bearing of arms to bearing "for the common defense".

The earliest American constitutional commentators concurred in giving this broad reading to the amendment. When St. George Tucker, later Chief Justice of the Virginia Supreme Court, in 1803 published an edition of Blackstone annotated to American law, he followed Blackstone's citation of the right of the subject "of having (pg.7) arms suitable to their condition and degree, and such as are allowed by law" with a citation to the Second Amendment, "And this without any qualification as to their condition or degree, as is the case in the British government".<sup>44</sup> William Rawle's "View of the Constitution" published in Philadelphia in 1825 noted that under the Second Amendment

The prohibition is general. No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state



legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both."<sup>45</sup>

The Jefferson papers in the Library of Congress show that both Tucker and Rawle were friends of, and corresponded with Thomas Jefferson. This suggests that their assessment, as contemporaries of the Constitution's drafters, should be afforded special consideration.

Later commentators agreed with Tucker and Rawle. For instance, Joseph Story in his "Commentaries on the Constitution" considered the right to keep and bear arms as "the palladium of the liberties of the republic", which deterred tyranny and enabled the citizenry at large to overthrow it should it come to pass.<sup>46</sup>

Subsequent legislation in the Second Congress likewise supports the interpretation of the second amendment that creates an individual right. In the Militia Act of 1792, the second Congress defined "militia of the United States" to include almost every free adult male in the United States. These persons were obliged by law to possess a firearm and a minimum supply of ammunition and military equipment.<sup>47</sup> This statute, incidentally remained in effect into the early years of the present century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a "militia", they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, such as the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a "well regulated militia" of individuals trained in their duties and responsibilities as citizens and owners of firearms.

The Second Amendment as such was rarely litigated prior to the passage of the Fourteenth Amendment. Prior to that time, most courts accepted that the commands of the federal Bill of Rights did not apply to the states. Since there was no federal firearms legislation at this time, there was no legislation which was directly subject to the Second Amendment, if the accepted interpretations were followed. However, a broad variety of state legislation was struck down under state guarantees of the right to keep and bear arms and even in a few cases, under the Second Amendment, when it came before courts which considered the federal protections applicable to the states. Kentucky in 1813 enacted the first carrying concealed weapon statute in the United States; in 1822 the Kentucky (pg.8) Court of Appeals struck down the law as a violation of the state constitutional protection of the right to keep and bear arms: "And can there be entertained a reasonable doubt but the provisions of that act import a restraint on the right of the citizen to bear arms? The court apprehends it not. The right existed at the adoption of the Constitution; it then had no limit short of the moral power of the citizens to exercise it, and in fact consisted of nothing else but the liberty of the citizen to bear arms."<sup>48</sup> On the other hand, a similar measure was sustained in Indiana, not upon the grounds that a right to keep and bear arms did not apply, but rather upon the notion that a statute banning only concealed carrying still permitted the carrying of arms and merely regulated one possible way of carrying them.<sup>49</sup> A few years later, the Supreme Court of Alabama upheld a similar statute but added "We do not desire to be understood as maintaining, that in regulating the manner of wearing arms, the legislature has no other limit than its own discretion. A statute which, under the pretense of regulation, amounts to a destruction of that right, or which requires arms to be so borne as to render them wholly useless for the purpose of defense, would be clearly unconstitutional."<sup>50</sup> When the Arkansas Supreme Court in 1842 upheld a carrying concealed weapons statute, the chief justice explained that the statute would not "detract anything from the power of the people to defend their free state and the established institutions of the country. It prohibits only the wearing of certain arms

concealed. This is simply a regulation as to the manner of bearing such arms as are specified", while the dissenting justice proclaimed "I deny that any just or free government upon earth has the power to disarm its citizens."<sup>51</sup>

Sometimes courts went farther. When in 1837, Georgia totally banned the sale of pistols (excepting the larger pistols "known and used as horsemen's pistols") and other weapons, the Georgia Supreme Court in *Nunn v. State* held the statute unconstitutional under the Second Amendment to the federal Constitution. The court held that the Bill of Rights protected natural rights which were fully as capable of infringement by states as by the federal government and that the Second Amendment provided "the right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not merely such as are used by the militia, shall not be infringed, curtailed, or broken in on, in the slightest degree; and all this for the important end to be attained: the rearing up and qualifying of a well regulated militia, so vitally necessary to the security of a free state."<sup>52</sup> Prior to the Civil War, the Supreme Court of the United States likewise indicated that the privileges of citizenship included the individual right to own and carry firearms. In the notorious *Dred Scott* case, the court held that black Americans were not citizens and could not be made such by any state. This decision, which by striking down the Missouri Compromise did so much to bring on the Civil War, listed what the Supreme Court considered the rights of American citizens by way of illustrating what rights would have to be given to black Americans if the Court were to recognize them as full fledged citizens:(pg.9)

It would give to persons of the negro race, who are recognized as citizens in any one state of the Union, the right to enter every other state, whenever they pleased.... and it would give them full liberty of speech in public and in private upon all subjects upon which its own citizens might meet; to hold public meetings upon political affairs, and to keep and carry arms wherever they went.<sup>53</sup>

