

# Exhibit 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DICK ANTHONY HELLER, <i>et al.</i>	)	
	)	
Plaintiffs	)	
	)	
v.	)	CASE: 1:08-cv-01289
	)	Hon. Ricardo M. Urbina
THE DISTRICT OF COLUMBIA, <i>et al.</i>	)	
	)	
	)	
Defendants	)	

**DECLARATION OF ABSALOM F. JORDAN, JR.**

I, Absalom F. Jordan, Jr., do hereby swear or affirm:

1. My name is Absalom F. Jordan, Jr. I am a resident of the District of Columbia and a citizen of the United States.
2. I am eligible under the laws of the United States and of the District of Columbia to receive and possess firearms.
3. I am a Firearms Instructor certified by the National Rifle Association of America, Inc. I formerly held a Federal Firearms License to engage in the business of dealing in firearms in the District of Columbia. My last license expired in 1993. I am knowledgeable about firearm makes and models, the market for firearms, and the common uses of firearms.
4. On or about February 17, 2009, I submitted to the District of Columbia Metropolitan Police Department (MPD) an Application for Firearms Registration Certificate for a Smith & Wesson Model 59, 9mm caliber pistol, to be used for "personal protection, sport and recreation." By letter dated February 18, 2009, the MPD notified me that the pistol is unregistrable because: "The listed weapon is not on the California Roster of Handguns Certified for Sale as required by

D.C. Code 7-2505.04.”

5. At a later date, the District adopted regulations which allowed the registration of the above pistol. By application dated July 6, 2009, I applied to register the above Model 59 S&W pistol to be used for “personal protection, sporting activities, recreation,” and paid the required fees therefor. The MPD issued the registration on the same date.

6. I store outside the District two other pistols which I wished to apply to register at the same time as the above application, but I could not do so because D.C. Code § 7-2502.03(e) provides in part: “The Chief shall register no more than one pistol per registrant during any 30-day period . . . .” As a result, I am required to undertake the effort and expense of submitting registration applications on two more occasions, with a minimum 30-day period between the dates on which the Chief registers each pistol.

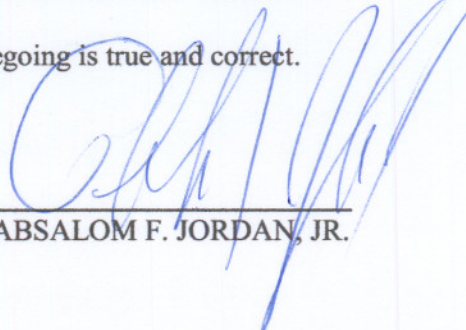
7. On or about February 17, 2009, I submitted to the MPD an Application for Firearms Registration Certificate for an Armalite AR-180 .223 caliber semiautomatic rifle, to be used for “personal protection.” By letter dated February 18, 2009, the MPD notified me that the rifle is unregistrable because: “The listed weapon is defined as an ‘assault weapon’ and prohibited from being registered in the District of Columbia per the Firearms Registration Act of 2009, amendment 12-22-08, D.C. Code 7-2501.01.”

8. D.C. Code § 7-2501.01(3A)(A)(I)(qq) defines the term “assault weapon” to include an “Armalite AR-180” rifle. The Armalite AR-180 is a semiautomatic rifle which uses a detachable magazine and has a pistol grip that protrudes about 4 inches beneath the action. Rifles of this type are commonly possessed for protection, target shooting, competitions, and sporting purposes.

9. Magazines that have a capacity of more than 10 rounds of ammunition are commonly sold with and are available for numerous makes and models of pistols and rifles. Such magazines are commonly possessed for self defense, target shooting, hunting, and sporting purposes. The Model 59 S&W pistol, for instance, was originally sold with a magazine holding 14 rounds of ammunition. As a result of D.C. Code § 7-2506.01(b), which prohibits possession of any magazine with a capacity of more than 10 rounds of ammunition, I cannot possess such magazine in the District but must keep it stored elsewhere.

