

Originally Processed With FOIA(s):
2009-0166-S

FOIA Number:
2009-0166-S

FOIA MARKER

**This is not a textual record. This is used as an
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Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Office of the President
Series: Daily Files
Subseries:

OA/ID Number: 90508
Folder ID Number: 90508-011

Folder Title:
Sunday, April 23, 1989

Stack:	Row:	Section:	Shelf:	Position:
V	12	11	2	2

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01a. Log	White House Telephone Log [Signal Switchboard] [redaction of personal information] (1 pp.)	04/23/89	(b)(6)	
01b. Log	White House Telephone Log [E.D.T.] [redaction of personal information] (2 pp.)	04/23/89	(b)(6)	
02. Memo	From Command Duty Officer to Commanding Officer Re: CDO Visit Report for 21-23 April 1989 [redaction] (2 pp.)	04/23/89	(b)(7)(e)	

Page 1 of 1

Collection:

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Office: Office of the President

Series: Daily Files

Subseries:

WHORM Cat.:

File Location: Sunday, April 23, 1989

Pinksheet Number: dw1305

OA/ID Number: 90508-011

Date Closed: 4/6/2009

FOIA/Sys Case #: 2009-0166-S

Re-review Case #:

P-2/P-5 Review Case #:

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FOIA/SYS Case #: 2009-0166-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
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 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

TELEPHONE MEMORANDUM

SIGNAL SWITCHBOARD

April 23, 19 89

	TIME		DISC	NAME	ACTION
	PLACED				
OUT	8:12 AM	8:21		Mrs. Verta Hardegree (b)(6)	Tlkd-ok 8:14 AM
INC	PM				
OUT	10:16 AM	10:18		Mr. Charles E. Cobb, Jr. (b)(6)	Tlkd-ok 10:17 AM
INC	PM				
OUT	10:34 AM	10:39		Congressman Herbert H. Bateman Washington Hospital Center Washington, D.C.. 877-4612	Tlkd-ok 10:36 AM
INC	PM				
OUT				Mrs. Dorothy Bush (b)(6)	Tlkd with Mrs. Judith M. Davis 1:21 PM
INC	1:19 PM	1:24			
OUT				Mr. Timothy McBride Aspen Cabin, Camp David, Maryland Camp David Signal 4-1631	Tlkd-ok 2:05 PM
INC	2:05 PM	2:06			
OUT				Secretary Nicholas Brady (b)(6)	LW with Ms. Presock 5:03 PM could not Tlkd-ok reach Gov. 6:19 PM cld. by CARD
INC	4:58 PM	6:24			
OUT				Ms. Patty Presock Residence, Herndon, Virginia White House Signal 2-3804	Tlkd-ok 5:59 PM
INC	5:57 PM	6:00			
OUT				Ms. Patty Presock Residence, Herndon, Virginia White House Signal 2-3804	Tlkd-ok 6:26 PM
INC	6:25 PM	6:28			
OUT				Ms. Patty Presock Residence, Herndon, Virginia White House Signal 2-3804	Tlkd-ok 6:33 PM
INC	6:33 PM	6:36			
OUT				Coach Tom Landry (b)(6)	Tlkd-ok 6:40 PM
INC	6:36 PM	6:42			
OUT					
INC	PM				

Withdrawal/Redaction Sheet

(George Bush Library)

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01b. Log	White House Telephone Log [E.D.T.] [redaction of personal information] (2 pp.)	04/23/89	(b)(6)	

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**THE WHITE HOUSE
WASHINGTON**

Bush Library Photocopy

E.D.T.

TELEPHONE MEMORANDUM

Bush Library Photocopy

APRIL 23

PRESIDENT

, 19⁸⁹

	TIME		NAME	ACTION
	PLACED	DISC		
OUT	AM		CHRISS WINSTON OFC: WASHINGTON, D.C. ADMIN. BD. X2930	GFD MARK DAVIS TLKD-OK
INC	5:05 PM	5:07		
OUT	AM			
INC	PM			
OUT	AM		VALET OFC: WASHINGTON, D.C. ADMIN BD X 599	SAM TLKD-OK
INC	5:09 PM	5:10		
OUT	AM			
INC	PM			
OUT	AM		USHERS OFFICE WASHINGTON, D.C. ADMIN BD. X780	SKIP ALLEN TLKD-OK
INC	5:21 PM	5:22		
OUT	AM			
INC	PM			
OUT	AM		SITUATION ROOM WASHINGTON, D.C. ADMIN. BD: X659	ANDRES McGUIRE TLKD-OK
INC	5:32 PM	5:33		
OUT	AM			
INC	PM			
OUT	AM		SECTY NICHOLAS BRADY (b)(6)	BY 6:12pm TOLD PRESUS KEEP TRYING TLKD-OK 6:19pm
INC	6:11 PM	6:24		
OUT	AM			
INC	PM			
OUT	AM		ALLEN ALPER (b)(6)	LINE BY TOLD PRESUS TLKD-OK 6:42pm
INC	6:34 PM	6:43		

THE WHITE HOUSE

E.D.T.

WASHINGTON

TELEPHONE MEMORANDUM

APRIL 23, 1989

PRESIDENT

	TIME		NAME	ACTION
	PLACED	DISC		
OUT	AM		V.P. QUAYLE RES: WASHINGTON, D.C. WHITE HOUSE ADMIN. X408	TLKD-OK
INC	6:35 PM	6:39		
OUT	AM			
INC	PM			
OUT	AM		USHER OFFICE WASHINGTON, D.C. ADMIN. BD. X780	TLKD-OK ALLEN
INC	6:46 PM	6:47		
OUT	AM			
INC	PM			
OUT	AM		PATTY PRESOCK (b)(6)	TLKD-OK 7:47pm
INC	7:46 PM	7:48		
OUT	AM			
INC	PM			
OUT	AM		DR. JOHN BOLTON (b)(6)	TLKD-OK
INC	9:37 PM	9:45		
OUT	AM			
INC	PM			
OUT	AM			
INC	PM			
OUT	AM			
INC	PM			
OUT	AM			
INC	PM			

PRESIDENTIAL MOVEMENTS

LOCATION Camp David, Maryland
Washington, D.C.

DATE 23 April 1989

[illegible]

Sunday, April 23

4:30 The President and Mrs. Bush to the Second Floor
4:53 Mrs. Bush to the South Grounds
5:15 The President to the South Grounds
5:40 The President and Mrs. Bush to the Second Floor
7:10 Alan Alper to the Second Floor 8:40 down
7:30 Jeannie Flynn to the Second Floor 9:05 down
9:05 Mrs. Bush to the South Grounds
9:15 Retired

CAMP DAVID

done
To: Speechwriters=
humorous anecdote,
credit Cong Whitten

gb .

4-23

In World War I a country boy, named Dock Scallions, a good friend of mine from the small hill community where I grew up was called for service in the Army. He answered the call, made a good soldier and returned. After he got back he told this story.

"You know when the draft board called me to come to Charleston, the county seat, to go off to war they had a lawyer up there Mr. ~~John~~ word

~~Mr. John told us:~~ ~~you are a great opportunity, you are~~ called on to do a great thing, a noble deed. You are fighting for our hearth sides, for our mothers and our loved-ones. You will make the world safe for democracy. You follow in the footsteps of George Washington, Lee, Jackson and Forest. All in this community will do you honor. ~~Go with your chest out, with your head up and with the spirit of America in your hearts.~~

Dock said he left for Army camp with that great speech ringing in his ears. He threw his chest out and head up and was ready for the enemy. He made it through training camp and then overseas. Then as Dock would tell it, he was in France in the middle of the Battle of the Marne with shells bursting all around, tired, thirsty and scared, when he looked around him and suddenly it dawned on him, Mr. John. He said ~~he said~~

Now when those who would repeal only the laws protecting agriculture and let the farmer return to selling for whatever somebody will give him talk to you, you tell them, industry and

JOHN C. FITCH
11 WEST OAKS DRIVE
HOUSTON, TEXAS 77056

069510

FG 001-62

THE PRESIDENT HAS SEEN

April 22, 1989

Geo. H.W. Bush
The President of The United States
White House
Washington, D.C. 20500

Dear Mr. President:

Your roving diplomat has returned!

Thanks to you, it was one of the most enjoyable and interesting missions that I have ever been a part of. The word from your staff of, "good friend of President George Bush's", spread out ahead of me and as a result I now know, in my limited experience, the respect and power that you enjoy throughout the world---(No negative comments even from the Foreign Minister of Angola!)

Your ambassador to Swaziland, Mary Ryan, (23 years in the Foreign Service) is a top dedicated professional---keep your eyes on her---she is ready for bigger and better assignments.

We are looking forward to our visit with you next Friday at which time I will fill you in on the hi-lites of my trip.

"So I told the King, aren't these name droppers a bore".

Many thanks!

Respectfully,

Jack

JCF/dlm

no reply needed - saw him 4-28, 2a
CG

Boxing chief in land war

THE President of the Swaziland Amateur Boxing Association Mr Enock Jabulani Dlamini has been arrested and detained by police for theft, believed to be linked to an ongoing land row.

Mr Dlamini was arrested over the weekend together with his wife Doreen Dlamini and his five minor children.

Also arrested was Dlamini's younger brother, Samuel.

Dlamini and his family were picked up in Mbabane on Sunday while his brother was arrested at his homestead at Herefords in the northern Hhohho region.

They are all currently being detained at Pigg's Peak Police Station.

The group has been charged with the theft of farm produce from a farm at Herefords which is presently the subject of a raging squabble.

The dispute is said to involve Dlamini and the Governor Ebuhleni Roy. Residence Shefa Fikudze.

Police arrested Mr Dlamini and his wife at their home at Mahwalala location and took them to Pigg's Peak station.

Later on the day, police returned and rounded up Dlamini

Suspects arrested to court for

BY MASHUMITWALA.

POLICE are being sued by two foreign nationals whose cars were confiscated on suspicion that they had been stolen.

The two, from Lesotho and Mozambique, have brought urgent applications to the High Court for an order directing the police authorities to release the vehicles to their owners immediately.

They alleged that although the police seized the vehicles sometime ago, no charges of car theft have been brought against

him on his way to Mozambique.

He said the police told him that the car had been stolen.

In the documents submitted in court, Mphahlele said this act was unlawful since there had been no court order authorising the seizure of the car and that since the date he has not been charged.

He said he had informed the police that the vehicle belongs to his brother in Lesotho and asked them to verify this but the police have failed to do so.



THE arrival of the guests for the King's 21st Birthday ...top, American President George Bush's special envoy Mr John Finch, being met at the airport by US ambassador to Swaziland Ms Mary Ryan. Centre is the Netherlands ambassador to Swaziland, with Honourary Consul Mr Fred Oostergel, while below, President Kenneth Kaunda stands on the royal dias to listen to the national anthems of the two countries.



irthday 1989

ing the first fruit of a new era

ama per-
ala cere-
9, 1986.

holiday.

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HIS Majesty dancing the first Incwala ceremony of the new era.

Infact this is a significant part of the entire ceremony.

Elwandle means 'at the sea'.
Lwandle means 'the sea'.

The name could be symbolic, but it has not been explained so far.

