

1 ROB BONTA
 Attorney General of California
 2 MARK R. BECKINGTON
 Supervising Deputy Attorney General
 3 ROBERT L. MEYERHOFF
 Deputy Attorney General
 4 State Bar No. 298196
 300 South Spring Street, Suite 1702
 5 Los Angeles, CA 90013-1230
 Telephone: (213) 269-6177
 6 Fax: (916) 731-2144
 E-mail: Robert.Meyerhoff@doj.ca.gov
 7 *Attorneys for Defendants Rob Bonta in*
his official capacity as Attorney
 8 *General of the State of California and*
Allison Mendoza in her Official
 9 *Capacity as Director of the Bureau of*
Firearms

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION

15 **WILLIAM WIESE, et al.,**
 16 Plaintiffs,
 17 v.
 18 **ROB BONTA, et al.,**
 19 Defendants.

Case No. 2:17-cv-00903-WBS-KJN

**DECLARATION OF COLONEL (RET.)
 CRAIG TUCKER IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 MOTION FOR SUMMARY JUDGMENT
 AND COUNTER-MOTION FOR SUMMARY
 JUDGMENT**

Date: July 10, 2023
 Time: 1:30 p.m.
 Courtroom: 5, 14th Floor
 Judge: Hon. William B. Shubb

1 Commendation Medal for Heroic Action, the Combat Action Ribbon,
2 and seven Sea Service Deployment Ribbons, among other awards.

3 4. After I retired from military service in 2006, I served
4 as an Assistant Deputy Administrator for the Office of Secure
5 Transportation (OST), National Nuclear Security Agency. OST is a
6 paramilitary organization consisting of federal agents armed with
7 M4s.¹ I was also the Department's Render Safe program in
8 Albuquerque NM.

9 5. In 2012, I joined Innovative Reasoning LLC, which
10 provides professional support services to the U.S. Department of
11 Defense and other government clients. While at Innovative
12 Reasoning, I developed training programs and planning
13 capabilities for the Marine Corps, and I developed and taught a
14 training course on tactical decision-making for law enforcement
15 officers.

16 6. Through my military service, I gained extensive
17 knowledge and familiarity with the full range of US combat weapon
18 systems. The automatic rifle is the foundational combat weapon
19 system. Ground and aviation weapon systems are specifically
20 designed to support the automatic rifle. My career was spent in
21 command, or responsible for unit operations for Regiments,
22 Divisions, and the Marine Expeditionary Force (25,000+ personnel)
23 or training & evaluating Marines for combat. My primary purpose
24 in the latter stages of my career was coordinating, and teaching
25 others to coordinate, air and ground weapon systems to support
26 the rifleman and his automatic rifle. My CV is attached.

27 _____
28 ¹ The M4 is a gas-operated, magazine-fed carbine. It is the
shortened version of the M16 assault rifle.

1 7. I have fired the Colt AR-15 5.56 rifle and the Smith
2 and Wesson 5.56 AR rifle. Both are advertised as the civilian
3 version of the M16 combat rifle. In addition to my automatic
4 rifle experience, I have extensive experience with the AK-47,
5 having been on the receiving end of hundreds of 7.62 rounds; an
6 experience best typified during the Battle of Hit when a single
7 individual with one rifle and apparently inexhaustible supply of
8 7.62 ammo and magazines kept nine Marines pinned down for 15
9 minutes until a LAV-25 20mm chain gun solved the problem. I have
10 extensive experience with the Colt 1911 .45 caliber semi-
11 automatic and the Berretta .9m semi-automatic pistol and used
12 both weapons in Iraq.

13 8. I currently serve as the Hazardous Materials Response
14 Coordinator for the State of New Mexico.

15 9. I hold a B.S. in Criminal Justice from the University
16 of Dayton, a Master of Military Art and Science from U.S. Army
17 Command and General Staff College and the U.S. Army School of
18 Advanced Military Studies, and a Master's degree in National
19 Security and Strategic Studies from the College of Naval Warfare,
20 where I graduated with the highest distinction.

21 10. A copy of my curriculum vitae is attached as **Exhibit A**
22 to this declaration.

23 11. I have been retained by the Office of the Attorney
24 General of the California Department of Justice to serve as an
25 expert witness in this case. I am being compensated at a rate of
26 \$200 per hour.

OPINIONS

1
2 12. I am familiar with the design, construction, and
3 operation of the large-capacity magazines regulated by California
4 Penal Code section 32310.