Following the Civil War, the legislative efforts which gave us three amendments to the Constitution and our earliest civil rights acts likewise recognized the right to keep and bear arms as an existing constitutional right of the individual citizen and as a right specifically singled out as one protected by the civil rights acts and by the Fourteenth Amendment to the Constitution, against infringement by state authorities. Much of the reconstruction effort in the South had been hinged upon the creation of "black militias" composed of the armed and newly freed blacks, officered largely by black veterans of the Union Army. In the months after the Civil War, the existing southern governments struck at these units with the enactment of "black codes" which either outlawed gun ownership by blacks entirely, or imposed permit systems for them, and permitted the confiscation of firearms owned by blacks. When the Civil Rights Act of 1866 was debated members both of the Senate and the House referred to the disarmament of blacks as a major consideration.<sup>54</sup> Senator Trumbull cited provisions outlawing ownership of arms by blacks as among those which the Civil Rights Act would prevent;<sup>55</sup> Senator Sulsbury complained on the other hand that if the act were to be passed it would prevent his own state from enforcing a law banning gun ownership by individual free blacks.<sup>56</sup> Similar arguments were advanced during the debates over the "anti-KKK act"; its sponsor at one point explained that a section making it a federal crime to deprive a person of "arms or weapons he may have in his house or possession for the defense of his person, family or property" was "intended to enforce the well-known constitutional provisions guaranteeing the right in the citizen to 'keep and bear arms'."<sup>57</sup> Likewise, the debates over the Fourteenth Amendment

Congress frequently referred to the Second Amendment as one of the rights which it intended to guarantee against state action.<sup>58</sup>

Following adoption of the Fourteenth Amendment, however, the Supreme Court held that that Amendment's prohibition against states depriving any persons of their federal "privileges and immunities" was to be given a narrow construction. In particular, the "privileges and immunities" under the Constitution would refer only to those rights which were not felt to exist as a process of natural right, but which were created solely by the Constitution. These might refer to rights such as voting in federal elections and of interstate travel, which would clearly not exist except by virtue of the existence of a federal government and which could not be said to be "natural rights".<sup>59</sup> This paradoxically meant that the rights which most persons would accept as the most important—those flowing from concepts of natural justice—were devalued at the expense of more technical rights. Thus when individuals were charged with having deprived black citizens of their right to freedom (pg.10) of assembly and to keep and bear arms, by violently breaking up a peaceable assembly of black citizens, the Supreme Court in *United States v. Cruikshank*<sup>60</sup> held that no indictment could be properly brought since the right "of bearing arms for a lawful purpose" is "not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence." Nor, in the view of the Court, was the right to peacefully assemble a right protected by the Fourteenth Amendment: "The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is and has always been one of the attributes of citizenship under a free government.... It was not, therefore, a right granted to the people by the Constitution." Thus the very importance of the rights protected by the First and Second Amendment was used as the basis for the argument that they did not apply to the states under the Fourteenth Amendment. In later opinions, chiefly *Presser v. Illinois*<sup>61</sup> and *Miller v. Texas*,<sup>62</sup> the Supreme Court adhered to the view. *Cruikshank* has clearly been superseded by twentieth century opinions which hold that portions of the Bill of Rights—and in particular the right to assembly with which *Cruikshank* dealt in addition to the Second Amendment—are binding upon the state governments. Given the legislative history of the Civil Rights Acts and the Fourteenth Amendment, and the more expanded views of incorporation which have become accepted in our own century, it is clear that the right to keep and bear arms was meant to be and should be protected under the civil rights statutes and the Fourteenth Amendment against infringement by officials acting under color of state law.

Within our own century, the only occasion upon which the Second Amendment has reached the Supreme Court came in *United States v. Miller*.<sup>63</sup> There, a prosecution for carrying a sawed off shotgun was dismissed before trial on Second Amendment grounds. In doing so, the court took no evidence as to the nature of the firearm or indeed any other factual matter. The Supreme Court reversed on procedural grounds, holding that the trial court could not take judicial notice of the relationship between a firearm and the Second Amendment, but must receive some manner of evidence. It did not formulate a test nor state precisely what relationship might be required. The court's statement that the amendment was adopted "to assure the continuation and render possible the effectiveness of such [militia] forces" and "must be interpreted and applied with that end in view", when combined with the court's statement that all constitutional sources "show plainly enough that the militia comprised all males physically capable of acting in concert for the common defense.... these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time,"<sup>64</sup> suggests that at the very least private ownership by a person capable of self defense and using an ordinary privately owned firearm must be protected by the Second Amendment. What the Court did not do in *Miller* is even more striking: It did not suggest that the

lower court take evidence on whether Miller belonged to the National Guard or a similar group. The hearing was to be on the nature of the (pg.11) firearm, not on the nature of its use; nor is there a single suggestion that National Guard status is relevant to the case.

The Second Amendment right to keep and bear arms therefore, is a right of the individual citizen to privately possess and carry in a peaceful manner firearms and similar arms. Such an "individual rights" interpretation is in full accord with the history of the right to keep and bear arms, as previously discussed. It is moreover in accord with contemporaneous statements and formulations of the right by such founders of this nation as Thomas Jefferson and Samuel Adams, and accurately reflects the majority of the proposals which led up to the Bill of Rights itself. A number of state constitutions, adopted prior to or contemporaneously with the federal Constitution and Bill of Rights, similarly provided for a right of the people to keep and bear arms. If in fact this language creates a right protecting the states only, there might be a reason for it to be inserted in the federal Constitution but no reason for it to be inserted in state constitutions. State bills of rights necessarily protect only against action by the state, and by definition a state cannot infringe its own rights; to attempt to protect a right belonging to the state by inserting it in a limitation of the state's own powers would create an absurdity. The fact that the contemporaries of the framers did insert these words into several state constitutions would indicate clearly that they viewed the right as belonging to the individual citizen, thereby making it a right which could be infringed either by state or federal government and which must be protected against infringement by both.