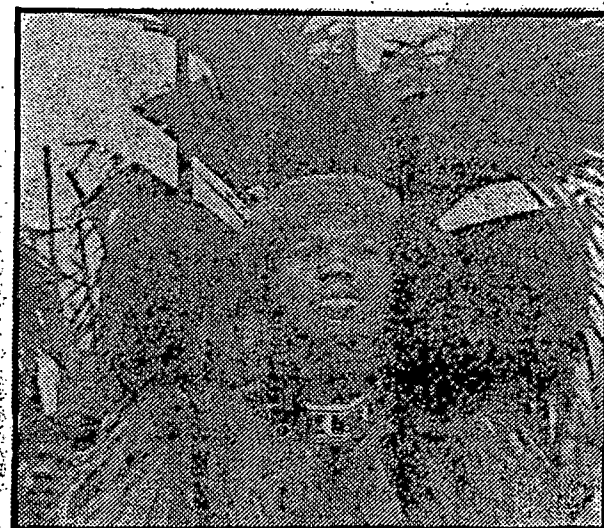
After their return from the Indian Ocean, a messenger is sent in advance to report that they are on their way so that certain preparations could be made.

Their arrival marks a certain

significance, and the tempo of the event picks up momentum.

Part of incwala involves the slaying of a black bull by young boys as part of the rituals which precede the main day. Scores of boys wearing the traditional emajobo (buck loin skins) fight the bull with their fists.

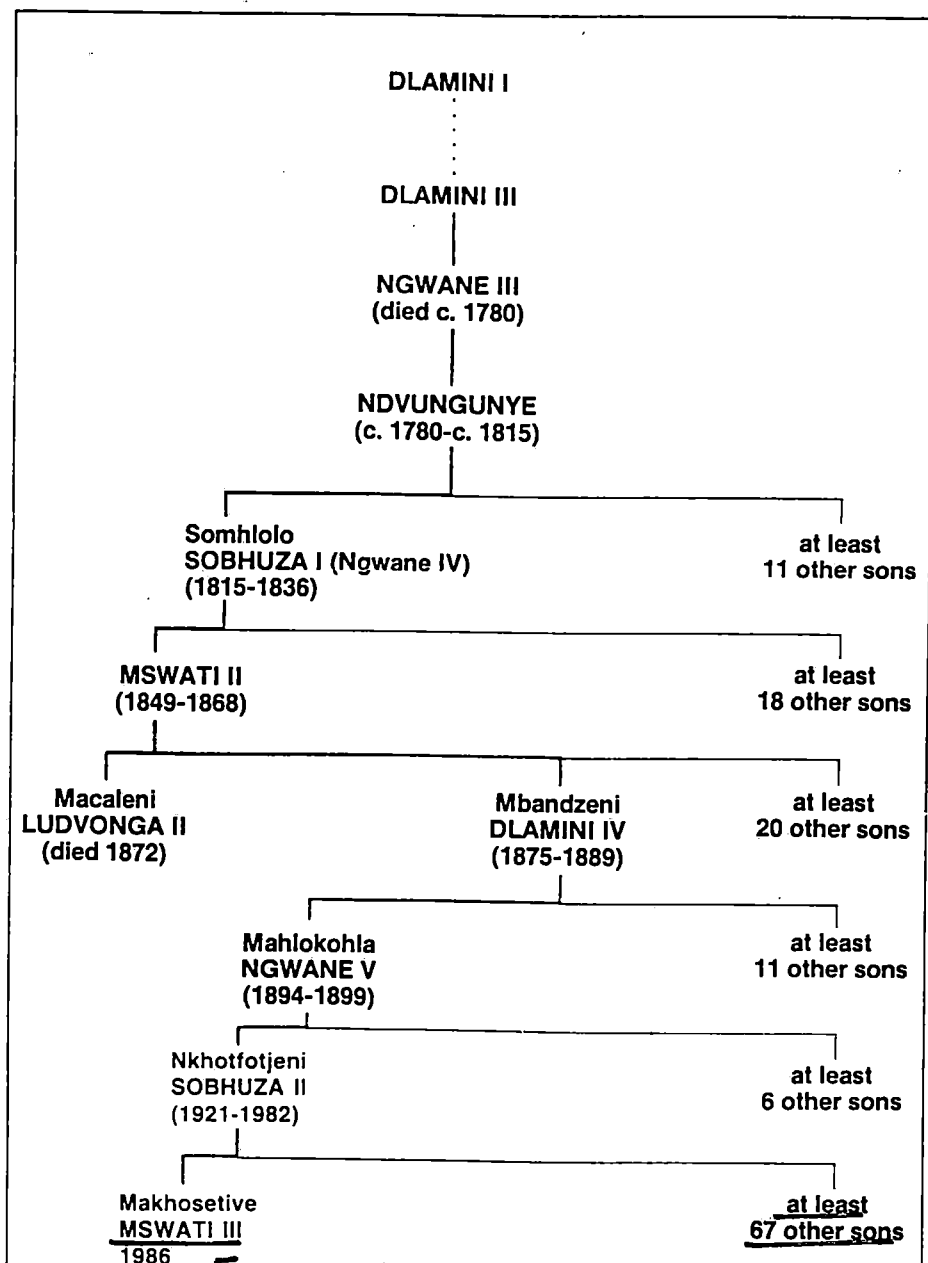
This starts in the late afternoon and continues up intilil dusk.



HIS headdress, now different from 70s era

The Kings of Swaziland

The new King of Swaziland is
 the son of Sobhuza II,
 the son of Mahlokohla,
 the son of Mbandzeni,
 the son of Mswati,
 the son of Somhlolo,
 the son of Ndvungunye,
 the son of Ngwane,
 the son of Dlamini,
 all Kings of Swaziland.



[21 YRS. OLD & 5 WIVES TO-DATE!]

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23 April 1989

MEMORANDUM

From: Command Duty Officer
To: Commanding Officer
Via: Executive Officer

Subj: CDO VISIT REPORT FOR 21-23 APRIL 1989

ARRIVALS/DEPARTURES

Friday, 21 April 1989

1440 - Carpet Vehicle #31 aboard with Paola Rendon and MSCM San Victores and puppies.

1505 - Carpet Vehicle #31 ashore.

1633 - Marine TWO arrived with CW3 Patrick Smith (WHCA Trip Officer). and (b)(7)(e)

1635 - Marine ONE arrived with President and Mrs. Bush, Tim McBride (Personal Aide), LCDR Marty Bacon (Presidential Doctor), MAJ Bruce Caughman (MILAIDE), Lou Merletti (ASAIC), Laura Melillo (Press Liaison) and (b)(7)(e)

Saturday, 22 April 1989

0540 - Carpet Vehicle #20 aboard.

0546 - Carpet Vehicle #20 ashore.

0845 thru 1220 - The following personnel came aboard via Carpet Vehicles and POV's for the Economics Meeting with President Bush: Mr. Darman (Budget Director), Mr. and Mrs. Roger Porter (Asst Domestic Economic Policy), Governor John Sununu (Chief of Staff), Mr. Nicholas Brady (Secretary of Treasury), General Scrowcroft (National Security Council), Mr. and Mrs. Michael Boskins (CEA Chairman), Mr. Craig Petersmyer (Assistant to the President on Nation Service), John Akers (Economic Staff), Kathryn Eickhoff (Economic Staff), Martin Feldstein (Economic Staff), Richard Rahn (Economic Staff), Paul O'Neill (Economic Staff), Beryl W. Sprinkel (Economic Staff), Herbert Stein (Economic Staff), Paul Volcker (Economic Staff), Jude Wanniski (Economic Staff), Arthur Laffer (Economic Staff), John Taylor (CEA Member Designate).

1119 - Park Police aboard for chow.

1140 - Carpet Vehicle #9 aboard with package for Mr. McBride.

1156 - Carpet Vehicle #9 ashore.

1201 - Park Police ashore.

1250 - Craig and Debbie Stapleton aboard.

1358 thru 1623 - The following personnel went ashore via Carpet Vehicles and POV's Mr. Nicholas Brady (Secretary of Treasury), General Scrowcroft (National Security Council), Governor John Sununu (Chief of Staff), Mr. Darman (Budget Director), John Akers (Economic Staff), Kathryn Eickhoff (Economic Staff), Martin Feldstein (Economic Staff), Richard Rahn (Economic Staff), Paul O'Neill (Economic Staff), Herbert Stein (Economic Staff), Paul Volcker (Economic Staff), Jude Wanniski (Economic Staff), Arthur Laffer (Economic Staff), John Taylor (CEA Member Designate), Mr. and Mrs. Michael Boskin (CEA Chairman), Mr. and Mrs. Roger Porter (Assistant Domestic/Economic Policy), Mr. Craig Petermyer (Assistant to the President on National Service).

1416 - Paola Rendon and MSCM San Victores ashore.

1556 - Paola Rendon and MSCM San Victores aboard.

1640 - Laura Melillo and Mr. McBride ashore.

1802 - Laura Melillo and Mr. McBride aboard.

2027 - Carpet Vehicle #23 aboard with package for Mr. McBride.

2053 - Carpet Vehicle #23 ashore.

Sunday, 23 April 1989

0507 - Carpet Vehicle #22 aboard with newspapers.

0511 - Carpet Vehicle #22 ashore.

0811 - Navy Chaplain, Captain Alston Kirk and family aboard for Chapel Service.

1015 - Chaplain Kirk and family ashore.

1600 - Marine ONE departed with President and Mrs. Bush, LCDR Bacon, Tim McBride, MAJ Caughman, Lou Merletti, Laura Melillo, Craig and Debbie Stapleton, and (b)(7)(e)

1603 - Marine TWO departed with CW3 Patrick Smith and (b)(7)(e)

GUEST ACTIVITIES

Movies: Friday Aspen Pale Rider (Beta)

 Saturday Aspen Skin Deep (35MM)

In addition, 18 other videos were viewed by various guests/staff throughout the visit.

Bowling

The bowling alley was used on Saturday by Dr Bacon and Laura Melillo.

Chapel Service

Captain Kirk conducted a Chapel Service at 0900 in the Hickory Theater. President and Mrs. Bush, guests, crew members and dependents were present. Approximately 60 people total. Following Chapel Service President and Mrs. Bush showed off two of Millies puppies to the service attendees.

o Mr McBride and Paula Rendon went to a Easter Mass at Fort Huachuca Saturday evening.

Horseshoes

President Bush, Tim McBride, MAJ Caughman, and Lou Merletti threw horseshoes on Friday evening. Laura Melillo, Tim McBride, Dr. Bacon and MAJ Caughman threw horseshoes on Saturday evening. President Bush threw horseshoes prior to departure on Sunday.

Skeet Range

President Bush shot on Friday (approx. 92 rounds), and on Sunday (approx. 120 rounds).

Tours

The CO gave Camp Tours to Laura Melillo Friday, and Mrs. Porter, and Mrs. Boskin on Saturday morning. The XO gave a tour to MAJ Caughman. The CDO gave a cabin area tour to Craig and Debbie Stapleton on Saturday afternoon.

Tournaments

White House Staffers, HMX Pilots, and Camp David Staff participated in a Walleyball and horseshoe tournaments. Camp David Staff swept the Walleyball Tournament.

Jogging

President Bush jogged following lunch on Sunday.

Tennis

President Bush, Mr. Stapleton, Mr. and Mrs. Boskin, Mr Porter, and Mr. Petersmyer played tennis on Saturday afternoon. Mrs. Bush played tennis on Sunday.

Sauna

President Bush used the sauna all three days.

Pools

Mrs. Bush swam in the Aspen pool on Saturday, and Sunday.

COMMUNICATIONS

Communications between USSS, Marine and the NSF Duty Section were excellent. Notifications went well.

DUTY SECTIONS

	<u>Friday</u>	<u>SATURDAY/SUNDAY</u>
NOOD:	CECS Hogan	BUC Moore
JOOD:	SW1 Ashcraft	E01 Hudson

Very respectfully,



D. E. ADAMS
LTJG, CEC, USN

Copy to:
DH
WHCA
All CDO's
Visit File

040138

JL003

THE WHITE HOUSE
WASHINGTON

Patty

THE OFFICE OF PRESIDENTIAL
CORRESPONDENCE HAS RECEIVED
54,859 LETTERS IDENTICAL TO
THE KIND THAT IS ATTACHED.