10. When I had a Federal Firearms License, I was the agent for Glock when the MPD evaluated and, subsequently, purchased the Glock Model 17 pistol, magazines for which hold 17 rounds. The year in which the MPD officially adopted the Glock 17 as its service pistol was 1989. It later adopted the Glock 19 pistol, magazines for which hold 15 rounds.

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



ABSALOM F. JORDAN, JR.

Date: July 27, 2009

P.D. 219 Rev. 9/76

85-8P706

METROPOLITAN POLICE DEPARTMENT WASHINGTON, D.C.

APPLICATION FOR FIREARMS REGISTRATION CERTIFICATE  
\$10.00 FEE REQUIRED WITH THIS APPLICATION - PRINT ALL INFORMATION

REGISTRATION NUMBER  
10476098  
DATE REGISTERED  
7/6/09

DEALER'S LICENSE NO.

This application for a Firearms Registration Certificate must be handcarried to the Metropolitan Police Department, Firearms Registration Section, 300 Indiana Avenue, N.W. Washington, D.C. 20001 by the purchaser. The purchaser MUST 1) be fingerprinted by the Metropolitan Police Department, however, if the purchaser has been fingerprinted by this department within five (5) years prior to submitting this application he need not be fingerprinted again if he offers other satisfactory proof of identity 2) submit with this application two full-face photographs of himself, 1 3/4 x 1-7/8 inches taken within 30 days of filing this application 3) have vision better than or equal to that required to obtain a valid driver's license in the District of Columbia (a current driver's license will be prima facie evidence that the applicant's vision is sufficient) 4) demonstrate satisfactory knowledge of the laws in the District of Columbia pertaining to firearms and the safe and responsible use of same.

No transfer of a firearm between the seller and the purchaser may be made until a reply from the Chief of Police has been received by both parties involved.

SELLER'S NAME  
STREET ADDRESS APT. NO.  
CITY ZIP CODE

PURCHASER/OWNER'S NAME  
4335 4th Street, SE #3  
Washington DC 20032  
CITY ZIP CODE

DESCRIPTION OF FIREARM				DESCRIPTION OF PURCHASER/OWNER			
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> USED	MAKE OF WEAPON Smith & Wesson			DATE OF BIRTH 5-14-41	PLACE OF BIRTH Washington DC		
MODEL 59	SERIAL NUMBER A-241775			OPERATOR'S PERMIT NUMBER 1599263		RACE Black	SEX Male
MFG. I.D. NUMBER	NO. OF SHOTS 10	CALIBER 9mm		OCCUPATION N/A	BUSINESS NAME N/A		
NO. OF BARRELS/LENGTH 1 barrel - 4 1/2	FINISH Black	TYPE OF ACTION Semi-Auto		BUSINESS ADDRESS N/A			
IDENTIFYING MARKS N/A				HOME PHONE NUMBER 2/574-5657	BUSINESS PHONE NUMBER N/A		

PURCHASER/OWNER'S ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF RESIDENCE  
4335 4th Street, SE Apt # 3 Washington DC since 1995

PURCHASER/OWNER'S OCCUPATION, BUSINESS NAME AND ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF EMPLOYMENT  
N/A

HAVE YOU PREVIOUSLY BEEN DENIED IN THE DISTRICT OF COLUMBIA OR ELSEWHERE ANY PISTOL, RIFLE OR SHOTGUN LICENSE OR REGISTRATION CERTIFICATE?  NO  YES IF YES, EXPLAIN WHY AND BY WHOM  
Attempted to register my Smith & Wesson model 59

**APPROVED**

HAVE YOU EVER BEEN INVOLVED IN ANY MISHAP INVOLVING A PISTOL, RIFLE OR SHOTGUN? INCLUDING DATES, PLACES, AND NAMES OF ANY PERSONS INJURED OR KILLED.  NO  YES IF YES, EXPLAIN CIRCUMSTANCES.