Finally, the individual rights interpretation gives full meaning to the words chosen by the first Congress to reflect the right to keep and bear arms. The framers of the Bill of Rights consistently used the words "right of the people" to reflect individual rights—as when these words were used to recognize the "right of the people" to peaceably assemble, and the "right of the people" against unreasonable searches and seizures. They distinguished between the rights of the people and of the state in the Tenth Amendment. As discussed earlier, the "militia" itself referred to a concept of a universally armed people, not to any specifically organized unit. When the framers referred to the equivalent of our National Guard, they uniformly used the term "select militia" and distinguished this from "militia". Indeed, the debates over the Constitution constantly referred to organized militia units as a threat to freedom comparable to that of a standing army, and stressed that such organized units did not constitute, and indeed were philosophically opposed to, the concept of a militia.

That the National Guard is not the "Militia" referred to in the second amendment is even clearer today. Congress has organized the National Guard under its power to "raise and support armies" and not its power to "Provide for organizing, arming and disciplining the Militia".<sup>65</sup> This Congress chose to do in the interests of organizing reserve military units which were not limited in deployment by the strictures of our power over the constitutional militia, which can be called forth only "to execute the laws of the Union, suppress insurrections and repel invasions." The modern National Guard was specifically intended to avoid status as the constitutional militia, a distinction recognized by 10 U.S.C. Sec 311(a). (pg.12)

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

#### REFERENCES

1. Charles Hollister, *Anglo-Saxon Military Institutions 11-42* (Oxford University Press 1962); Francis Grose, *Military Antiquities Respecting a History of the British Army*, Vol. I at 1-2 (London, 1812).
2. Grose, *supra*, at 9-11; Bruce Lyon, *A Constitutional and Legal History of Medieval England 273* (2d. ed. New York 1980).
3. J. J. Bagley and P. B. Rowley, *A Documentary History of England 1066-1540*, Vol. 1 at 155-56 (New York 1965).
4. Statute of Winchester (13 Edw. I c. 6). See also Bagley and Rowley, *supra* at 158.
5. 7 Ed. I c. 2 (1279).
6. Statute of Northampton (2 Edw. III c. 3).
7. *Rex v. Knight*, 90 Eng. Rep. 330; 87 Eng. Rep. 75 (King's Bench, 1686).
8. E. G. Heath, *The Grey Goose Wing 109* (London, 1971).
9. 19 Hen. VII c. 4 (1503).
10. 3 Hen. VIII c. 13 (1511).
11. 64 Hen. VIII c. 13 (1514).
12. 33 Hen. VIII c. 6 (1514).
13. Noel Perrin, *Giving Up the Gun 59-60* (Boston, 1979).
14. Jim Hill, *The Minuteman in War and Peace 26-27* (Harrisburg, 1968).
15. Charles Oman, *A History of the Art of War in the Sixteenth Century 288* (New York, 1937).
16. William Blackstone, *Commentaries*, Vol. 2 at 412 (St. George Tucker, ed., Philadelphia 1803).
17. "An Act for Settling the Militia," *Ordinances and Acts of the Interregnum*, Vol. 2 1320 (London, HMSO 1911).
18. 8 Calendar of State Papers (Domestic), Charles II, No. 188, p. 150.
19. 14 Car. II c. 3 (1662).
20. Joyce Malcolm, *Disarmed: The Loss of the Right to Bear Arms in Restoration England*, at 11 (Mary Ingraham Bunting Institute, Radcliffe College 1980).
21. Thomas Macaulay, *The History of England from the Accession of Charles II*, Vol. II at 137 (London, 1856).
22. Phillip, Earl of Hardwicke, *Miscellaneous State Papers from 1501-1726*, vol. 2 at 407-17 (London, 1778).
23. J. R. Western, *Monarchy and Revolution: The English State in the 1680's*, at 339 (Totowa, N.J., 1972).
24. *Journal of the House of Commons from December 26, 1688, to October 26, 1693*, at 29. (London, 1742). The Bill of Rights was ultimately enacted in this form. 1 Gul. and Mar., Sess. 2, c. 2 (1689).
25. Joyce Malcolm, *supra*, at 16.
26. William Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature in 1619*, at pp. 127, 173-74 (New York, 1823).
27. *Id.*
28. William Brigham, *The Compact with the Charter and Laws of the Colony of New Plymouth*, 31, 76 (Boston, 1836).
29. Oliver Dickerson, ed., *Boston Under Military Rule*, 61, 79, (Boston, 1936).
30. Steven Patterson, *Political Parties in Revolutionary Massachusetts*, at 103 (Univ. of Wisconsin Press, 1973).
31. See Sprecher, *The Lost Amendment*, 51 A.B.A.J. 554, 665 (1965).
32. The most extensive studies of these militia proposals are John McAuley Palmer, *Washington, Lincoln, Wilson: Three War Statesmen* (New York, 1930); Frederick Stern, *Citizen Army* (New York, 1957); John Mahon, *The American Militia: Decade of Decision 1789-1800* (Univ of Florida, 1960).
33. Merrill Jensen, ed., *The Documentary of History of the Ratification of the Constitution*, vol. 3 at 378 (Madison, Wisc.).
34. *Id.*, vol. 2 at 508.<sup>(pg.13)</sup>
35. Walter Bennett, ed., *Letters from the Federal Farmer to the Republican*, at 21, 22, 124 (Univ. of Alabama Press, 1975).
36. *Debates and other Proceedings of the Convention of Virginia*, . . . taken in shorthand by David Robertson of Petersburg, at 271, 275 (2d ed. Richmond, 1805).
37. Noah Webster, "An Examination into the Leading Principles of the Federal Constitution . . .", in Paul Ford, ed., *Pamphlets on the Constitution of the United States*, at 56 (New York, 1888).
38. Johnathan Elliott, ed., *Debates in the Several State Conventions on the Adoption of the Federal Constitution*, vol. 2 at 97 (2d ed., 1888).
39. Merrill Jensen, *supra*, vol. 2 at 597-98.
40. *Debates and Proceedings in the Convention of the Commonwealth of Massachusetts*, at 86-87 (Peirce & Hale, eds., Boston, 1850); 2 B. Schwartz, *the Bill of Rights 675* (1971).
41. *Documents Illustrative of the Formation of the Union of the American States*, at 1026 (Washington, D.C.: GPO, 1927).
42. *Id.* at 1030.
43. *Annals of Congress 434* (1789).
44. St. George Tucker, ed., *Blackstone's Commentaries*, Volume 1 at 143 n. 40, 41 (Philadelphia, 1803).
45. William Rawle, *A View of the Constitution 125-6* (2d ed., Philadelphia, 1803).