COPY
from ORM

4/24/89

JIM -- The President asked
that Governor Sununu
see the attached.

Patty Presock

*Show this
to Chief of staff
CB
4-22*

Kevin Beck
Rr 51 Box 598
Terra Haute IN 47805

THE PRESIDENT HAS SEEN

*** 0019 02081 1 ZP 0.205 BFPP104A ***

President George Bush
The White House
Washington, DC
20500-0002

April 14, 1989

Dear President Bush:

I strongly urge you to oppose the Metzenbaum and Stark bills, S. 386 and H.R. 1190. These bills would create a bureaucratic nightmare for honest people like me who lawfully own firearms and deprive me of my rights guaranteed under the Second Amendment.

S. 386 and H.R. 1190 would prohibit or severely restrict the ownership of semi-automatic firearms possessed for decades by 20-30 million law-abiding American citizens. Semi-auto firearms are used for hunting in 48 states, for Olympic competition, and for target shooting in matches throughout the country.

The Metzenbaum and Stark bills could make felons out of millions of Americans and make a lawfully-owned semi-automatic firearm contraband. It will subject firearm owners to a nightmare of federal registration and restrictions, government checks, as well as force millions of gun owners to pay a \$200 tax for the "privilege" of keeping a semi-automatic firearm. Prohibiting gun owners from owning a semi-automatic firearm or any type of firearm will not stop criminals from acquiring them illegally, or using them to commit violent crime. S. 386 and H.R. 1190 make no sense whatsoever if Congress is truly serious about curbing violent crime and stopping violent criminals.

I ask you to support tough legislation that would: 1) Take repeat criminals and violent drug dealers off the streets of our country and lock them up by enforcing the federal law already on the books which provides that anyone using or carrying a firearm in the commission of a violent crime or drug trafficking crime be subject to a mandatory five year to life prison sentence; 2) Enforce mandatory sentencing laws already on the books; 3) Convert closed military bases into prisons; 4) Establish the death penalty for police killers; and 5) Assign a U.S. Attorney in each district to prosecute felons in possession of firearms. In short, take action that will work to make our communities safer by penalizing those truly responsible for crime.

Until Congress enacts tough criminal justice measures, more innocent lives will be lost because lawmakers are not effectively dealing with criminals. Proposals like the Metzenbaum and Stark bills only affect decent citizens, like myself, depriving me of my right to own a firearm and treating me like a criminal. Such an approach is not only morally wrong, it's an assault on Constitutional principles.

Help law-abiding citizens defeat S. 386 and H.R. 1190 and pass effective crime-fighting measures. That is the sole route to restoring citizen confidence in the ability of government to keep America both strong and safe.

Sincerely,

Kevin Beck
Rr 51 Box 598
Terra Haute IN 47805

101ST CONGRESS
1ST SESSION

H. R. 1190

To amend chapter 44 of title 18, United States Code, to include semiautomatic assault weapons and large capacity ammunition feeding devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1989

Mr. STARK (for himself, Mr. FAZIO, Mr. EDWARDS of California, Mr. LEHMAN of California, Mr. CAMPBELL of California, Mr. WAXMAN, Mr. MATSUI, Mr. MARTINEZ, Mrs. BOXER, Mr. BROWN of California, Mr. DYMALLY, Mr. DELLUMS, Mr. ROYBAL, Mr. BEERMAN, Mr. MINETA, Mr. BATES, Ms. PELOSI, Mr. BEILENSEN, Mr. MILLER of California, Mr. LEVINE of California, Mr. SHAYS, Mrs. MORELLA, Mr. GREEN, Mr. RANGEL, Mr. HOYER, Mr. FEIGHAN, Mr. MOODY, Mr. SMITH of Florida, Mr. DONNELLY, Mr. HOCHBRUECKNER, Mr. YATES, Mr. WEISS, Mr. COYNE, and Mr. FASCELL) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways and Means

A BILL

To amend chapter 44 of title 18, United States Code, to include semiautomatic assault weapons and large capacity ammunition feeding devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Semiautomatic Assault
5 Weapons Act of 1989".

1 SEC. 2. CONTROL OF SEMIAUTOMATIC ASSAULT WEAPONS.

2 (a) IN GENERAL.—Section 922(o) of title 18, United
3 States Code, is amended—

4 (1) in paragraph (1), by inserting “or a semiauto-
5 matic assault weapon” before the period;

6 (2) in paragraph (2)—

7 (A) in subparagraph (A), by striking “or” the
8 ninth place it appears;

9 (B) in subparagraph (B)—

10 (i) by inserting “otherwise” before
11 “lawful” each place it appears; and

12 (ii) by striking the period and inserting
13 in lieu thereof “; or”; and

14 (C) by adding at the end the following:

15 “(C) any otherwise lawful transfer or otherwise
16 lawful possession of a semiautomatic assault weapon
17 that was lawfully possessed before the date this sub-
18 paragraph takes effect.”.

19 (b) SEMIAUTOMATIC ASSAULT WEAPON DEFINED.—

20 Section 921(a) of such title is amended by adding at the end
21 the following:

22 “(25)(A) Except as provided in subparagraph (B), the
23 term ‘semiautomatic assault weapon’ means any of the fol-
24 lowing:

25 “(i)(I) Any Avtomat Kalashnikov type semiauto-
26 matic firearm.

- 1 “(II) Any UZI type semiautomatic firearm.
- 2 “(III) Any Ingram M-10 or M-11 type semiauto-
- 3 matic firearm.
- 4 “(IV) Any Intratec TEC 9 or 22 type semiauto-
- 5 matic firearm.
- 6 “(V) Any Ruger Mini 14 type semiautomatic fire-
- 7 arm.
- 8 “(VI) Any Colt AR-15 type semiautomatic fire-
- 9 arm.
- 10 “(VII) Any Beretta AR 70 type semiautomatic
- 11 firearm.
- 12 “(VIII) Any FN-FAL or FN-FNC type semiauto-
- 13 matic firearm.
- 14 “(IX) Any Steyr A.U.G. type semiautomatic fire-
- 15 arm.
- 16 “(X) Any USAS 12 type semiautomatic shotgun.
- 17 “(XI) Any shotgun with a revolving cylinder of
- 18 the ‘Street Sweeper’ or a ‘Striker 12’ type.
- 19 “(XII) Any semiautomatic weapon into which am-
- 20 munition may be fed by means of an ammunition belt
- 21 or feed strip.
- 22 “(XIII) Any semiautomatic shotgun with a maga-
- 23 zine, cylinder, or drum capacity exceeding 6 rounds of
- 24 ammunition.

1 “(ii) Any weapon designated as a semiautomatic
2 assault weapon by the Secretary in accordance with
3 section 925A.

4 “(B) The term ‘semiautomatic assault weapon’ does not
5 include any of the following:

6 “(i) Any single shot weapon.

7 “(ii) Any weapon that—

8 “(I) does not use fixed ammunition;

9 “(II) was in production before the calendar
10 year 1899;

11 “(III) may only be operated manually by
12 means of a bolt, slide, lever, or similar action;

13 “(IV) is a pistol or rifle with an ammunition
14 feeding device capacity of 10 or fewer rounds of
15 ammunition;

16 “(V) uses rimfire ammunition and employs a
17 tubular magazine; or

18 “(VI) uses .22 caliber rimfire ammunition
19 (other than an Intratec TEC 22 type semiauto-
20 matic firearm).

21 “(26) The term ‘semiautomatic’, when used with respect
22 to a weapon, means—

23 “(A) a weapon which uses a portion of the force
24 of a fired cartridge to expel the case of the fired car-
25 tridge and load another cartridge into the firing cham-

1 ber, and which requires a separate function of the trig-
 2 ger to fire each cartridge; and

3 “(B) any part or combination of parts, designed or
 4 intended to convert a firearm into a weapon described
 5 in subparagraph (A), or any combination of parts from
 6 which a weapon so described may be readily assembled
 7 if such parts are possessed or controlled by 1 person.”.

8 (c) AUTHORITY OF SECRETARY OF THE TREASURY TO
 9 DESIGNATE CERTAIN WEAPONS AS SEMIAUTOMATIC AS-
 10 SAULT WEAPONS.—Title 18, United States Code, is amend-
 11 ed by inserting after section 925 the following:

12 “§ 925A. Designation of semiautomatic assault weapons

13 “(a) Within 60 days after the date of the enactment of
 14 this section, the Secretary shall compile and publish a list of
 15 weapons designated by the Secretary as semiautomatic as-
 16 sault weapons.

17 “(b) In determining whether to designate a weapon as a
 18 semiautomatic assault weapon, the Secretary shall take into
 19 account, among other things, the following factors:

20 “(1) The physical design of the weapon, includ-
 21 ing—

22 “(A) in the case of a rifle or shotgun—

23 “(i) whether the weapon has a collapsi-
 24 ble or folding stock;

1 “(ii) whether the pistol grip facilitates
2 firing the weapon from other than a shoulder
3 position; and

4 “(iii) whether the length of the barrel is
5 less than 22 inches;

6 “(B) in the case of a pistol, whether the am-
7 munition magazine is outside the pistol grip; and

8 “(C) in the case of any weapon—

9 “(i) whether the weapon has a threaded
10 barrel designed to accommodate a flash sup-
11 pressor or silencer; and

12 “(ii) whether the weapon is designed to
13 accept a bayonet or barrel shroud.

14 “(2) Whether the weapon was originally designed
15 or has been used for military, combat, or law enforce-
16 ment purposes, or is similar in design or use to a
17 weapon so designed or used.

18 “(3) The degree to which the weapon is similar in
19 design to any of the weapons listed in section
20 921(a)(25)(A)(i).

21 “(4) Whether the weapon was originally designed
22 for fully automatic fire.

23 “(5) In the case of a rifle or pistol, whether the
24 manufacturer of the weapon sells or distributes a mag-

1 azine with a capacity of 11 or more rounds of ammuni-
2 tion produced specifically for use with the weapon.

3 “(6) Whether a kit is available to convert the
4 weapon to a fully automatic weapon.

5 “(c) The Secretary shall designate a weapon (other than
6 the weapons described in section 921(a)(25)(B)) as a semi-
7 automatic assault weapon if the weapon is substantially simi-
8 lar in design, function, and use to a weapon listed in section
9 921(a)(25)(A)(i).

10 “(d) After the publication of the list pursuant to subsec-
11 tion (a), the Secretary may periodically, in accordance with
12 subsections (b) and (c), designate weapons (other than the
13 weapons described in section 921(a)(25)(B)) to be semiauto-
14 matic assault weapons.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) SECRETARY OF THE TREASURY NOT RE-
17 QUIRED TO AUTHORIZE IMPORTATION OF SEMIAUTO-
18 MATIC ASSAULT WEAPONS.—Section 925(d)(3) of such
19 title is amended by inserting “, is not a semiautomatic
20 assault weapon,” before “and is generally recognized”.

21 (2) TRANSPORTATION OF SEMIAUTOMATIC AS-
22 SAULT WEAPONS IN INTERSTATE OR FOREIGN COM-
23 MERCE BY UNLICENSED PERSONS; SALE AND DELIV-
24 ERY TO UNLICENSED PERSONS.—Paragraph (4) of
25 each of sections 922(a) and 922(b) of such title is

1 amended by inserting "semiautomatic assault weapon,"
2 before "short-barreled shotgun,".

