

[gun control] movement."<sup>3</sup>

Even if there were no self-defense purpose for these firearms, there are still many sporting events in which they are common

**Fact:** There are many sports in which “assault weapons” are required:

1. Hunting activities (many hunters prefer “assault weapons”)
2. Three-gun target matches
3. Bodyguard simulations
4. Civilian Marksmanship Program [www.odcmp.com](http://www.odcmp.com)

## Why do some people favor renewing the federal assault weapons legislation?

Gun control is an incremental process. Victories are won in small, manageable pieces. Since the number of people who own “assault weapons” is small compared to those who own handguns, “assault weapons” are an easy target for lobbying groups who have long-term objectives.

**Fact:** "We'll take one step at a time, and the first is necessarily - given the political realities - very modest. We'll have to start working again to strengthen the law, and then again to strengthen the next law and again and again. Our ultimate goal, total control of handguns, is going to take time. The first problem is to slow down production and sales. Next is to get registration. The final problem is to make possession of all handguns and ammunition (with a few exceptions) totally illegal."<sup>1</sup>

## Who do I contact for more information?

- Journalists can visit the *Journalist's Guide to Gun Policy Scholars and Second Amendment Scholars*. This portal is maintained by Professor Eugene Volokh of the UCLA Law School. Resources for criminology, constitutional, and gun policy are listed at this site.

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<sup>1</sup> Nelson “Pete” Shields, chairman emeritus of Handgun Control, Inc. (now the Brady Campaign), *New Yorker Magazine*, June 26, 1976, pg. 53

# Federal Assault Weapon Ban

## Policy Briefing Book

February 2004

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## What is an “assault weapon”?

There is no such firearm. Military and firearm manufacture lexicons have never classified any firearm as an “assault weapon”.<sup>1</sup> It is a political term that has vastly different definitions in different jurisdictions.

## Why are assault weapons a political issue again?

In 1994, congress passed a federal “assault weapons” bill that banned manufacture and sale of certain products modeled after military firearms (it is important to note that none of these firearms were routinely used by the military).

Much of the debate before passage of the bill centered on the alleged and unproven problems caused by “assault weapons”. As a part of the compromise, the bill was designed to expire after 10 years (2004) allowing ownership of these firearms if there was not material change in crimes committed with them.<sup>2</sup>

1 The Department of Defense classifies an assault rifle, which is a machine gun, a firearm not commonly available to the public. Source, DOD Small Arms Identification and Operations Guide, “short, compact, select-fire weapons that fire a cartridge intermediate in power between submachine gun and rifle cartridges”

2 As detailed later herein, such “assault weapons” were very rarely used in crimes, so the value of the legislation was suspect to begin with.

firearms listed in the federal “assault weapon” legislation were readily convertible:

**Fact:** Law prohibits Firearms that can be “readily converted”, thus excluding those that are commonly misclassified as “assault weapons”.

**Fact:** None of the firearms on the list of banned weapons can be readily converted.<sup>1</sup>

## Is there any reason for an average person to own an assault weapon?

Ignoring for the moment that people should be free to own whatever they like as long as they do no harm, there are a number of sporting, hunting, and self-defense uses for the firearms listed in the 1994 federal legislation.

**Fact:** “Assault weapons”:

1. Are easy to operate
2. Are very reliable in outdoor conditions (backpacking, hunting, etc.)
3. Are accurate
4. Are valuable in many self-defense situations

The last point is important because no one, even those in favor of gun control, oppose the right of people to defend themselves or their families.

**Fact:** During the Rodney King riots in Los Angeles, every major news network carried footage of Korean storeowners sitting on the roofs of their stores, armed with “assault weapons”.<sup>2</sup> Those were the stores that did not get burned to the ground, and those were the people that were not dragged into the street and beaten by rioters.

Even the active gun-control lobbying organizations recognize this.