5 13. The assault rifle weapon system is comprised of an
6 assault rifle with attachments, a large capacity magazine, and
7 the rifleman. Any entity comprised of these three parts is an
8 assault weapon system designed to kill as many people as possible
9 as rapidly as possible. The killing effectiveness of the assault
10 rifle system does not distinguish between untrained civilians and
11 trained users. The assault weapon system is designed for
12 killing. It has no other purpose. The assault rifle provides the
13 ways of killing, but the large capacity magazine provides the
14 means. The sole purpose of large-capacity magazines is to
15 increase the killing efficiency of the assault rifle weapon
16 system.

17 14. The assault rifle system is the foundational element
18 for all Marine Corps tactics and the Marine Corps training system
19 heavily emphasizes rifle combat skills. A Marine infantryman
20 will spend years perfecting her rifle combat skills in training,
21 in combat, and in every environment on the planet. The M4/M16
22 assault rifles are designed specifically for rifle combat in mid-
23 intensity operations. The civilians ARs that mirror the M4/M16
24 are also designed for mid-intensity combat operations. In
25 context, mid-intensity operations define the type of combat seen
26 in the Ukraine-Russia conflict. In mid-intensity rifle combat
27 the M4/M16 provides: a proven, reliable killing instrument; the
28 ability to maintain fire at the single rate, sustained rate (13

1 rounds per minute), or rapid sustained rate (45 rounds per
2 minute); a selector switch that allows the rifleman to rapidly
3 adjust from precision fire to rapid fire at the flick of a
4 finger.

5 15. The large capacity magazines provide the means for
6 rifle combat. The large capacity magazine allows for a combat
7 load of 180 rounds in just 6 magazines. But the critical value
8 of the large capacity magazine is the ability it provides the
9 rifleman to change magazines in the midst of combat while
10 maintaining a sustained or rapid sustained rate of fire. The
11 shooter can sustain the 13-45 rounds per minute, limited only by
12 availability of large capacity magazines and ammunition.

13 16. Detachable large-capacity magazines are also beneficial
14 because they allow the combat rifleman to rapidly change
15 magazines in combat, and thus to increase killing efficiency by
16 significantly reducing reload time. Changing magazines during
17 intense combat is the most important individual skill taught to
18 Marines. During intense combat, the detachable magazine provides
19 a rifleman the capability to fire 180 rounds on semi-automatic in
20 four minutes at a high-sustained rate of 45 rounds per minute.
21 In a civilian self-defense context, by contrast, an individual
22 would not have a need for such a high rate of fire.

23 17. Ten round magazines, or magazines loaded with ten
24 rounds, are adequate for home and personal self-defense. For an
25 individual trained in handgun use for self-defense, ten rounds
26 equates to 3-5 casualties for any intruders. For an individual
27 untrained in the use of the handgun for self-defense, a ten round
28 magazine equates to ten unaimed rounds. Increasing magazine

1 capacity above ten rounds does not improve the capability of a
2 trained shooter, but it will increase the risk of innocent
3 casualties from an untrained shooter. The military loads full
4 magazines of 12-15 rounds; however, it is a false comparison to
5 equate the military need for a close combat weapon with a
6 civilian need for self-defense weapon. The soldier who has lost
7 his rifle and is fighting with his pistol is fighting intense
8 close combat and killing with every tool at his disposal. Large-
9 capacity magazines on handguns that extend from the magazine well
10 makes the handgun difficult to handle while also increasing the
11 handguns' mostly un-aimed killing efficiency. Large capacity
12 magazines that protrude from the handgun magazine well throw the
13 pistol out of balance, the large magazine routinely gets caught
14 in clothing, and brings a shooter to an abrupt halt when the
15 magazine catches on bookcases, furniture, and corners. Most
16 dangerously, the large capacity magazine provides a means for the
17 adversary to grab the extended magazine and take control of the
18 fight.

19 18. Fixed magazines of more than 10 rounds would also
20 increase the killing efficiency of a weapon. A 30-round fixed
21 magazine can fire more rounds in a given amount of time than
22 three 10-round detachable magazines, which would need to be
23 reloaded to fire the same number of rounds, slowing down the rate
24 of fire. Similarly, a 100-round drum magazine can fire more
25 rounds in a given period of time than ten 10-round detachable
26 magazines. As noted above in connection with detachable
27 magazines, an individual using a rifle in self-defense would not
28 need such a high, continuous rate of fire.

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

3 Executed on April 28, 2023 at Sandia Park, New Mexico
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7 Col. (Ret.) Craig Tucker
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EXHIBIT A

Colonel, US Marine Corps, (Ret)
65 Harms Rd
Sandia Park NM 87047
catucker@protonmail.com
505-504-4289

**STATE OF NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
(04/2023-Present)**

- Hazardous Materials Emergency Preparedness Coordinator
 - Coordinate the State response to releases or spills of hazardous materials, to include radioactive and nuclear materials.
 - Develop legislation and programs to create Local Emergency Preparedness Committees (LEPC) in all New Mexico Counties and Municipalities
 - Develop training programs and funding to develop a HAZMAT response capability in New Mexico rural counties and villages.