3 (3) ENHANCED PENALTIES FOR POSSESSION OR
4 USE OF SEMIAUTOMATIC ASSAULT WEAPON DURING
5 CRIME OF VIOLENCE OR DRUG TRAFFICKING
6 CRIME.—Section 924(c)(1) of such title is amended by
7 inserting "or a semiautomatic assault weapon" after
8 "machinegun" each place it appears.

9 SEC. 3. CONTROL OF LARGE CAPACITY AMMUNITION FEED-
10 ING DEVICES.

11 (a) IN GENERAL.—Section 922 of title 18, United
12 States Code, is amended by adding at the end the following:

13 "(q)(1) It shall be unlawful for any person to transfer or
14 possess a prohibited ammunition feeding device.

15 "(2) Paragraph (1) shall not apply to the otherwise
16 lawful possession of an ammunition feeding device that was
17 lawfully possessed in the United States on the day before the
18 effective date of this subsection."

19 (b) PROHIBITED AMMUNITION FEEDING DEVICE DE-
20 FINED.—Section 921(a) of such title is amended by adding
21 after the paragraphs added by section 2(b) of this Act the
22 following:

23 "(27) The term 'prohibited ammunition feeding device'
24 means—

“(A) a detachable magazine, drum, belt, feed strip, or similar device which has a capacity of, or can be readily restored or converted to accept, more than 10 rounds of ammunition;

“(B) any combination of parts—

“(i) designed and intended solely and exclusively for assembling a device described in subparagraph (A); and

“(ii) from which a device described in subparagraph (A) could be assembled if such parts were possessed or controlled by 1 person; and

“(C) any part specifically designed for use in assembling a device described in subparagraph (A).”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to conduct engaged in 60 or more days after the date of the enactment of this Act.

SEC. 4. APPLICATION OF FIREARMS TAXES AND REGISTRATION TO SEMIAUTOMATIC ASSAULT WEAPONS.

(a) IN GENERAL.—Subsection (a) of section 5845 of the Internal Revenue Code of 1986 (defining firearm) is amended by striking “and (8) a destructive device” and inserting: “(8) a destructive device; and (9) a semiautomatic assault weapon (as defined in section 921(a)(25) of title 18, United States Code)”.

1 (b) EFFECTIVE DATE.—The amendment made by sub-
2 section (a) shall take effect on the 60th day after the date of
3 the enactment of this Act.

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101ST CONGRESS
1ST SESSION

S. 386

To control the sale and use of assault weapons.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, JANUARY 3), 1989

Mr. METZENBAUM (for himself, Mr. CHAFEE, Mr. PELL, and Mr. CRANSTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To control the sale and use of assault weapons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall be cited as the "Assault Weapon Control
4 Act of 1989".

5 SEC. 2. Section 922 of title 18, United States Code, is
6 amended by adding at the end thereof the following:

7 “(p)(1) Except as provided in paragraph (2), it shall be
8 unlawful for any person to transfer, import, transport, ship,
9 receive or possess any assault weapon.

10 “(2) This subsection does not apply with respect to—

1 “(A) transfer, importation, transporting, shipping
2 or receiving to or by, or possession by or under, au-
3 thority of the United States or any department or
4 agency thereof, or of any State or any department,
5 agency, or political subdivision thereof; or

6 “(B) any lawful transfer or possession of such a
7 weapon that was lawfully possessed before the effective
8 date of this subsection.

9 “(q)(1) Except as provided in paragraph (2), it shall be
10 unlawful for any person to transfer, import, transport, ship,
11 receive or possess a large-capacity detachable magazine or
12 large-capacity ammunition belt, which can be employed by a
13 semiautomatic firearm.

14 “(2) This subsection does not apply with respect to—

15 “(A) any transfer, importation, transporting, ship-
16 ping or receiving to or by, or possession by or under,
17 authority of the United States or any department or
18 agency thereof, or of any State or any department,
19 agency, or political subdivision thereof; or

20 “(B) within sixty days of the date of enactment of
21 this Act—

22 “(i) any possession of such magazine or am-
23 munition belt that was lawfully possessed before
24 the date of this subsection; or

“(ii) any transfer, transporting, shipping, or receiving to or by any person for the purpose of sale or donation of such magazines or ammunition belts to the United States or any department or agency thereof, or any State or any department, agency or political subdivision thereof.”.

SEC. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

“(25) The term ‘assault weapon’ means all firearms designated as assault weapons in this paragraph and all other semiautomatic firearms which are determined by the Secretary of the Treasury, in consultation with the Attorney General, to be assault weapons, as provided in this Act. Such term shall include, in addition to any other firearm identified by the Secretary, all versions of the following, including firearms sold under the designation provided in this subsection and firearms which are substantially identical sold under any designation:

“(A) Avtomat Kalashnikov semiautomatic firearms;

“(B) Uzi semiautomatic firearms;

“(C) Ingram Mac 10 or 11 semiautomatic firearms;

“(D) TEC 9 and TEC 22 semiautomatic firearms;

“(E) Ruger Mini 14 semiautomatic firearms;

1 “(F) AR-15 semiautomatic firearms;

2 “(G) Beretta AR 70 semiautomatic firearms;

3 “(H) FN-FAL and FN-FNC semiautomatic fire-
4 arms;

5 “(I) Steyr Aug semiautomatic firearms;

6 “(J) shotguns with revolving cylinders known as
7 the Street Sweeper and Striker 12;

8 “(K) any other semiautomatic firearm with a fixed
9 magazine capacity exceeding ten rounds; and

10 “(L) any other shotgun with a fixed magazine,
11 cylinder or drum capacity exceeding six rounds.

12 “(26) The term ‘large-capacity magazine’ means a box,
13 drum or other container which holds more than ten rounds of
14 ammunition to be fed continuously into a semiautomatic fire-
15 arm, or a magazine which can be readily converted into a
16 large-capacity magazine.

17 “(27) The term ‘large-capacity ammunition belt’ means
18 a belt or strip which holds more than ten rounds of ammuni-
19 tion to be fed continuously into a semiautomatic firearm, or
20 an ammunition belt which can be readily converted into a
21 large-capacity ammunition belt.

22 “(28) The term ‘semiautomatic’ means a firearm capa-
23 ble of firing a series of rounds by a successive depression of
24 the trigger without additional slide, bolt or other manual
25 action.”.

1 SEC. 4. Title 18, United States Code, is amended by
2 adding the following new section to chapter 44:

3 "§ . **Identification of assault weapons**

4 "(a) The Secretary, in consultation with the Attorney
5 General shall, within thirty days after the date of enactment
6 of this Act, determine which firearms sold, or potentially sold
7 in the United States, in addition to those specifically desig-
8 nated in this Act, shall be designated as assault weapons
9 under the provisions of section 3 of this Act. The Secretary
10 shall publish the list of firearms so designated and take steps
11 to make the list and explanatory information widely available
12 to the public.

13 "(b) The Secretary, after consultation with the Attorney
14 General, may periodically modify the list of firearms desig-
15 nated as assault weapons consistent with this Act.

16 "(c) The Secretary may issue an emergency order, for
17 not longer than ninety days, barring importation and sale of
18 any firearms, which the Secretary has reason to believe may
19 be designated an assault weapon.

20 "(d) Notwithstanding any provision of this Act, no fire-
21 arm shall be designated as an assault weapon which—

22 "(1) does not employ fixed ammunition;

23 "(2) was manufactured prior to 1898;

24 "(3) operates by manual bolt action"

25 "(4) operates by lever action;

1 “(5) operates by slide action;

2 “(6) is a single shot weapon;

3 “(7) is a multiple barrel weapon;

4 “(8) is a revolving cylinder weapon other than a
5 shotgun;

6 “(9) employs a fixed magazine with a capacity of
7 ten rounds or less;

8 “(10) is a rimfire weapon that employs a tubular
9 magazine with a magazine capacity of six rounds or
10 less;

11 “(11) cannot employ a detachable magazine or
12 ammunition belt with a capacity greater than ten
13 rounds; or

14 “(12) was modified so as to render it permanently
15 inoperable or so as to make it permanently a device
16 which may not appropriately be designated as an as-
17 sault weapon.

18 “(e) The Secretary, in consultation with the Attorney
19 General, shall, when appropriate, recommend to Congress
20 any appropriate modification of this Act, including the addition
21 or deletion of firearms to be designated as assault weapons:
22 *Provided*, That the Secretary shall submit an initial
23 report containing any recommendations regarding the type of
24 firearms designated as assault weapons no later than three
25 months after the date of enactment of this Act.”.

1 SEC. 5. Title 18, United States Code, is amended by
2 adding the following new section to chapter 44:

3 **“§ . Use of assault weapons**

4 “(a) Whoever, during and in relation to the commission
5 of a crime of violence or drug trafficking crime (including a
6 crime of violence or drug trafficking crime, which provides
7 for an enhanced punishment if committed by the use of a
8 deadly or dangerous weapon or device) for which he may be
9 prosecuted in a court of the United States, uses or carries an
10 assault weapon, shall, in addition to the punishment provided
11 for the commission of such other crimes committed by the
12 defendant, be sentenced to a term of imprisonment for not
13 less than five years.

14 “(b) For purposes of this subsection, the term “drug
15 trafficking crime” means any felony violation of Federal law
16 involving the distribution, manufacture, or importation of any
17 controlled substance (as defined in section 102 of the Con-
18 trolled Substances Act).”.

19 SEC. 6. (a) Section 5812 of title 26, United States
20 Code, is amended by inserting the phrase “or assault
21 weapon” after “firearm” wherever it appears.

22 (b) Section 5822 of title 26, United States Code, is
23 amended by inserting the phrase “or assault weapon” after
24 “firearm” wherever it appears.

1 (c) Subsections (a), (b), and (c) of section 5841 of title
2 26, United States Code, is amended by adding the phrase "or
3 assault weapons" after "firearms" wherever it appears and
4 adding the phrase "or assault weapon" after "firearm" wher-
5 ever it appears.

6 (d) Section 5841 of title 26, United States Code, is
7 amended by adding the following new subsection:

8 "(f) Any person in the possession of an assault weapon
9 on the date of enactment of this Act shall register such fire-
10 arm with the Secretary under such regulations as he may
11 prescribe. Such registration shall be required for any type of
12 assault weapon not later than thirty days from the date the
13 Secretary provides public notice that the type of firearm is
14 designated as an assault weapon or promulgates regulations
15 for registration, whichever is later: *Provided*, That any fire-
16 arm specifically designated as an assault weapon in para-
17 graphs 921(a)(25)(A)-(I), as added by this Act, shall be regis-
18 tered within thirty days of the promulgation of regulations for
19 registration by the Secretary."

20 (e) Section 5861 of title 26, United States Code, is
21 amended by adding the following new subsection:

22 "(in) to fail to register an assault weapon in violation of
23 the provisions of this chapter."

24 (f) Section 5845 of title 26, United States Code, is
25 amended by adding the following new subsection:

1 “(i) ASSAULT WEAPONS.—The term “assault weapon”
2 shall have the meaning provided in section 921 of title 18.”.

3 SEC. 7. EFFECTIVE DATE.—Unless otherwise provid-
4 ed, this Act shall become effective thirty days after the date
5 of enactment of this Act.

○

LAW/JUDICIARY

Bush Action on Gun Imports Cheers Backers of Curbs

In wake of Stockton massacre, gun-control advocates want to outlaw sales of assault weapons

Nothing promotes gun control like an appalling case of murder.