GIVE A BRIEF STATEMENT OF YOUR INTENDED USE OF THE FIREARM AND WHERE THE FIREARM WILL BE KEPT  
Personal Protection - Sporting Activities - Recreational

I HEREBY CERTIFY THAT I AM NOT FORBIDDEN BY EXISTING LAWS AND REGULATIONS FROM PURCHASING OR POSSESSING A FIREARM AND THAT THE INFORMATION GIVEN BY ME ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT KNOWINGLY CONTAIN ANY MATERIAL MISREPRESENTATION OF FACT.

SIGNATURE OF SELLER DATE

SIGNATURE OF PURCHASER/OWNER DATE  
7/6/09

The Seller and the Purchaser MUST SIGN IN THE PRESENCE OF EACH OTHER.

NOTICE

This application is VALID as a FIREARMS REGISTRATION CERTIFICATE only when stamped APPROVED by the Chief of Police and a REGISTRATION NUMBER is affixed thereto.

THIS IS NOT A LICENSE TO CARRY A CONCEALED FIREARM.

The following is an excerpt from the "Firearms Control Regulations Act of 1975"

Title II - Firearms and Destructive Devices

Section 208 - Additional Duties of Registrants

Each person and organization holding a registration certificate, in addition to any other requirements imposed by this act, or the Acts of Congress, shall

(a) notify the Chief in writing of:

(1) the loss, theft, or destruction of the registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft or destruction;

(2) a change in any of the information appearing on the registration certificate or required by Section 203 of this act;

(3) the sale, transfer or other disposition of the firearm not less than forty-eight (48) hours prior to delivery, pursuant to such sale, transfer or other disposition, including:

(A) identification of the registrant, the firearm and the serial number of the registration certificate;

(B) the name, residence, and business address and date of birth of the person to whom the firearm has been sold or transferred; and

(C) whether the firearm was sold or how it was otherwise transferred or disposed of.

(b) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notified the Chief of such loss, theft, destruction, sale, transfer, or other disposition.

(c) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

Title VII - General Provisions

Section 702 - Except for law enforcement personnel described in Section 201 (b) (1), each registrant shall keep any firearms in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.



P.D. 219 Rev. 9/76

85-8P706

METROPOLITAN POLICE DEPARTMENT WASHINGTON, D.C.

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SELLER'S NAME  
STREET ADDRESS APT. NO.  
CITY ZIP CODE

PURCHASER/OWNER'S NAME  
1335 11 Street, SE #3  
Washington DC 20322  
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DESCRIPTION OF FIREARM				DESCRIPTION OF PURCHASER/OWNER				
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> USED	MAKE OF WEAPON Armalite	DATE OF BIRTH 5-14-41	PLACE OF BIRTH Washington DC	MODEL AR 180	SERIAL NUMBER 5-3454	OPERATOR'S PERMIT NUMBER 1699263	RACE Black	SEX Male
MFG. I.D. NUMBER	NO. OF SHOTS 10	CALIBER .223	OCCUPATION N/A	BUSINESS NAME N/A	NO. OF BARRELS/LENGTH 1 barrel /	FINISH 19.2676	TYPE OF ACTION semi	BUSINESS ADDRESS N/A
IDENTIFYING MARKS	BUSINESS ADDRESS		HOME PHONE NUMBER 454-5657	BUSINESS PHONE NUMBER N/A		PURCHASER/OWNER'S ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF RESIDENCE Same as above		

DISAPPROVED

PURCHASER/OWNER'S ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF RESIDENCE

PURCHASER/OWNER'S OCCUPATION, BUSINESS NAME AND ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF EMPLOYMENT

HAVE YOU PREVIOUSLY BEEN DENIED IN THE DISTRICT OF COLUMBIA OR ELSEWHERE ANY PISTOL, RIFLE OR SHOTGUN LICENSE OR REGISTRATION CERTIFICATE?  NO  YES IF YES, EXPLAIN WHY AND BY WHOM  
Attempted to refield by Sgt. A. Meigel 5/7

HAVE YOU EVER BEEN INVOLVED IN ANY MISHAP INVOLVING A PISTOL, RIFLE OR SHOTGUN?  NO  YES IF YES, EXPLAIN CIRCUMSTANCES, INCLUDING DATES, PLACES, AND NAMES OF ANY PERSONS INJURED OR KILLED.