CITY OF ALBUQUERQUE OFFICE OF EMERGENCY MANAGEMENT (07/2021-04/2023)

- Training and Education Coordinator/Acting Senior OEM Planner
 - Coordinate with County and State agencies to develop training and exercise programs that prepare the City of Albuquerque to mitigate, respond to, and recover from disasters.
 - Develop response plans for wildfire, flood, earthquake, and weapons release and test the plans in tabletop exercises and drills.
 - *In coordination with Albuquerque Public Schools developed and executed a school drill assessment/evaluation program.*
 - *Created, developed, and initiated training for APS, APD, and AFR on a doctrinal, best-practices-based approach to "Command and Control, Active Shooter, in a School, School in Session"*
 - Develop a training and exercise program to meet FEMA National Qualification Standards.
 - Serve as the Operations Chief for EOC activations and training.
 - Responsible for Plans updates and revisions, including a rewrite of the CABQ Comprehensive Emergency Management Plan.
 - Write and manage OEM Grants, including SHSGP, EMPG and Hazard Mitigation Grants.

RAVENSWOOD SOLUTIONS INC. (10/2019 – 06/2021)

- Program Manager, US Marine Corps Operations
 - Provide subject matter expertise and develop capture plans to provide live, virtual, and constructive capabilities in support of the Commandant's Planning Guidance.
 - Project Manager for Ravenswood Solutions live-instrumented training and AAR support to MAGTF Warfighting Exercise-20 (MWX 20), the largest instrumented exercise in USMC history.

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- Co-authored White Paper on the application of machine-learning and Artificial intelligence to support unit readiness reporting.
- Provided subject matter expertise to support ML/AI Wargaming prototype development.
- Project Director, Middle East Operations
 - Lead planner and primary proposal author of a of a multi-corporation proposal to develop an 800-structure urban live fire and maneuver range in a Gulf Coast Coalition country.
 - Lead planner and primary proposal author of a multi-corporation proposal to develop a comprehensive training program for an emergent Marine Corps in a Gulf Coast Country.
- Program Manager, National Security Operations
 - Provide subject matter expertise, develop, and supervise training services in support of Department of Energy nuclear security and non-proliferation operations.
- Independent Contractor (01/2022 – 06/2022)
 - Acted as the Ravenswood Solutions Inc. US Marine Corps subject matter expert.
 - Acted as the Ravenswood Solutions Inc., training and leadership subject matter expert.

INNOVATIVE REASONING, LLC (08/2012 - 09/2019)

- Director, Studies and Analysis
 - Provided analyses, recommendations and participated as the senior tactical SME in support of the following Marine Corps Combat Development Command requirements.
 - Development of the U.S. Marine Corps post-war on terror Training Strategy.
 - Development of an adaptive planning capability employing multi-agent modeling, experiential learning theory, and machine learning.
 - Improving Small Unit Leader Decision-making through training in Recognition Primed Decision-making and experiential learning theory.
 -

Craig A. Tucker

Colonel, US Marine Corps, (Ret)

65 Harms Rd

Sandia Park NM 87047

catucker@protonmail.com

505-504-4289

- Chaired US Marine Corps 3d Annual Maneuver Warfare Conference (2018).
- Director, Federal Programs
 - Provided direction, supervision, and oversight to 5 program managers assigned to DOD and Department of Energy contracts in the United States and overseas.
- Program Director, Law Enforcement Tactical Decision-making
 - Created, certified, and taught tactical decision -making courses focused on making decision in high risk, low occurrence, fast moving circumstances with risk of death, serious injury.
 - Developed and taught 400+ series of National Incident Management Courses to support local law enforcement requirements.

DEPARTMENT OF ENERGY (09/2006 – 07/2012)

- Render Safe, Program Manager (SES)
 - Responsible for the Department of Energy (DOE) operational elements conducting nuclear counterterrorism and nuclear accident response in support of Tier 1 elements.
 - Responsible for organizing, resourcing, developing, and executing crisis response render-safe operations in support of Presidential and National Security policy.
- Assistant Deputy Administrator (SES), Office of Secure Transportation (OST)
 - Responsible for the safe and secure transportation of nuclear weapons, materials, and components in the continental United States.
 - Acted as the Senior Energy Official and National Nuclear Security Administration Incident Commander for incidents involving OST assets and during DHS-directed NIMS National Training Programs
 - Provided leadership, vision, and direction to a 1000+ mixed para-military and civilian workforce.
 - Developed and implemented innovative security practices focused on intelligence-driven operations, leadership, and performance-based approach to training. Resulting security Doctrine provided a blueprint

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for significant changes to DOE physical security doctrine.