The last major U.S. gun-control law was enacted in 1968 in the wake of the assassinations of the Rev. Dr. Martin Luther King Jr. and Sen. Robert F. Kennedy. Before that, gangsterism and the rise of organized crime spurred gun restrictions in 1934 and 1938. (*History*, p. 581)

Today, proponents of gun control hope to capitalize on national outrage over increased drug-related violence, police killings and mass slayings such as the Jan. 17 schoolyard massacre in Stockton, Calif.

"There is a time to pass legislation," said Sen. Howard M. Metzenbaum, D-Ohio, "and this is the time, while the memory of Stockton, Calif., is still fresh."

Gun-control advocates got their biggest boost March 14, when the Bush administration — at the urging of William J. Bennett, the newly confirmed drug director — indefinitely suspended importation of semiautomatic assault weapons. Among the weapons affected was the AK-47, an assault rifle used by Patrick Edward Purdy to kill five children and injure 30 others in Stockton.

The suspension, which represented a reversal of position for President Bush, blocked the importation of more than 110,000 assault-type weapons for which applications were pending with the Bureau of Alcohol, Tobacco and Firearms (BATF).

But a sizable majority of the assault weapons sold in this country are manufactured domestically, and most remain available for sale. An exception is the AR-15, the civilian version of the military M-16 rifle, made by Colt Industries. Colt announced March 15 that it was voluntarily suspending commercial sales of the AR-15.

By Joan Biskupic

BOXSCORE

Bills: S 386, HR 1190, HR 669, HR 825, HR 1154 — to restrict the sale, importation and, in some instances, possession of semiautomatic assault weapons.

Latest action: Senate Judiciary subcommittee hearing Feb. 10 on S 386. House bills referred to Judiciary, Ways and Means committees.

Next likely action: Markup at unspecified date, Senate Judiciary Constitution Subcommittee.

Reference: Weekly Report p. 449.

Said Metzenbaum, "If we're going to put a stop to this, we're going to have to stop those manufactured in this country as well as those brought in from overseas."

Nonetheless, the Ohio Democrat said the administration action was "a major first step."

National Rifle Association (NRA) spokesmen maintained that the administration's indefinite ban was not a blow to their no-gun-control position. They reacted cautiously, saying they hoped it would allow a "cooling off" from the outrage caused by the Stockton killings and other violence and lead to "reasonable and sensible debate" on the issue.

A Changing Political Climate?

Gun-control proponents say a number of factors have changed the politics of gun ownership, particularly where assault weapons are concerned. They cited:

- The rising tide of drug-related violence, especially in urban areas.
- Increased support for weapons bans

from law-enforcement groups, whose members feel outgunned by criminals.

• A March 13 vote by the California Assembly to bar sales and possession of certain semiautomatic assault weapons. The state Senate earlier passed a slightly different version of the bill; the two must now be reconciled.

• Votes in a Maryland referendum last Nov. 8 for a ban on sales of selected handguns and in the Virginia General Assembly Feb. 23 to require a criminal-background check of buyers of certain handguns and semiautomatic weapons. Virginia Gov. Gerald L. Baliles has said he will sign the bill.

On the other side of the issue, Sen. James A. McClure, R-Idaho, says response to the violence at Stockton and elsewhere has been misread.

"The gun-control activists must feel that their chances of doing something are greater now because of public concern over these incidents. I suppose it is a reality that they can," said McClure, who was a chief sponsor of 1986 legislation that eased the 1968 gun-control law. "But I go back to what is central, that these incidents are committed by people who already illegally own weapons."

McClure added, "I would see these events, as gruesome as they are, as strengthening the position of those of us who want to get tough on crime, to do something about those people who misuse firearms."

He called Bush's import suspension "more cosmetic than real" and contended it would only divert attention from the people who use guns for criminal activity. McClure said that tougher sentences and additional prisons would do more than gun control to stop the current wave of violent crime.

The Pending Bills

Five bills have been introduced calling for controls on semiautomatic assault weapons. The most far-reaching measure, HR 669, introduced by

Rep. Howard L. Berman, D-Calif., would require current owners of certain "assault" rifles, carbines and pistols to turn in their weapons.

The only Senate bill, S 386, introduced by Metzenbaum, and the House bill with the most cosponsors, HR 1190, offered by Rep. Pete Stark, D-Calif., would ban the importation or sale of certain assault weapons. Current owners would have to register their firearms. Metzenbaum's bill also calls for large-capacity ammunition belts and magazines to be turned in within 60 days of enactment.

Both the Metzenbaum and Stark bills list specific weapons that would be banned and direct the Treasury secretary to designate any other assault weapons that should be included.

Because there is no definition in federal law for an "assault" rifle or "paramilitary" firearm, as the semiautomatics in question are often described, gun enthusiasts say the bills necessarily would apply to legitimate and commonly used hunting and sports arms.

Proponents of the legislation acknowledge that defining "assault" firearms is a problem but contend it can be overcome, for example, through consideration of the physical design of the weapon, its originally designed use and whether it can be fitted with a large-capacity magazine.

The Administration Action

The administration has suspended the importation of five types of assault weapons: the AKS-type, which includes AK-47s; Uzi Carbines; FN-FAL-type; FN-FNC-type; and the Steyr Aug.

The Treasury Department will review whether these weapons are, as required for importation, "particularly suitable for, or readily adaptable to, sporting purposes."

In announcing the decision, Bennett said there had been a surge in requests to import semiautomatic assault weapons. In the past three years, BATF has approved the import of 88,000 such weapons: 4,000 in 1986, 40,000 in 1987 and 44,000 in 1988.

"In the year to date, [BATF] has received requests to import which vastly exceed the previous three-year total. For example, it has requests pending for the importation of 113,732 AKS-type weapons alone."

Bush, a lifetime member of the NRA, had said as recently as February that he would not support legislation to ban the import or sale of semiauto-

matic assault-type guns.

But at least twice in early March he told audiences that he wanted to find a way to prevent criminal use of assault weapons. Bush said at a March 7 news conference, "I do think that there has to be some assurance that these automated attack weapons are not used in the manner they're being used."

Bush asked Bennett to study the problem, and the new director of drug-control policy wasted no time. Although Bennett refused to commit himself on the issue at his March 1-2 confirmation hearings before the Senate Judiciary Committee, he had effectively tipped his hand on the issue a year earlier.

In March 1988, as education secretary, Bennett sent a memo to then-Attorney General Edwin Meese III

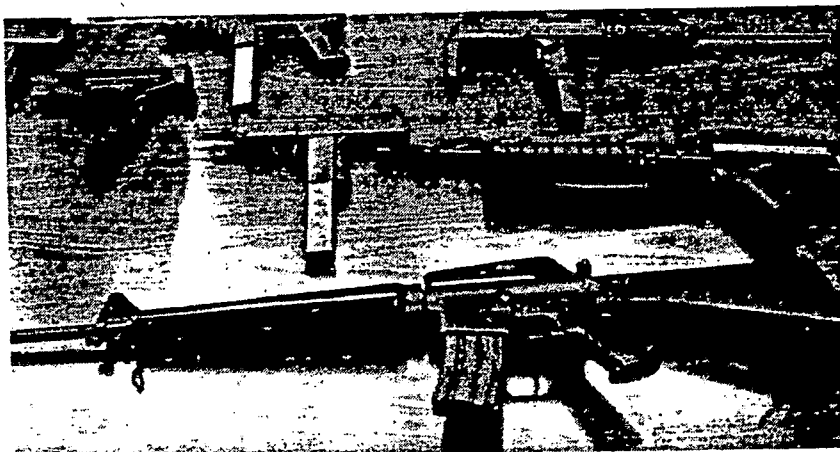
pliancy with the law," Fitzwater said.

The Police Position

Police groups, which in recent years have moved to the front lines in the fight for gun control, sense opportunity in the current climate.

"The change I perceive is situational, based on the incident at Stockton and the whole youth-gang situation elsewhere," said Cheryl Epps, legislative analyst for the International Association of Chiefs of Police. "All of those events have come together to cause a shift in gun politics. In another year, it could shift again."

The leadership of the police chiefs' group voted in February to oppose the distribution and sale of assault weapons to the general public. It defined assault weapons as firearms with such a high capacity for firepower that



R. MICHAEL JENKINS

Some lawmakers are seeking to ban sales and importation of semiautomatic weapons such as these, which were displayed at a recent Capitol Hill news conference.

urging the Reagan administration to consider some restrictions on the production, importation and sale of automatic weapons and other firearms.

He was in his new office less than a week before seeking the import suspension. (Bennett, *Weekly Report* pp. 529, 450)

White House spokesman Marlin Fitzwater, questioned March 15 at his daily briefing, said Bush does not intend to seek a review of domestic semiautomatic assault weapons.

"Right now, we don't see any need for any review or any other changes at all," Fitzwater said.

He insisted that Bush had not switched on the gun-control issue. "His position has not changed from what he said before, which is that he does not favor banning weapons that are used by sportsmen and are in com-

their function as legitimate sports and recreational firearms is substantially outweighed by the danger that they can be used to kill or injure human beings.

Some of the semiautomatic weapons the police chiefs said would fall under the category are the AK-47, the Uzi, the AR-15, MAC-10 and MAC-11.

"For cops, this is an occupational and health issue," said Jules Bernstein, legislative counsel for the National Association of Police Organizations.

There were 198 law-enforcement officers killed in the line of duty by firearms during 1985-87. During 1982-86, 222 officers were killed with firearms.

Several other law-enforcement groups also have urged Congress to ban assault weapons, but the action noted

Gun-Control Legislation: A History

The conflict between an American gun culture and attempts to restrain the criminal use of firearms is longstanding. Historically, it has taken a major crime to break the impasse.

The gangsterism of the Prohibition period and the rise of organized crime led to passage of the National Firearms Act of 1934, which required registration of machine guns and sawed-off shotguns. Four years later, the Federal Firearms Act prohibited unlicensed dealers from selling guns across state lines and made it illegal to sell firearms to convicted felons and fugitives.

In 1968, after the assassinations of the Rev. Dr. Martin Luther King Jr. and Sen. Robert F. Kennedy, D-N.Y., and amid fiery urban riots, Congress cleared sweeping new gun controls (PL 90-351, PL 90-618).

The law barred mail-order and interstate shipment of firearms and ammunition and established licensing procedures for those who made, imported, sold or collected guns. The law absorbed the provisions of the earlier acts and banned sales to minors, drug addicts and people with certain mental disorders, along with felons. (*Congress and the Nation Vol. II, p. 328*)

In 1986, the 1968 law was eased by legislation (PL 99-308) sponsored by Sen. James A. McClure, R-Idaho, and Rep. Harold L. Volkmer, D-Mo. It lifted the ban on interstate sales of rifles and shotguns. The culmination of a campaign pressed since 1979 by the NRA and other pro-gun groups, the 1986 law also allowed gun owners to transport their firearms interstate, overriding state laws

that barred residents from possessing firearms or transporting them in a vehicle. (*Background, 1986 Almanac p. 82*)

But in another bill enacted the same year (PL 99-408), Congress banned most importation, manufacture and sale of "cop-killer" bullets — ammunition that could pierce the protective vests worn by police.

And in 1988, the political momentum swung back in favor of tighter gun controls. Congress cleared a bill (HR 4445) to ban the manufacture, importation, sale or delivery of non-detectable firearms — those made mostly of plastic. (*1988 Weekly Report p. 3136*)

In early action on the 1988 omnibus anti-drug bill (HR 5210), a provision was added to require a seven-day mandatory waiting period so that a background check could be run on anyone wanting to purchase a handgun.

On Sept. 15, however, the House voted 228-182 to remove the waiting period. It was replaced by a provision offered by Rep. Bill McCollum, R-Fla., to require the Justice Department to develop and send to Congress a proposal for a system gun dealers could use to identify felons, who are ineligible to own handguns. (*1988 Weekly Report p. 2563*)

Justice Department spokesman David Runkel said the department is currently gathering information on state and local firearms laws, their administration and enforcement. He said officials are examining what technology might be available for immediate checks on gun buyers.