46. Joseph Story, *Commentaries on the Constitution*, vol. 2 at 746 (1833).
47. Act of May 8, 1792; Second Cong., First Session, ch. 33.
48. *Bliss v. Commonwealth*, 12 Ken. (2 Litt.) 90, 92 (1822).
49. *State v. Mitchell*, (3 Black.) 229.
50. *State v. Reid*, 1 Ala. 612, 35 Am. Dec. 44 (1840).
51. *State v. Buzzard*, 4 Ark. 18, 27, 36 (1842). The Arkansas Constitutional provision at issue was narrower than the second amendment, as it protected keeping and bearing arms "for the common defense." *Id.* at 34.
52. *Nunn v. State*, 1 Ga. 243, 251 (1846).
53. *Dred Scott v. Sandford*, 60 U.S. 691, 705.
54. The most comprehensive work in this field of constitutional law is Steven Halbrook, *the Jurisprudence of the Second and Fourteenth Amendments* (Institute for Humane Studies, Menlo Park, California, 1979), reprinted in 4 *George Mason L. Rev.* 1 (1981).
55. *Cong. Globe*, 39th Congress, 1st Sess., pt. 1, p. 474 (Jan. 29, 1866).
56. *Id.* at 478.
57. H.R. Rep. No. 37, 41st Cong., 3d sess., p. 3 (1871).
58. See generally Halbrook, *supra*, at 42-62.
59. *Slaughterhouse Cases*, 83 U.S. 36 (1873).
60. *United States v. Cruikshank*, 92 U.S. 542 (1876).
61. *Presser v. Illinois*, 116 U.S. 252 (1886).
62. *Miller v. Texas*, 153 U.S. 535 (1894).
63. *United States v. Miller*, 307 U.S. 175 (1939).
64. *Id.* at 178, 179.
65. H.R. Report No. 141, 73d Cong., 1st sess. at 2-5 (1933).<sup>(pg.14)</sup>

## APPENDIX

### CASE LAW

The United States Supreme Court has only three times commented upon the meaning of the second amendment to our constitution. The first comment, in *Dred Scott*, indicated strongly that the right to keep and bear arms was an individual right; the Court noted that, were it to hold free blacks to be entitled to equality of citizenship, they would be entitled to keep and carry arms wherever they went. The second, in *Miller*, indicated that a court cannot take judicial notice that a short-barrelled shotgun is covered by the second amendment—but the Court did not indicate that National Guard status is in any way required for protection by that amendment, and indeed defined "militia" to include all citizens able to bear arms. The third, a footnote in *Lewis v. United States*, indicated only that "these legislative restrictions on the use of firearms"—a ban on possession by felons—were permissible. But since felons may constitutionally be deprived of many of the rights of citizens, including that of voting, this dicta reveals little. These three comments constitute all significant explanations of the scope of the second amendment advanced by our Supreme Court. The case of *Adam v. Williams* has been cited as contrary to the principle that the second amendment is an individual right. In fact, that reading of the opinion comes only in Justice Douglas's dissent from the majority ruling of the Court.

The appendix which follows represents a listing of twenty-one American decisions, spanning the period from 1822 to 1981, which have analysed right to keep and bear arms provisions in the light of statutes ranging from complete bans on handgun sales to bans on carrying of weapons to regulation of carrying by permit systems. Those decisions not only explained the nature of such a right, but also struck down legislative restrictions as violative of it, are designated by asterisks.

#### *20th century cases*

1. \* *State v. Blocker*, 291 Or. 255, — — — P.2d — — — (1981).

"The statute is written as a total proscription of the mere possession of certain weapons, and that mere possession, insofar as a billy is concerned, is constitutionally protected."

"In these circumstances, we conclude that it is proper for us to consider defendant's 'overbreadth' attack to mean that the statute swept so broadly as to infringe rights that it could not reach, which in this setting means the right to possess arms guaranteed by sec 27."

2. \* *State v. Kessler*, 289 Or. 359, 614 P.2d 94, at 95, at 98 (1980).

"We are not unmindful that there is current controversy over the wisdom of a right to bear arms, and that the original motivations for such a provision might not seem compelling if debated as (pg.15) a new issue. Our task, however, in construing a constitutional provision is to respect the principles given the status of constitutional guarantees and limitations by the drafters; it is not to abandon these principles when this fits the needs of the moment."

"Therefore, the term 'arms' as used by the drafters of the constitutions probably was intended to include those weapons used by settlers for both personal and military defense. The term 'arms' was not limited to firearms, but included several handcarried weapons commonly used for defense. The term 'arms' would not have included cannon or other heavy ordnance not kept by militia-men or private citizens."