- Provided astute and responsible management of a \$270 million budget.

UNITED STATES MARINE CORPS (06/1981- 08/2006)

- Director of Training, Tactical Training Exercise Control Group (TTECG) (07/2005-08/2006)
 - Selected by the Commandant to rebuild and lead the Marine Corps Service-level pre-deployment training program.
 - Responsible for the successful integration of emergent and innovative urban operations with conventional combined arms operations. Trained organizations from the US and numerous allied countries.
 - Managed a training budget of \$30 million. Developed and implemented new approaches to training to maximize effective use of increased training budget. Increased the number of Marines/units trained per year and successfully integrated complex, multi-discipline training requirements into a coherent, effective training program
- Commanding Officer, Regimental Combat Team 7 (RCT-7) (06/2003 - 07/2005)
 - Commanded U.S. Marine Corps Regimental Combat Team 7 during Operation Iraqi Freedom II. Tour included 14 months of continuous combat command in Al Anbar Province.
 - Commanded RCT-7 during major urban combat operations to include battles of Fallujah I, Al Fajr (Fallujah II), Husaybah, Ramadi, and Hit.
 - Developed and implemented successful strategic plans for reconstruction of western Iraq; managed over \$200 million in construction and procurement contracts. Responsibilities included establishing border security, counter-terrorism operations, infrastructure development, and security forces training.
 - Acted as Superintendent for an elementary school system consisting of 12 elementary schools throughout Al AnBar province. Constructed the schools, hired teachers, hired administrators, and provided safety and security for students, teachers, and staff.
 - Responsible for the Force Protection and security of US bases and approximately 20,000 military and contractor personnel.
- Director of Operations, Training and Education Command (06/2002-05/2003)

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- Responsible for the Marine Corps' training programs, with an 80,000+ personnel annual throughput.
 - Developed and successfully initiated programming and procurement for the Marine Corps' 10-year range modernization and instrumentation plan. Established and chaired Range Instrumentation Working Group.
 - U.S. Marine Corps Service-level representative to the OSD working group responsible for developing training transformation strategies.
 - Successfully led USMC effort to meet the congressionally mandated requirement to replace Vieques Island with a CONUS based amphibious live-fire training capability within the year.
- Commander, 2nd Battalion, 7th Marine Regiment,
 - Director of Operations, 7th Marine Regiment.
 - Director of Operations, 13th Marine Expeditionary Unit (13th MEU).
 - Responsible for leadership and performance of a task-organized team with 1000+ members.
 - Served as primary planner in Naval and Joint crisis action planning and execution, to include the development of training plans, equipment procurement, and exercise development for the organization's worldwide contingency operations.
 - Operations Planner, I Marine Expeditionary Force (I MEF). Primary planner and architect for a multi-national effort to rewrite the operations plan for defense of the Republic of Korea.
 - Commander, Presidential Security Force, Camp David, MD
 - Commanding Officer of Marine Corps Detachment responsible for the security of the Presidential Retreat at Camp David.
 - Successfully balanced a 33% reduction in force structure with implementation of an innovative physical security plan that integrated personnel reductions, new technologies, and manpower, while increasing the security posture.
 - Commanding Officer:
 - Weapons Company, Marine Infantry Battalion. (1988-1989)

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- Infantry Company, Marine Infantry Battalion. (1986-1988)
- Guard Company, Nuclear Weapons Security, Adak, AK. (1984-1986)
- Headquarters Company, Supply Battalion. (1983-1984)

AWARDS

(2) Legions of Merit with Combat Valor device, Purple Heart, Navy Commendation Medal for Heroic Action, Combat Action Ribbon, (7) Sea Service Deployment Ribbons, numerous other awards, and decorations.

PAPERS

- “On Demand Readiness for Army Commanders Through AI and Machine Learning” (2020) (White Paper for Army Applied Laboratory and the Office of Naval Research. (co-authored with SOMETE Technology and Lockheed Martin)
- “Band of Brothers: The 2D Marine Division and the Tiger Brigade in the Persian Gulf War”
An Analysis of the Impact of Organizational Culture on Tactical Joint Warfare (School of Advanced Military Studies, US Army Command and General Staff College)
- “False Prophets: The Myth of Maneuver Warfare and the Inadequacies of FMFM ‘Warfighting’”
(School of Advanced Military Studies, US Army Command and General Staff College,
- “Towards an Intellectual Component to Joint Doctrine: The Philosophy and Practice of Experiential Intelligence” (Naval War College)

EDUCATION

- B.S. Criminal Justice, University of Dayton
- MMAS, U.S. Army Command and General Staff College
- MMAS, US Army School of Advanced Military Studies
- MA, National Security and Strategic Studies, College of Naval Warfare (Highest Distinction)