—Joan Biskupic

most by gun-control proponents is a decision by the comparatively conservative National Sheriffs' Association.

The sheriffs' executive committee voted Feb. 26 to endorse Metzger's bill. The group's full membership, which last year decided not to take a stand on the so-called Brady amendment, is scheduled to vote on the resolution at its annual meeting in June.

The Gun Groups

A spokesman for the NRA maintains that if sentiment on guns has changed because of increased violence, public opinion will side with the NRA.

"In fact, I think the frustration with rising crime is focusing people's attention on the right of law-abiding citizens to keep and bear arms," said David Conover, federal liaison for the NRA. "Restrictive gun control has failed District [of Columbia] residents."

Washington, D.C., with 372 homicides, led the nation in its rate of killings last year and has seen a record 112 slayings as of March 15 this year.

Although it has a restrictive gun-control law, the District is bordered by Virginia — which has long had virtually no controls on firearms sales.

Conover contends that law-enforcement support for gun control comes from "political" groups and not from rank-and-file police officers.

He also argues that the Maryland referendum, in which the NRA spent about \$5 million, was "an anomaly." He points to the 1988 presidential election of Bush, who was backed by the NRA, and a 1988 citizens' vote in Nebraska for a constitutional amendment affirming the right to keep and bear arms as evidence of a larger movement for unrestricted gun ownership.

The gun groups differed in their response to the Bush action.

Wayne LaPierre, executive director of NRA's Institute for Legislative Action, said, "The NRA trusts that the action will end the rush of ill-conceived and ill-defined legislative proposals that would turn millions of Americans into felons and deprive honest citizens of firearms they have lawfully owned for decades."

But Larry Pratt, the executive director of the Gun Owners of America, termed the ban irresponsible and predicted it would lead to other restrictions on semiautomatic weapons and other firearms.

The NRA has urged its 2.8 million members to write to representatives and senators in opposition to the pending bills on semiautomatic weapons. Conover estimated that some 20 million to 30 million legitimately owned weapons might be affected under any of the proposed legislation.

Rep. John D. Dingell, D-Mich., a longtime NRA supporter, said that the public horror at Purdy, who had a criminal record, should not be directed at law-abiding gun owners.

"In the wake of emotional outcries to ban semiautomatic rifles, shotguns and pistols ... it is useful to keep in perspective that Mr. Purdy is not your ordinary law-abiding citizen," he said.

Handgun Control

For most of the past 20 years, gun-control efforts have focused primarily on handguns — especially small, eas-



SUE KLEMENS

"I would see these events, as gruesome as they are, as strengthening the position of those of us who want to get tough on crime."

—Sen. James A. McClure, R-Idaho

ily concealed weapons known as Saturday Night Specials.

In the 101st Congress, several handgun bills have been introduced: HR 128, mandatory registration; HR 993, to ban guns not suitable for sport; HR 1361, to restrict possession of Saturday Night Specials; and HR 1402, to set up a crime victims' fund with handgun excise taxes.

One handgun bill (HR 467) that is on hold for the moment was offered by Rep. Edward F. Feighan, D-Ohio. It would set a waiting period for the purchase of handguns to allow time for a criminal-background check on the prospective buyer.

Language that would have imposed a seven-day waiting period was in the original version of 1988 omnibus anti-drug legislation but was knocked out on the House floor. The provision was known as the Brady amendment (after James Brady, the former White House press secretary shot along with President Reagan in 1981).

The Brady amendment was replaced in the final version of the drug

bill (PL 100-690) by a provision directing the Justice Department to develop a system that would allow gun dealers to determine whether a would-be purchaser was a convicted felon, and hence ineligible to buy a gun.

Feighan and other handgun-control proponents say they are waiting for the attorney general's report, due in November, before pushing their bills.

Legislative Outlook

None of the assault-weapon bills has been reported out of committee.

But interest is high. Since the Stockton shootings, congressional offices have received thousands of letters, post cards and telephone calls from constituents either urging curbs on guns or warning against measures that could lead to gun confiscation.

Rep. Tom Campbell, R-Calif., a cosponsor of H 1190, said some conservatives had expressed "a timidity, but willingness to consider" assault weapons' controls. They were waiting for Bush to take a position, Campbell said, adding that the administration's temporary suspension of imports could sway some members to support legislation for a permanent ban.

Metzenbaum, who was a target of the NRA in the 1988 Senate election, said some in Congress are not as intimidated by the powerful gun lobby as they have been in the past.

"I think the pendulum is swinging so far away from the NRA that they could be hurt worse by their failure to cooperate," said Metzenbaum. "I hear more today about total banning of guns. I don't want to do that, but I have heard that from people."

Sen. Jim Exon, D-Nebr., an avid hunter and gun-control opponent, agrees that there might be a backlash if the NRA is perceived as unyielding on sensible gun-control measures.

Exon locked horns with the NRA last year when, after he backed a version of legislation to ban non-detectable firearms (so-called "plastic guns"), the NRA sent letters to his constituents saying, "Your senator cast a vote against our rights."

Exon, who usually supports NRA goals, bristled. He called the group's attack on him "strong-arm tactics," adding, "I thought they went far, far off base."

Although Exon said he generally would not support restrictions on semiautomatic firearms, he added "a knee-jerk reaction against any gun control will risk an overreaction by the public and Congress."

THE BENCH

Chief Justice Urges Judicial Pay Hike

Shedding his usual reluctance to address policy issues off the bench, Chief Justice William H. Rehnquist March 15 proposed that federal judges' salaries be increased by 30 percent.

Such a step would require action by Congress, which on Feb. 7 killed a proposed 51 percent pay boost for its own members, top executive branch officials and federal judges. Lawmakers acted after a firestorm of protest from the public at the size of the pay raise and the initial attempt of House leaders to put it into effect without a vote. (*Weekly Report* pp. 261, 203)

Rehnquist said Congress should grant a pay increase to judges immediately, regardless of whether it acts to raise its own pay and that of other government officials. "Failure to adequately address this issue poses the most serious threat to the future of the judiciary and its continued operations that I have observed," he said.

Rehnquist is not the first chief justice to warn that low salaries are driving judges off the bench and discouraging good lawyers from accepting judicial appointments. His predecessor, Warren E. Burger, told the presidential commission that recommended the recently rejected pay hike, "I know of one situation where the first 10 people who were invited to take an appointment on a court of appeals declined because they could not afford it." (*Weekly Report* p. 436)

Rehnquist called a rare press conference to publicize a pay proposal adopted March 14 by the U.S. Judicial Conference, the policy-making arm of the federal judiciary.

The plan would increase the salaries of district court judges from the current \$89,500 per year (the same salary as members of Congress) to \$116,350. It would boost the pay of appeals court judges from \$95,000 to \$123,000; of Supreme Court justices from \$110,000 to \$143,000; and of the chief justice from \$115,000 to \$149,500.

Rehnquist said that judicial salaries do not begin to match those earned by many attorneys in private practice. He said some judges' clerks, just one or two years out of law school, earn more money the moment they enter private practice than the jurists for whom they clerked.

By Mr. METZENBAUM (for himself, Mr. CHAFEE, Mr. PELL and Mr. CRANSTON):

S. 386. A bill to control the sale and use of assault weapons; to the Committee on the Judiciary.

ASSAULT WEAPON CONTROL ACT OF 1989

• Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that will ban the importation and sale of new semiautomatic assault weapons.

These weapons of war can be found at gun dealers across the country, and can be purchased over the counter without any waiting period or background check of the buyer.

One of these weapons, an AK-47 assault rifle, was used last month by a gunman in a schoolyard in Stockton, CA. It was reported that he fired over 100 rounds of ammunition in less than 2 minutes. The result was 5 children killed, 29 children and 1 teacher wounded.

The Stockton gunman, despite an extensive arrest record, misdemeanor convictions, and a history of mental illness, was able to walk into a gun shop, fill out a simple Federal firearms form with no background check, pay his money and walk out with a weapon designed by the Soviet Union for its combat troops.

These assault weapons in the hands of criminals put our law enforcement officers at a great disadvantage in any exchange of gunfire. In 1986 eight FBI agents in Miami became involved in a gunfight with two bank robbers, one of whom was armed with a Ruger mini 14 assault weapon. The result was two agents killed, and five wounded.

Last year in Los Angeles, a police officer was shot and killed by a gang member armed with an AR-15, an assault weapon similar to the U.S. Army's M-16. Three years earlier, another Los Angeles police officer was killed, when ambushed by a gunman armed with a MAC-10.

These semiautomatic assault firearms have become the weapons of choice of drug dealers. The easy availability of these weapons dangerously tips the balance of power away from our law enforcement officers, who are on the frontline in our Nation's war on drugs. These weapons are not designed for hunting game but for killing human beings.

The legislation I am introducing today would ban the manufacture, importation, possession, and transfer of new assault weapons. This step would halt the rapid growth in the number of these weapons in circulation. Second, it would require the registration of assault weapons lawfully possessed prior to the bill's effective date. Persons who own these weapons now would be allowed to keep them, but through registration, law enforcement authorities would be able to keep records of the owners and persons to whom they are transferred. Third, any transfer or sale of a lawfully possessed assault weapon would be subject to a

thorough background check of the buyer, comparable to that now employed when a machinegun is sold.

Before a potential buyer could take possession of the firearm, he or she would have to submit an application with photograph and fingerprints to the Bureau of Alcohol, Tobacco, and Firearms. Before BATF could approve the sale, the buyer would have to obtain a signed certificate from his local chief of police, sheriff of the county, head of the State police, or State or local district attorney or prosecutor. The local law enforcement official must state that he has no information indicating that the receipt or possession of the semiautomatic assault weapon would place the buyer in violation of State or local law, and that he has no information that the buyer will use the assault weapon for other than lawful purposes.

This certification would allow a local law enforcement official to stop the sale of an assault weapon to an individual known to the local police as someone who would present a risk to the community if armed with that firearm. Had such a procedure been in effect last August when Patrick Edward Purdy bought the AK-47 he used in the Stockton shooting, the local police would not have allowed that sale.

This bill does not in any way limit the ability to purchase a legitimate hunting rifle or handgun. The bill's coverage is limited to a specific list of the most dangerous military weapons now available and to firearms with large fixed magazines.

This bill specifically identifies the most dangerous assault weapons now available to the general public, including the AK-47, the Uzi, Mac 10 and Mac 11, Tec 9 and Tec 22, Ruger mini 14, AR-15, FN-FAL, FN-FNC, Steyr Aug, Beretta AR 70, and the street sweeper shotgun. These weapons and any other firearms which are substantially identical to them, are automatically defined as assault weapons. They are all designed and marketed to use large capacity magazines, which enable them to fire a large number of rounds in a matter of seconds. For example, the Stockton gunman managed to fire over 100 rounds in less than 2 minutes sending a hail of gunfire through a group of children on the school's playground. The street sweeper shotgun, originally designed as a crowd control weapon in South Africa, is advertised as capable of firing 12 shotgun blasts in 3 seconds. These firearms in the hands of criminals are a danger to society and a problem for law enforcement. An Uzi, which can fire 30 rounds in 5 seconds, or a street sweeper capable of firing 12 shotgun shells in 3 seconds is a machine intended to kill people, not deer.