**Fact:** "You can't get around the image of people . . . protect[ing] their stores and it working. This is damaging to the

"Passing a law like the assault weapons ban is a symbolic, purely symbolic move ... Its only real justification is not to reduce crime but to desensitize the public to the regulation of weapons in preparation for their ultimate confiscation."

Charles Krauthammer,  
The Washington Post, April 5, 1996

1 BATF test as reported in the New York Times, April 3, 1989

2 Washington Post, May 2, 1992

3 Josh Sugarmann, executive director of the Violence Policy Center, Washington Post, May 18, 1993, speaking of the King riots and Korean shop keepers

weapons are/were used in an underwhelming 0.026 of 1% of crimes in New Jersey. This means that my officers are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the streets."<sup>4</sup>

## Are one out of five police officers really killed with “assault weapons”?

The Violence Policy Center, a gun control lobbying group, claims this in their 2003 report titled *Officer Down*. This report is an example of the slippery definition of the term “assault weapon”. In calculating their statistic, the Violence Policy Center counted firearms not included in the federal “assault weapons” legislation they seek to renew.

**Fact:** This “study” included firearms not on the Federal “assault weapons” list. Including these legal firearms<sup>1</sup> inflated the statistics almost 100%.

**Fact:** Once the phony data is removed, the homicide rate with “assault weapons” falls to less than 10% of all police firearm homicides.

Even then, these numbers seem to contradict what federal government findings before the 1994 “assault weapon” bill was passed.

**Fact:** Only 1% of police officers killed in the line of duty were killed using “assault weapons”. They were twice as likely to be killed with their own handgun.<sup>2</sup>

## Can assault weapons really be converted to machineguns?

Almost any modern firearm *could* be converted into a fully-automatic machine gun if you had lots of expensive tools, were highly trained, and could mill your own internal parts. Criminals rarely have these skills or means.

**Fact:** Only 0.15% of over 4,000 weapons confiscated in Los Angeles in one year had been converted, and only 0.3% had any evidence of an attempt to convert.<sup>3</sup>

Most interesting is that before there was ever an “assault weapons” law, firearms that could *readily* be converted to a machine gun were already illegal, and none of

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1 The “study” included legal models of the SKS, Ruger Mini-14, and M1-Carbine, which were all in circulation before the federal “assault weapons” ban and which were excluded from the ban.

2 “Law Enforcement Officers Killed and Assaulted”, FBI, 1994

3 Jimmy Trahin, Los Angeles Detective, Congressional testimony on assault weapons, May 5, 1989

## What was the situation in 1994?

The alleged problem was that these “assault weapons” were dangerous, in large supply, and used in criminal activities. None of these points were true then, and are not true now.

**Fact:** Nationally, “assault weapons” were used in 1.4% of crimes involving firearms and 0.25% of all violent crime before the enactment of any national or state “assault weapons” ban. In many major urban areas (San Antonio, Mobile, Nashville, etc.) and some entire states (Maryland, New Jersey, etc.) the rate was less than 0.1%<sup>1</sup>

**Fact:** Firearms misclassified as “assault weapons” (common in the Federal and California “assault weapons” confiscations) are used in less than 1% of all homicides.<sup>2</sup>

**Fact:** In 1994, you were eleven (11) times more likely to be beaten to death than to be killed by an “assault weapon”.<sup>3</sup> — before the Federal assault weapons ban.

Even the nations leading gun control advocacy group agreed that these so-called “assault weapons” were not an issue in a criminological sense.

**Fact:** Most “assault weapons” have no more firepower or killing capacity than the average hunting rifle and “play a small role in overall violent crime”.<sup>4</sup>

## What is the situation today?

The situation today is largely unchanged, except that the general public pays more money for these “assault weapons” when used for sporting purposes.

**Fact:** Police reports show that after a decade of “assault weapons” legislation, these firearms are a non-problem.

- **San Francisco:** In 1998, only 2.2% of confiscated weapons were classified “assault weapons”.