3. *Motley v. Kellogg*, 409 N.E.2d 1207, at 1210 (Ind. App. 1980) (motion to transfer denied 1-27-1981).

"[N]ot making applications available at the chief's office effectively denied members of the community the opportunity to obtain a gun permit and bear arms for their self-defense."

4. *Schubert v. DeBard*, 398 N.E.2d 1339, at 1341 (Ind. App. 1980) (motion to transfer denied 8-28-1980).

"We think it clear that our constitution provides our citizenry the right to bear arms for their self-defense."

5. *Taylor v. McNeal*, 523 S.W.2d 148, at 150 (Mo. App. 1975).

"The pistols in question are not contraband. \* \* \* Under Art. I, sec 23, Mo. Const. 1945, V.A.M.S., every citizen has the right to keep and bear arms in defense of his home, person and property, with the limitation that this section shall not justify the wearing of concealed arms."

6. \* *City of Lakewood v. Pillow*, 180 Colo. 20, 501 P.2d 744, at 745 (en banc 1972).

"As an example, we note that this ordinance would prohibit gunsmiths, pawnbrokers and sporting goods stores from carrying on a substantial part of their business. Also, the ordinance appears to prohibit individuals from transporting guns to and from such places of business. Furthermore, it makes it unlawful for a person to possess a firearm in a vehicle or in a place of business for the purpose of self-defense. Several of these activities are constitutionally protected. Colo. Const. art. II, sec 13."

7. \* *City of Las Vegas v. Moberg*, 82 N.M. 626, 485 P.2d 737, at 738 (N.M. App. 1971).

"It is our opinion that an ordinance may not deny the people the constitutionally guaranteed right to bear arms, and to that extent the ordinance under consideration is void."

8. *State v. Nickerson*, 126 Mt. 157, 247 P.2d 188, at 192 (1952).

"The law of this jurisdiction accords to the defendant the right to keep and bear arms and to use same in defense of his own home, his person and property."

9. *People v. Liss*, 406 Ill. 419, 94 N.E. 2d 320, at 323 (1950).

"The second amendment to the constitution of the United States provides the right of the people to keep and bear arms shall not be infringed. This of course does not prevent the enactment of a law against carrying concealed weapons, but it does indicate it should be kept in mind, in the construction of a statute of such character, that it is aimed at persons of criminal instincts, and for the prevention of crime, and not against use in the protection of person or property." (pg.16)

10. \* *People v. Nakamura*, 99 Colo. 262, at 264, 62 P.2d 246 (en banc 1936).

"It is equally clear that the act wholly disarms aliens for all purposes. The state ... cannot disarm any class of persons or deprive them of the right guaranteed under section 13, article II of the Constitution, to bear arms in defense of home, person and property. The guaranty thus extended is meaningless if any person is denied the right to possess arms for such protection."

11. \* *Glasscock v. City of Chattanooga*, 157 Tenn. 518, at 520, 11 S.W. 2d 678 (1928).

"There is no qualifications of the prohibition against the carrying of a pistol in the city ordinance before us but it is made unlawful 'to carry on or about the person any pistol,' that is, any sort of pistol in any sort of manner. \*\*\* [W]e must accordingly hold the provision of this ordinance as to the carrying of a pistol invalid."

12. \* *People v. Zerillo*, 219 Mich. 635, 189 N.W. 927, at 928 (1922).

"The provision in the Constitution granting the right to all persons to bear arms is a limitation upon the power of the Legislature to enact any law to the contrary. The exercise of a right guaranteed by the Constitution cannot be made subject to the will of the sheriff."

13 \* *State v. Kerner*, 181 N.C. 574, 107 S.E. 222, at 224 (1921).



"We are of the opinion, however, that 'pistol' ex vi termini is properly included within the word 'arms,' and that the right to bear such arms cannot be infringed. The historical use of pistols as 'arms' of offense and defense is beyond controversy."

"The maintenance of the right to bear arms is a most essential one to every free people and should not be whittled down by technical constructions."

14. \* *State v. Rosenthal*, 75 VT. 295, 55 A. 610, at 611 (1903).

"The people of the state have a right to bear arms for the defense of themselves and the state. \*\*\* The result is that Ordinance No. 10, so far as it relates to the carrying of a pistol, is inconsistent with and repugnant to the Constitution and the laws of the state, and it is therefore to that extent, void."

15. \* *In re Brickey*, 8 Ida. 597, at 598-99, 70 p. 609 (1902).

"The second amendment to the federal constitution is in the following language: 'A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.' The language of section 11, article I of the constitution of Idaho, is as follows: 'The people have the right to bear arms for their security and defense, but the legislature shall regulate the exercise of this right by law.' Under these constitutional provisions, the legislature has no power to prohibit a citizen from bearing arms in any portion of the state of Idaho, whether within or without the corporate limits of cities, towns, and villages."

#### *19th century cases*

16. \* *Wilson v. State*, 33 Ark. 557, at 560, 34 Am. Rep. 52, at 54 (1878).

"If cowardly and dishonorable men sometimes shoot unarmed men with army pistols or guns, the evil must be prevented by the <sup>(pg.17)</sup> penitentiary and gallows, and not by a general deprivation of constitutional privilege."

17. \* *Jennings v. State*, 5 Tex. Crim. App. 298, at 300-01 (1878).

"We believe that portion of the act which provides that, in case of conviction, the defendant shall forfeit to the county the weapon or weapons so found on or about his person is not within the scope of legislative authority. \* \* \* One of his most sacred rights is that of having arms for his own defence and that of the State. This right is one of the surest safeguards of liberty and self-preservation."