The bill also prohibits the transfer, possession, and importation of detachable magazines and ammunition belts with a capacity of more than 10 rounds. A magazine or belt is the

mechanism for feeding ammunition into a firearm. By limitation their size, this legislation prevents any person or manufacturer from selling to the general public large capacity magazines or belts for use in semiautomatic weapons. As for large capacity magazines and belts already in the hands of the general public, the bill allows for the sale or donation of them to the Government, for use by the military or law enforcement. The bill does not seek to restrict in any way sales or possession of semiautomatic rifles or handguns which do not come within the precise terms of the bill.

The Secretary of the Treasury is specifically precluded from designating as an assault weapon any firearm that does not have semiautomatic action, or which cannot employ a detachable magazine or ammunition belt with a capacity greater than 10 rounds. These and other specific exclusions in the bill ensure that firearms designed for, and used specifically for hunting, target practice, or other sports or recreational activity will not be restricted in any way by this legislation.

The weapons of war targeted by this bill have no place on the streets and in the schoolyards of America. I believe that most Americans would agree with the Director of the FBI William Sessions, who said in the aftermath of the Stockton tragedy, "Where there seems to be no rationale for having those types of weapons for any purpose other than making war and killing people, it would seem to me that there is some rationale for limitation of that type of weapon."

Support for Federal legislation on assault weapons has been voiced in the past few weeks by groups such as the U.S. Conference of Mayors, the National Association of Police Organizations, and the American Bar Association.

The American people are fed up with the death and violence brought on by these assault weapons. They demand action. I urge my colleagues to join me in supporting this measure.

I ask unanimous consent that a copy of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act shall be known as the "Assault Weapon Control Act of 1989."

SEC. 2. Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(p)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess any assault weapon.

"(2) This subsection does not apply with respect to—

"(A) transfer, importation, transporting, shipping or receiving to or by, or possession by or under, authority of the United States

or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof; or

"(B) any lawful transfer or possession of such a weapon that was lawfully possessed before the effective date of this subsection."

"(q)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess a large-capacity detachable magazine or large-capacity ammunition belt, which can be employed by a semi-automatic firearm.

(2) This subsection does not apply, with respect to—

(A) any transfer, importation, transportation, shipping or receiving to or by, or possession by or under, authority of the United States or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof; or

(B) within 60 days of the date of enactment of this Act—

(i) any possession of such magazine or ammunition belt that was lawfully possessed before the date of this subsection; or

(ii) any transfer, transportation, shipping, or receiving to or by any person for the purpose of sale or donation of such magazines or ammunition belts to the United States or any department or agency thereof, or any State or any department, agency or political subdivision thereof."

Sec. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(25) The term 'assault weapon' means all firearms designated as assault weapons in this paragraph and all other semi-automatic firearms which are determined by the Secretary of the Treasury, in consultation with the Attorney General, to be assault weapons, as provided in this Act. Such term shall include, in addition to any other firearm identified by the Secretary, all versions of the following, including firearms sold under the designation provided in this subsection and firearms which are substantially identical sold under any designation:

(A) Automat Kalashnikov semi-automatic firearms;

(B) Uzi semi-automatic firearms;

(C) Ingram Mac 10 or 11 semi-automatic firearms;

(D) TEC 9 and TEC 22 semi-automatic firearms;

(E) Ruger Mini 14 semi-automatic firearms;

(F) AR-15 semi-automatic firearms;

(G) Beretta AR 70 semi-automatic firearms;

(H) FN-FAL and FN-FNC semi-automatic firearms;

(I) Steyr Aug semi-automatic firearms

(J) shotguns with revolving cylinders known as the Street Sweeper and Striker 12;

(K) any other semi-automatic firearm with a fixed magazine capacity exceeding ten rounds; and

(L) any other shotgun with a fixed magazine, cylinder or drum capacity exceeding six rounds.

(26) The term 'large-capacity magazine' means a box, drum or other container which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic firearm, or a magazine which can be readily converted into a large-capacity magazine.

(27) The term 'large-capacity ammunition belt' means a belt or strip which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic firearm, or an ammunition belt which can be readily converted into a large-capacity ammunition belt.

(28) The term 'semi-automatic' means a firearm capable of firing a series of rounds

by a successive depression of the trigger, without additional slide, bolt or other manual action.

Sec. 4. Title 18, United States Code, is amended by adding the following new section to chapter 44:

"Sec. . Identification of Assault Weapons.

"(a) The Secretary, in consultation with the Attorney General shall, within 30 days after the date of enactment of this Act, determine which firearms sold, or potentially sold in the United States, in addition to those specifically designated in this Act, shall be designated as assault weapons under the provisions of Section 3 of this Act. The Secretary shall publish the list of firearms so designated and take steps to make the list and explanatory information widely available to the public.

"(b) The Secretary, after consultation with the Attorney General, may periodically modify the list of firearms designated as assault weapons consistent with this Act.

"(c) The Secretary may issue an emergency order, for not longer than 90 days, barring importation and sale of any firearms, which the Secretary has reason to believe may be designated an assault weapon.

"(d) Notwithstanding any provision of this Act, no firearm shall be designated as an assault weapon which:

"(1) does not employ fixed ammunition;

"(2) was manufactured prior to 1898;

"(3) operates by manual bolt action;

"(4) operates by lever action;

"(5) operates by slide action;

"(6) is a single shot weapon;

"(7) is a multiple barrel weapon;

"(8) is a revolving cylinder weapon other than a shotgun;

"(9) employs a fixed magazine with a capacity of ten rounds or less;

"(10) is rim fire weapon that employs a tubular magazine with a magazine capacity of six rounds or less;

"(11) cannot employ a detachable magazine or ammunition belt with a capacity greater than ten rounds; or

"(12) was modified so as to render it permanently inoperable or so as to make it permanently a device which may not appropriately be designated as an assault weapon.

"(e) The Secretary, in consultation with the Attorney General, shall, when appropriate, recommend to Congress any appropriate modification of this Act, including the addition or deletion of firearms to be designated as assault weapons, provided that the Secretary shall submit an initial report containing any recommendations regarding the type of firearms designated as assault weapons no later than three months after the date of enactment of this Act."

Sec. 5. Title 18, United States Code, is amended by adding the following new section to chapter 44:

"Sec. . Use of Assault Weapons."

(a) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries an assault weapon, shall, in addition to the punishment provided for the commission of such other crimes committed by the defendant, be sentenced to a term of imprisonment for not less than five years.

(b) For purposes of this subsection, the term "drug trafficking crime" means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act).

Sec. 6. (a) Section 5812 of Title 26, United States Code, is amended by inserting the phrase "or assault weapon" after "firearm" wherever it appears.

(b) Section 5822 of Title 26, United States Code, is amended by inserting the phrase "or assault weapon" after "firearm" wherever it appears.

(c) Subsections (a), (b), and (c) of Section 5841 of Title 26, United States Code, is amended by adding the phrase "or assault weapons" after "firearms" wherever it appears and adding the phrase "or assault weapon" after "firearm" wherever it appears.

(d) Section 5841 of Title 26, United States Code, is amended by adding the following new subsection:

"(f) Any person in the possession of an assault weapon on the date of enactment of this Act shall register such firearm with the Secretary under such regulations as he may prescribe. Such registration shall be required for any type of assault weapon not later than 30 days from the date the Secretary provides public notice that the type of firearm is designated as an assault weapon or promulgates regulations for registration, whichever is later; provided that any firearm specifically designated as an assault weapon in paragraphs 921(a)(25)(A)-(L), as added by this Act, shall be registered within 30 days of the promulgation of regulations for registration by the Secretary.

(e) Section 5861 of Title 26, United States Code, is amended by adding the following new subsection:

"(m) to fail to register an assault weapon in violation of the provisions of this chapter."

(f) Section 5845 of Title 26, United States Code, is amended by adding the following new subsection:

"(i) Assault Weapons. The term 'assault weapon' shall have the meaning provided in Section 921 of Title 18."

Sec. 7. EFFECTIVE DATE.—Unless otherwise provided, this Act shall become effective thirty days after the date of enactment of this Act.

By Mr. DIXON:

S. 387. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1989

Mr. DIXON. Mr. President, tomorrow night, President Bush will address the Nation to present his budget for fiscal year 1990. I would hope that included in the President's budget proposal would be a call for a tax amnesty program that has proven extremely successful in many States, including my State of Illinois.

Mr. President, for the past 8 years, the Federal deficit has averaged an appalling \$177 billion, representing 4.5 percent of the gross national product. A Federal budget deficit of this magnitude ultimately results in slower economic growth and a lower standard of living for our citizens. As many of us in Congress clearly recognize, the

Kevin Beck
Rr 51 Box 598
Terra Haute IN 47805

THE PRESIDENT HAS SEEN

*** 0019 02081 1 ZP 0.205 BFPP104A ***

President George Bush
The White House
Washington, DC
20500-0002

April 14, 1989

Dear President Bush:

I strongly urge you to oppose the Metzenbaum and Stark bills, S. 386 and H.R. 1190. These bills would create a bureaucratic nightmare for honest people like me who lawfully own firearms and deprive me of my rights guaranteed under the Second Amendment.

S. 386 and H.R. 1190 would prohibit or severely restrict the ownership of semi-automatic firearms possessed for decades by 20-30 million law-abiding American citizens. Semi-auto firearms are used for hunting in 48 states, for Olympic competition, and for target shooting in matches throughout the country.

The Metzenbaum and Stark bills could make felons out of millions of Americans and make a lawfully-owned semi-automatic firearm contraband. It will subject firearm owners to a nightmare of federal registration and restrictions, government checks, as well as force millions of gun owners to pay a \$200 tax for the "privilege" of keeping a semi-automatic firearm. Prohibiting gun owners from owning a semi-automatic firearm or any type of firearm will not stop criminals from acquiring them illegally, or using them to commit violent crime. S. 386 and H.R. 1190 make no sense whatsoever if Congress is truly serious about curbing violent crime and stopping violent criminals.

I ask you to support tough legislation that would: 1) Take repeat criminals and violent drug dealers off the streets of our country and lock them up by enforcing the federal law already on the books which provides that anyone using or carrying a firearm in the commission of a violent crime or drug trafficking crime be subject to a mandatory five year to life prison sentence; 2) Enforce mandatory sentencing laws already on the books; 3) Convert closed military bases into prisons; 4) Establish the death penalty for police killers; and 5) Assign a U.S. Attorney in each district to prosecute felons in possession of firearms. In short, take action that will work to make our communities safer by penalizing those truly responsible for crime.

Until Congress enacts tough criminal justice measures, more innocent lives will be lost because lawmakers are not effectively dealing with criminals. Proposals like the Metzenbaum and Stark bills only affect decent citizens, like myself, depriving me of my right to own a firearm and treating me like a criminal. Such an approach is not only morally wrong, it's an assault on Constitutional principles.

Help law-abiding citizens defeat S. 386 and H.R. 1190 and pass effective crime-fighting measures. That is the sole route to restoring citizen confidence in the ability of government to keep America both strong and safe.

Sincerely,

Kevin Beck
Rr 51 Box 598
Terra Haute IN 47805

101ST CONGRESS
1ST SESSION

H. R. 1190

To amend chapter 44 of title 18, United States Code, to include semiautomatic assault weapons and large capacity ammunition feeding devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1989

Mr. STARK (for himself, Mr. FAZIO, Mr. EDWARDS of California, Mr. LEHMAN of California, Mr. CAMPBELL of California, Mr. WAXMAN, Mr. MATSUI, Mr. MARTINEZ, Mrs. BOXER, Mr. BROWN of California, Mr. DYMALLY, Mr. DELLUMS, Mr. ROYBAL, Mr. BERMAN, Mr. MINETA, Mr. BATES, Ms. PELOSI, Mr. BEILENSEN, Mr. MILLER of California, Mr. LEVINE of California, Mr. SHAYS, Mrs. MORELLA, Mr. GREEN, Mr. RANGEL, Mr. HOYER, Mr. FEIGHAN, Mr. MOODY, Mr. SMITH of Florida, Mr. DONNELLY, Mr. HOCHBRUECKNER, Mr. YATES, Mr. WEISS, Mr. COYNE, and Mr. FASCELL) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways and Means

A BILL

To amend chapter 44 of title 18, United States Code, to include semiautomatic assault weapons and large capacity ammunition feeding devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Semiautomatic Assault
5 Weapons Act of 1989".