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1 Gary Kleck, “Targeting Guns”, 1997, compilation of 48 metropolitan police departments. 1980-1994

2 FBI Uniform Crime Statistics, 1993

3 FBI Uniform Crime Statistics, 1994

4 Philip McGuire, Handgun Control, Inc., April 7, 1989, New York Times

5 National Criminal Victimization Survey, 2002, Bureau of Justice Statistics

- **Nationally:** Fewer than 1.1% of violent crimes were committed with any type of firearm besides a handgun.<sup>5</sup>
- "I surveyed the firearms used in violent crimes...assault-type firearms were the least of our worries."<sup>1</sup>

Any possible increase in the number of "assault weapons" crimes is traceable mainly to the changing definition of "assault weapon" – more and more firearms that were not considered "assault weapons" before 1994 have been reclassified.

**Fact:** Only 1.4% of recovered crime weapons are models covered under the 1994 assault weapons ban.<sup>2</sup>

**Fact:** The ban covered only 1.39% of the models of firearms on the market; therefore so the bans effectiveness is automatically constrained.

**Fact:** "The ban has failed to reduce the average number of victims per gun murder incident or multiple gunshot wound victims."<sup>3</sup>

**Fact:** "The public safety benefits of the 1994 ban have not yet been demonstrated."<sup>4</sup>

In fact, two unintended consequences of the federal legislation were to make such firearms more valuable (and hence worth stealing), and to increase the supply of those firearms.

**Fact:** "The ban triggered speculative price increases and ramped-up production of the banned firearms"<sup>5</sup>

**Fact:** "the ban ... ramped-up production of the banned firearms prior to the law's implementation"<sup>6</sup> and thus increased the total supply over the following decade.

"No one should have any illusions about what was accomplished (by the ban). Assault weapons play a part in only a small percentage of crime. The provision is mainly symbolic; its virtue will be if it turns out to be, as hoped, a stepping stone to broader gun control."

Washington Post editorial  
September 15, 1994

1 S.C. Helsley, Assistant Director DOJ Investigation and Enforcement Branch, California, October 31, 1988

2 From statewide recovery report from Connecticut (1988-1993) and Pennsylvania (1989-1994)

3 "Impacts of the 1994 Assault Weapons Ban: 1994-96", National Institute of Justice, March 1999

4 Ibid

5 Ibid

6 Ibid

## Aren't assault weapons used in 16% of homicides?

Again, this is another case of "assault weapon" not having any stable definition. The 16% figure was part of the campaign to pass an "assault weapon" bill in New York.

**Fact:** The classification scheme used encompassed almost *all firearms sold in the U.S. since 1987* (center fire rifles and shotguns holding more than six cartridges, and handguns holding more than 10 rounds). The proposed ban included Olympic marksmanship rifles and quail hunting shotguns. By inventing a new definition for "assault weapons", they created a problem from where no problem existed.

## Aren't assault weapons favored by criminals?

Not at all. Criminals rely on being able to conceal and rapidly draw their firearms. Criminals (who incidentally disregard "concealed carry" laws) are unlikely to carry "assault weapons" because they are impractical for committing crime. Researchers for the federal government agree.

**Fact:** Only 8% of criminals use anything that is classified (even incorrectly) as an assault weapon.<sup>1</sup>

**Fact:** Criminals are about as likely to carry single shot (derringer) handgun than they are to carry an assault weapon.<sup>2</sup>

## Aren't these firearms a danger to law enforcement officers?

Police don't think so. Based on so few of these firearms being used by criminals, many in the law enforcement community believe "assault weapons" are low on their list of concerns.

**Fact:** "Assault rifles have never been an issue in law enforcement. I have been on this job for 25 years and I haven't seen a drug dealer carry one. They are not used in crimes, they are not used against police officers."<sup>3</sup>

**Fact:** "Since police started keeping statistics, we now know that assault

1 Bureau of Justice Statistics, "Firearm Use by Offenders", November 2001

2 Ibid

3 Deputy Chief of Police Joseph Constance, Trenton NJ, Senate Judiciary Committee, Aug 1993

4 Ibid