18. \* *Andrews v. State*, 50 Tenn. 165, 8 Am. Rep. 8, at 17 (1871).

"The passage from Story shows clearly that this right was intended, as we have maintained in this opinion, and was guaranteed to and to be exercised and enjoyed by the citizen as such, and not by him as a soldier, or in defense solely of his political rights."

19. \* *Nunn v. State*, 1 Ga. (1 Kel.) 243, at 251 (1846).

"The right of the people to bear arms shall not be infringed.' The right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not such merely as are used by the militia, shall not be infringed, curtailed, or broken in upon, in the smallest degree; and all this for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State."

20. *Simpson v. State*, 13 Tenn. 356, at 359-60 (1833).

"But suppose it to be assumed on any ground, that our ancestors adopted and brought over with them this English statute, [the statute of Northampton,] or portion of the common law, our constitution has completely abrogated it; it says, 'that the freemen of this State have a right to keep and bear arms for their common defence.' Article II, sec. 26. \* \* \* By this clause of the constitution,

an express power is given and secured to all the free citizens of the State to keep and bear arms for their defence, without any qualification whatever as to their kind or nature; and it is conceived, that it would be going much too far, to impair by construction or abridgement a constitutional privilege, which is so declared; neither, after so solemn an instrument hath said the people may carry arms, can we be permitted to impute to the acts thus licensed, such a necessarily consequent operation as terror to the people to be incurred thereby; we must attribute to the framers of it, the absence of such a view."

21. *Bliss v. Commonwealth*, 12 Ky. (2 Litt.) 90, at 92, and 93, 13 Am. Dec. 251 (1822).

"For, in principle, there is no difference between a law prohibiting the wearing concealed arms, and a law forbidding the wearing such as are exposed; and if the former be unconstitutional, the latter must be so likewise."

"But it should not be forgotten, that it is not only a part of the right that is secured by the constitution; it is the right entire and complete, as it existed at the adoption of the constitution; and if any portion of that right be impaired, immaterial how small the part may be, and immaterial the order of time at which it be done, it is equally forbidden by the constitution." (pg.18)

The following represents a list of twelve scholarly articles which have dealt with the subject of the right to keep and bear arms as reflected in the second amendment to the Constitution of the United States. The scholars who have undertaken this research range from professors of law, history and philosophy to a United States Senator. All have concluded that the second amendment is an individual right protecting American citizens in their peaceful use of firearms.

#### BIBLIOGRAPHY

Hays, *THE RIGHT TO BEAR ARMS, A STUDY IN JUDICIAL MISINTERPRETATION*, 2 Wm. & Mary L. R. 381 (1960)

Sprecher, *THE LOST AMENDMENT*, 51 Am. Bar Assn. J. 554 & 665 (2 parts) (1965)

Comment, *THE RIGHT TO KEEP AND BEAR ARMS; A NECESSARY CONSTITUTIONAL GUARANTEE OR AN OUTMODED PROVISION OF THE BILL OF RIGHTS?* 31 Albany L. R. 74 (1967)

Levine & Saxe, *THE SECOND AMENDMENT: THE RIGHT TO BEAR ARMS*, 7 Houston L. R. 1 (1969)

McClure, *FIREARMS AND FEDERALISM*, 7 Idaho L. R. 197 (1970)

Hardy & Stompoly, *OF ARMS AND THE LAW*, 51 Chi.-Kent L. R. 62 (1974)

Weiss, *A REPLY TO ADVOCATES OF GUN CONTROL LAW*, 52 Jour. Urban Law 577 (1974)

Whisker, *HISTORICAL DEVELOPMENT AND SUBSEQUENT EROSION OF THE RIGHT TO KEEP AND BEAR ARMS*, 78 W. Va. L. R. 171 (1976)

Caplan, *RESTORING THE BALANCE: THE SECOND AMENDMENT REVISITED*, 5 Fordham Urban L. J. 31 (1976)

Caplan, *HANDGUN CONTROL: CONSTITUTIONAL OR UNCONSTITUTIONAL?*, 10 N.C. Central L. J. 53 (1979)

Cantrell, *THE RIGHT TO BEAR ARMS*, 53 Wis. Bar Bull. 21 (Oct. 1980)

Halbrook, *THE JURISPRUDENCE OF THE SECOND AND FOURTEENTH AMENDMENTS*, 4 Geo. Mason L. Rev. 1 (1981)<sup>(pg.19)</sup>

## ENFORCEMENT OF FEDERAL FIREARMS LAWS FROM THE PERSPECTIVE OF THE SECOND AMENDMENT

Federal involvement in firearms possession and transfer was not significant prior to 1934, when the National Firearms Act was adopted. The National Firearms Act as adopted covered only fully automatic weapons (machine guns and submachine guns) and rifles and shotguns whose barrel length or overall length fell below certain limits. Since the Act was adopted under the revenue power, sale of these firearms was not made subject to a ban or permit system. Instead, each transfer was made subject to a \$200 excise tax, which must be paid prior to transfer; the identification of the parties to the transfer indirectly accomplished a registration purpose.

The 1934 Act was followed by the Federal Firearms Act of 1938, which placed some limitations upon sale of ordinary firearms. Persons engaged in the business of selling those firearms in interstate commerce were required to obtain a Federal Firearms License, at an annual cost of \$1, and to maintain records of the name and address of persons to whom they sold firearms. Sales to persons convicted of violent felonies were prohibited, as were interstate shipments to persons who lacked the permits required by the law of their state.