GIVE A BRIEF STATEMENT OF YOUR INTENDED USE OF THE FIREARM AND WHERE THE FIREARM WILL BE KEPT  
Personal Protection

I HEREBY CERTIFY THAT I AM NOT FORBIDDEN BY EXISTING LAWS AND REGULATIONS FROM PURCHASING OR POSSESSING A FIREARM AND THAT THE INFORMATION GIVEN BY ME ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT KNOWINGLY CONTAIN ANY MATERIAL MISREPRESENTATION OF FACT.

SIGNATURE OF SELLER \_\_\_\_\_ DATE \_\_\_\_\_ SIGNATURE OF PURCHASER/OWNER \_\_\_\_\_ DATE \_\_\_\_\_

The Seller and the Purchaser MUST SIGN IN THE PRESENCE OF EACH OTHER.

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(3) the sale, transfer or other disposition of the firearm not less than forty-eight (48) hours prior to delivery, pursuant to such sale, transfer or other disposition, including-

(A) identification of the registrant, the firearm and the serial number of the registration certificate;

(B) the name, residence, and business address and date of birth of the person to whom the firearm has been sold or transferred; and

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(c) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

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**METROPOLITAN POLICE DEPARTMENT  
RECORDS DEPARTMENT  
RECEIVED DATE**

*2/12/09*



**Gun Control and Firearms Registration**

300 Indiana Ave. N.W. Room 3077, Washington D.C., 20001 (202) 727-4275 FAX (202) 442-4247

February 18, 2009

Mr. Absalom Jordan Jr.  
4335 4<sup>th</sup> Street S.E. #3  
Washington, D.C. 20032

Dear Mr. Jordan

- This is to advise you that your Firearms Registration Application for a Armalite, model AR-180, .223 caliber semi-automatic rifle has been **disapproved** for the following reason(s):
  - ① **1. Unregisterable Firearm**
  - ② **(The listed weapon is defined as an "assault weapon" and prohibited from being registered in the District of Columbia per the Firearms Registration Act of 2008, amendment 12-22-08, D.C. Code 7-2501.01 )**

You have 15 days from the date this notice is received to appeal this decision. A copy of the regulations governing such appeals is attached for your information. Appeals should be sent to the Director, Identification and Records Division, Metropolitan Police Department, 300 Indiana Avenue, N.W., Washington, D.C. 20001.

If you do not file your appeal within the time allowed, you shall be deemed to have conceded the validity of the reason or reasons stated in this notice, and the **denial** shall become final.

In the event you do not submit further evidence, you must do one of the following within 7 days after the decision becomes final: (1) peaceably surrender to the police the firearm for which registration was revoked or disapproved; (2) lawfully remove such firearm from the District of Columbia for so long as you have an interest in such firearm; or, (3) otherwise lawfully dispose of your interest in such firearm.

- Your application has not been acted upon within the 60 day period because

\_\_\_\_\_

You will be notified as soon as the missing information is received and the application review process is completed.

FOR APPEALS INSTRUCTIONS SEE REVERSE SIDE

## **REGULATIONS GOVERNING APPEALS**

### **Denial and Revocation Procedures**

Effective January 1, 2009, the Metropolitan Police Department no longer adjudicates appeals as it relates to Firearms Registration. Section 2 of Act #17-651, Firearms Registration Emergency Amendment Act of 2008, now makes the Office of Administrative Hearings responsible for handling appeals of denials and revocations of gun registrations. The address to the Office of Administrative Hearings is:

Office of Administrative Hearings  
441 4<sup>th</sup> Street, Northwest, Suite 870-N  
Washington, D.C. 20001-2714

Please forward any request to appeal the decision made by the Firearms Registration Unit to the Office of Administrative Hearings so the matter can be reviewed as outlined by current law.