Thirty years after adoption of the Federal Firearms Act, the Gun Control Act of 1968 worked a major revision of federal law. The Gun Control Act was actually a composite of two statutes. The first of these, adopted as portions of the Omnibus Crime and Safe Streets Act, imposed limitations upon imported firearms, expanded the requirement of dealer licensing to cover anyone "engaged in the business of dealing" in firearms, whether in interstate or local commerce, and expanded the recordkeeping obligations for dealers. It also imposed a variety of direct limitations upon sales of handguns. No transfers were to be permitted between residents of different states (unless the recipient was a federally licensed dealer), even where the transfer was by gift rather than sale and even where the recipient was subject to no state law which could have been evaded. The category of persons to whom dealers could not sell was expanded to cover persons convicted of any felony (other than certain business-related felonies such as antitrust violations), persons subject to a mental commitment order or finding of mental incompetence, persons who were users of marijuana and other drugs, and a number of other categories. Another title of the Act defined persons who were banned from possessing firearms. Paradoxically, these classes were not identical with the list of classes prohibited from purchasing or receiving firearms.

The Omnibus Crime and Safe Streets Act was passed on June 5, 1968, and set to take effect in December of that year. Barely two weeks after its passage, Senator Robert F. Kennedy was assassinated while campaigning for the presidency. Less than a week after <sup>(pg.20)</sup> his death, the second bill which would form part of the Gun Control Act of 1968 was introduced in the House. It was reported out of Judiciary ten days later, out of Rules Committee two weeks after that, and was on the floor barely a month after its introduction. The second bill worked a variety of changes upon the original Gun Control Act. Most significantly, it extended to rifles and shotguns the controls which had been imposed solely on handguns, extended the class of persons prohibited from possessing firearms to include those who were users of marijuana and certain other drugs, expanded judicial review of dealer license revocations by mandating a de novo hearing once an appeal was taken, and permitted interstate sales of rifles and shotguns only where the parties resided in contiguous states, both of which had enacted legislation permitting such sales. Similar legislation was passed by the Senate and a conference of the Houses produced a bill which was essentially a modification of the

House statute. This became law before the Omnibus Crime Control and Safe Streets Act, and was therefore set for the same effective date.

Enforcement of the 1968 Act was delegated to the Department of the Treasury, which had been responsible for enforcing the earlier gun legislation. This responsibility was in turn given to the Alcohol and Tobacco Tax Division of the Internal Revenue Service. This division had traditionally devoted itself to the pursuit of illegal producers of alcohol; at the time of enactment of the Gun Control Act, only 8.3 percent of its arrests were for firearms violations. Following enactment of the Gun Control Act the Alcohol and Tobacco Tax Division was retitled the Alcohol, Tobacco and Firearms Division of the IRS. By July, 1972 it had nearly doubled in size and became a complete Treasury bureau under the name of Bureau of Alcohol, Tobacco and Firearms.

The mid-1970's saw rapid increases in sugar prices, and these in turn drove the bulk of the "moonshiners" out of business. Over 15,000 illegal distilleries had been raided in 1956; but by 1976 this had fallen to a mere 609. The BATF thus began to devote the bulk of its efforts to the area of firearms law enforcement.

Complaints regarding the techniques used by the Bureau in an effort to generate firearms cases led to hearings before the Subcommittee on Treasury, Post Office, and General Appropriations of the Senate Appropriations Committee in July 1979 and April 1980, and before the Subcommittee on the Constitution of the Senate Judiciary Committee in October 1980. At these hearings evidence was received from various citizens who had been charged by BATF, from experts who had studied the BATF, and from officials of the Bureau itself.

Based upon these hearings, it is apparent that enforcement tactics made possible by current federal firearms laws are constitutionally, legally, and practically reprehensible. Although Congress adopted the Gun Control Act with the primary object of limiting access of felons and high-risk groups to firearms, the overbreadth of the law has led to neglect of precisely this area of enforcement. For example the Subcommittee on the Constitution received correspondence from two members of the Illinois Judiciary, dated in 1980, indicating that they had been totally unable to persuade BATF to accept cases against felons who were in possession of (pg.21) firearms including sawed-off shotguns. The Bureau's own figures demonstrate that in recent years the percentage of its arrests devoted to felons in possession and persons knowingly selling to them have dropped from 14 percent down to 10 percent of their firearms cases. To be sure, genuine criminals are sometimes prosecuted under other sections of the law. Yet, subsequent to these hearings, BATF stated that 55 percent of its gun law prosecutions overall involve persons with no record of a felony conviction, and a third involve citizens with no prior police contact at all.

The Subcommittee received evidence that BATF has primarily devoted its firearms enforcement efforts to the apprehension, upon technical *malum prohibitum* charges, of individuals who lack all criminal intent and knowledge. Agents anxious to generate an impressive arrest and gun confiscation quota have repeatedly enticed gun collectors into making a small number of sales—often as few as four—from their personal collections. Although each of the sales was completely legal under state and federal law, the agents then charged the collector with having "engaged in the business" of dealing in guns without the required license. Since existing law permits a felony conviction upon these charges even where the individual has no criminal knowledge or intent numerous collectors have been ruined by a felony record carrying a potential sentence of five years in federal prison. Even in cases where the collectors secured acquittal, or grand juries failed to indict, or prosecutors refused to file criminal charges, agents of the Bureau have generally confiscated the entire collection of the potential defendant upon the ground that he intended to use

it in that violation of the law. In several cases, the agents have refused to return the collection even after acquittal by jury.

The defendant, under existing law is not entitled to an award of attorney's fees, therefore, should he secure return of his collection, an individual who has already spent thousands of dollars establishing his innocence of the criminal charges is required to spend thousands more to civilly prove his innocence of the same acts, without hope of securing any redress. This, of course, has given the enforcing agency enormous bargaining power in refusing to return confiscated firearms. Evidence received by the Subcommittee on the Constitution demonstrated that Bureau agents have tended to concentrate upon collector's items rather than "criminal street guns". One witness appearing before the Subcommittee related the confiscation of a shotgun valued at \$7,000. Even the Bureau's own valuations indicate that the value of firearms confiscated by their agents is over twice the value which the Bureau has claimed is typical of "street guns" used in crime. In recent months, the average value has increased rather than decreased, indicating that the reforms announced by the Bureau have not in fact redirected their agents away from collector's items and toward guns used in crime.

The Subcommittee on the Constitution has also obtained evidence of a variety of other misdirected conduct by agents and supervisors of the Bureau. In several cases, the Bureau has sought conviction for supposed technical violations based upon policies and interpretations of law which the Bureau had not published in the Federal Register, as required by 5 U.S.C. § 552. For instance, beginning in 1975, Bureau officials apparently reached a judgment that <sup>(pg.22)</sup> a dealer who sells to a legitimate purchaser may nonetheless be subject to prosecution or license revocation if he knows that that individual intends to transfer the firearm to a nonresident or other unqualified purchaser. This position was never published in the Federal Register and is indeed contrary to indications which Bureau officials had given Congress, that such sales were not in violation of existing law. Moreover, BATF had informed dealers that an adult purchaser could legally buy for a minor, barred by his age from purchasing a gun on his own. BATF made no effort to suggest that this was applicable only where the barrier was one of age. Rather than informing the dealers of this distinction, Bureau agents set out to produce mass arrests upon these "straw man" sale charges, sending out undercover agents to entice dealers into transfers of this type. The first major use of these charges, in South Carolina in 1975, led to 37 dealers being driven from business, many convicted on felony charges. When one of the judges informed Bureau officials that he felt dealers had not been fairly treated and given information of the policies they were expected to follow, and refused to permit further prosecutions until they were informed, Bureau officials were careful to inform only the dealers in that one state and even then complained in internal memoranda that this was interfering with the creation of the cases. When BATF was later requested to place a warning to dealers on the front of the Form 4473, which each dealer executes when a sale is made, it instead chose to place the warning in fine print upon the back of the form, thus further concealing it from the dealer's sight.

The Constitution Subcommittee also received evidence that the Bureau has formulated a requirement, of which dealers were not informed that requires a dealer to keep official records of sales even from his private collection. BATF has gone farther than merely failing to publish this requirement. At one point, even as it was prosecuting a dealer on this charge (admitting that he had no criminal intent), the Director of the Bureau wrote Senator S. I. Hayakawa to indicate that there was no such legal requirement and it was completely lawful for a dealer to sell from his collection without recording it. Since that date, the Director of the Bureau has stated that that is not the Bureau's position and that such sales are completely illegal; after making that statement, however,

he was quoted in an interview for a magazine read primarily by licensed firearms dealers as stating that such sales were in fact legal and permitted by the Bureau. In these and similar areas, the Bureau has violated not only the dictates of common sense, but of 5 U.S.C. Sec 552, which was intended to prevent "secret lawmaking" by administrative bodies.

These practices, amply documented in hearings before this Subcommittee, leave little doubt that the Bureau has disregarded rights guaranteed by the constitution and laws of the United States.

It has trampled upon the second amendment by chilling exercise of the right to keep and bear arms by law-abiding citizens.

It has offended the fourth amendment by unreasonably searching and seizing private property.<sup>(pg.23)</sup>

It has ignored the Fifth Amendment by taking private property without just compensation and by entrapping honest citizens without regard for their right to due process of law.

The rebuttal presented to the Subcommittee by the Bureau was utterly unconvincing. Richard Davis, speaking on behalf of the Treasury Department, asserted vaguely that the Bureau's priorities were aimed at prosecuting willful violators, particularly felons illegally in possession, and at confiscating only guns actually likely to be used in crime. He also asserted that the Bureau has recently made great strides toward achieving these priorities. No documentation was offered for either of these assertions. In hearings before BATF's Appropriations Subcommittee, however, expert evidence was submitted establishing that approximately 75 percent of BATF gun prosecutions were aimed at ordinary citizens who had neither criminal intent nor knowledge, but were enticed by agents into unknowing technical violations. (In one case, in fact, the individual was being prosecuted for an act which the Bureau's acting director had stated was perfectly lawful.) In those hearings, moreover, BATF conceded that in fact (1) only 9.8 percent of their firearm arrests were brought on felons in illicit possession charges; (2) the average value of guns seized was \$116, whereas BATF had claimed that "crime guns" were priced at less than half that figure; (3) in the months following the announcement of their new "priorities", the percentage of gun prosecutions aimed at felons had in fact fallen by a third, and the value of confiscated guns had risen. All this indicates that the Bureau's vague claims, both of focus upon gun-using criminals and of recent reforms, are empty words.

In light of this evidence, reform of federal firearm laws is necessary to protect the most vital rights of American citizens. Such legislation is embodied in S. 1030. That legislation would require proof of a willful violation as an element of a federal gun prosecution, forcing enforcing agencies to ignore the easier technical cases and aim solely at the intentional breaches. It would restrict confiscation of firearms to those actually used in an offense, and require their return should the owner be acquitted of the charges. By providing for award of attorney's fees in confiscation cases, or in other cases if the judge finds charges were brought without just basis or from improper motives, this proposal would be largely self-enforcing. S. 1030 would enhance vital protection of constitutional and civil liberties of those Americans who choose to exercise their Second Amendment right to keep and bear arms.