1 SEC. 2. CONTROL OF SEMIAUTOMATIC ASSAULT WEAPONS.

2 (a) IN GENERAL.—Section 922(o) of title 18, United
3 States Code, is amended—

4 (1) in paragraph (1), by inserting “or a semiauto-
5 matic assault weapon” before the period;

6 (2) in paragraph (2)—

7 (A) in subparagraph (A), by striking “or” the
8 ninth place it appears;

9 (B) in subparagraph (B)—

10 (i) by inserting “otherwise” before
11 “lawful”; each place it appears; and

12 (ii) by striking the period and inserting
13 in lieu thereof “; or”; and

14 (C) by adding at the end the following:

15 “(C) any otherwise lawful transfer or otherwise
16 lawful possession of a semiautomatic assault weapon
17 that was lawfully possessed before the date this sub-
18 paragraph takes effect.”.

19 (b) SEMIAUTOMATIC ASSAULT WEAPON DEFINED.—
20 Section 921(a) of such title is amended by adding at the end
21 the following:

22 “(25)(A) Except as provided in subparagraph (B), the
23 term ‘semiautomatic assault weapon’ means any of the fol-
24 lowing:

25 “(i)(I) Any Avtomat Kalashnikov type semiauto-
26 matic firearm.

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- 1 “(II) Any UZI type semiautomatic firearm.
- 2 “(III) Any Ingram M-10 or M-11 type semiauto-
- 3 matic firearm.
- 4 “(IV) Any Intratec TEC 9 or 22 type semiauto-
- 5 matic firearm.
- 6 “(V) Any Ruger Mini 14 type semiautomatic fire-
- 7 arm.
- 8 “(VI) Any Colt AR-15 type semiautomatic fire-
- 9 arm.
- 10 “(VII) Any Beretta AR 70 type semiautomatic
- 11 firearm.
- 12 “(VIII) Any FN-FAL or FN-FNC type semiauto-
- 13 matic firearm.
- 14 “(IX) Any Steyr A.U.G. type semiautomatic fire-
- 15 arm.
- 16 “(X) Any USAS 12 type semiautomatic shotgun.
- 17 “(XI) Any shotgun with a revolving cylinder of
- 18 the ‘Street Sweeper’ or a ‘Striker 12’ type.
- 19 “(XII) Any semiautomatic weapon into which am-
- 20 munition may be fed by means of an ammunition belt
- 21 or feed strip.
- 22 “(XIII) Any semiautomatic shotgun with a maga-
- 23 zine, cylinder, or drum capacity exceeding 6 rounds of
- 24 ammunition.

1 “(ii) Any weapon designated as a semiautomatic
2 assault weapon by the Secretary in accordance with
3 section 925A.

4 “(B) The term ‘semiautomatic assault weapon’ does not
5 include any of the following:

6 “(i) Any single shot weapon.

7 “(ii) Any weapon that—

8 “(I) does not use fixed ammunition;

9 “(II) was in production before the calendar
10 year 1899;

11 “(III) may only be operated manually by
12 means of a bolt, slide, lever, or similar action;

13 “(IV) is a pistol or rifle with an ammunition
14 feeding device capacity of 10 or fewer rounds of
15 ammunition;

16 “(V) uses rimfire ammunition and employs a
17 tubular magazine; or

18 “(VI) uses .22 caliber rimfire ammunition
19 (other than an Intratec TEC 22 type semiauto-
20 matic firearm).

21 “(26) The term ‘semiautomatic’, when used with respect
22 to a weapon, means—

23 “(A) a weapon which uses a portion of the force
24 of a fired cartridge to expel the case of the fired car-
25 tridge and load another cartridge into the firing cham-

ber, and which requires a separate function of the trigger to fire each cartridge; and

“(B) any part or combination of parts, designed or intended to convert a firearm into a weapon described in subparagraph (A), or any combination of parts from which a weapon so described may be readily assembled if such parts are possessed or controlled by 1 person.”.

(c) **AUTHORITY OF SECRETARY OF THE TREASURY TO DESIGNATE CERTAIN WEAPONS AS SEMIAUTOMATIC ASSAULT WEAPONS.**—Title 18, United States Code, is amended by inserting after section 925 the following:

“§ 925A. Designation of semiautomatic assault weapons

“(a) Within 60 days after the date of the enactment of this section, the Secretary shall compile and publish a list of weapons designated by the Secretary as semiautomatic assault weapons.

“(b) In determining whether to designate a weapon as a semiautomatic assault weapon, the Secretary shall take into account, among other things, the following factors:

“(1) The physical design of the weapon, including—

“(A) in the case of a rifle or shotgun—

“(i) whether the weapon has a collapsible or folding stock;

1 “(ii) whether the pistol grip facilitates
2 firing the weapon from other than a shoulder
3 position; and

4 “(iii) whether the length of the barrel is
5 less than 22 inches;

6 “(B) in the case of a pistol, whether the am-
7 munition magazine is outside the pistol grip; and

8 “(C) in the case of any weapon—

9 “(i) whether the weapon has a threaded
10 barrel designed to accommodate a flash sup-
11 pressor or silencer; and

12 “(ii) whether the weapon is designed to
13 accept a bayonet or barrel shroud.

14 “(2) Whether the weapon was originally designed
15 or has been used for military, combat, or law enforce-
16 ment purposes, or is similar in design or use to a
17 weapon so designed or used.

18 “(3) The degree to which the weapon is similar in
19 design to any of the weapons listed in section
20 921(a)(25)(A)(i).

21 “(4) Whether the weapon was originally designed
22 for fully automatic fire.

23 “(5) In the case of a rifle or pistol, whether the
24 manufacturer of the weapon sells or distributes a mag-

azine with a capacity of 11 or more rounds of ammunition produced specifically for use with the weapon.

“(6) Whether a kit is available to convert the weapon to a fully automatic weapon.

“(c) The Secretary shall designate a weapon (other than the weapons described in section 921(a)(25)(B)) as a semi-automatic assault weapon if the weapon is substantially similar in design, function, and use to a weapon listed in section 921(a)(25)(A)(i).

“(d) After the publication of the list pursuant to subsection (a), the Secretary may periodically, in accordance with subsections (b) and (c), designate weapons (other than the weapons described in section 921(a)(25)(B)) to be semiautomatic assault weapons.”.

(c) CONFORMING AMENDMENTS.—

(1) SECRETARY OF THE TREASURY NOT REQUIRED TO AUTHORIZE IMPORTATION OF SEMIAUTOMATIC ASSAULT WEAPONS.—Section 925(d)(3) of such title is amended by inserting “, is not a semiautomatic assault weapon,” before “and is generally recognized”.

(2) TRANSPORTATION OF SEMIAUTOMATIC ASSAULT WEAPONS IN INTERSTATE OR FOREIGN COMMERCE BY UNLICENSED PERSONS; SALE AND DELIVERY TO UNLICENSED PERSONS.—Paragraph (4) of each of sections 922(a) and 922(b) of such title is

1 amended by inserting "semiautomatic assault weapon,"
2 before "short-barreled shotgun,".

3 (3) ENHANCED PENALTIES FOR POSSESSION OR
4 USE OF SEMIAUTOMATIC ASSAULT WEAPON DURING
5 CRIME OF VIOLENCE OR DRUG TRAFFICKING
6 CRIME.—Section 924(c)(1) of such title is amended by
7 inserting "or a semiautomatic assault weapon" after
8 "machinegun" each place it appears.

9 SEC. 3. CONTROL OF LARGE CAPACITY AMMUNITION FEED-
10 ING DEVICES.

11 (a) IN GENERAL.—Section 922 of title 18, United
12 States Code, is amended by adding at the end the following:

13 "(q)(1) It shall be unlawful for any person to transfer or
14 possess a prohibited ammunition feeding device..

15 "(2) Paragraph (1) shall not apply to the otherwise
16 lawful possession of an ammunition feeding device that was
17 lawfully possessed in the United States on the day before the
18 effective date of this subsection."

19 (b) PROHIBITED AMMUNITION FEEDING DEVICE DE-
20 FINED.—Section 921(a) of such title is amended by adding
21 after the paragraphs added by section 2(b) of this Act the
22 following:

23 "(27) The term 'prohibited ammunition feeding device'
24 means—

on," 1 "(A) a detachable magazine, drum, belt, feed
2 strip, or similar device which has a capacity of, or can
OR 3 be readily restored or converted to accept, more than
ING 4 10 rounds of ammunition;

ING 5 "(B) any combination of parts—

by 6 "(i) designed and intended solely and exclu-
fter 7 sively for assembling a device described in sub-
8 paragraph (A); and

ED- 9 "(ii) from which a device described in sub-
10 paragraph (A) could be assembled if such parts
ted 11 were possessed or controlled by 1 person; and

ng: 12 "(C) any part specifically designed for use in as-
or 13 sembling a device described in subparagraph (A)."

14 (c) EFFECTIVE DATE.—The amendments made by sub-
ise 15 sections (a) and (b) shall apply to conduct engaged in 60 or
as 16 more days after the date of the enactment of this Act.

he 17 SEC. 4. APPLICATION OF FIREARMS TAXES AND REGISTRA-
18 TION TO SEMIAUTOMATIC ASSAULT WEAPONS.

3- 19 (a) IN GENERAL.—Subsection (a) of section 5845 of the
ig 20 Internal Revenue Code of 1986 (defining firearm) is amended
ie 21 by striking "and (8) a destructive device" and inserting "(8) a
22 destructive device; and (9) a semiautomatic assault weapon
23 (as defined in section 921(a)(25) of title 18, United States
24 Code)".

1 (b) EFFECTIVE DATE.—The amendment made by sub-
2 section (a) shall take effect on the 60th day after the date of
3 the enactment of this Act.

○

101ST CONGRESS
1ST SESSION

S. 386

To control the sale and use of assault weapons.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, JANUARY 3), 1989

Mr. METZENBAUM (for himself, Mr. CHAFEE, Mr. PELL, and Mr. CRANSTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To control the sale and use of assault weapons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall be cited as the "Assault Weapon Control
4 Act of 1989".

5 SEC. 2. Section 922 of title 18, United States Code, is
6 amended by adding at the end thereof the following:

7 “(p)(1) Except as provided in paragraph (2), it shall be
8 unlawful for any person to transfer, import, transport, ship,
9 receive or possess any assault weapon.

10 “(2) This subsection does not apply with respect to—

1 “(A) transfer, importation, transporting, shipping
2 or receiving to or by, or possession by or under, au-
3 thority of the United States or any department or
4 agency thereof, or of any State or any department,
5 agency, or political subdivision thereof; or

6 “(B) any lawful transfer or possession of such a
7 weapon that was lawfully possessed before the effective
8 date of this subsection.

9 “(q)(1) Except as provided in paragraph (2), it shall be
10 unlawful for any person to transfer, import, transport, ship,
11 receive or possess a large-capacity detachable magazine or
12 large-capacity ammunition belt, which can be employed by a
13 semiautomatic firearm.

14 “(2) This subsection does not apply with respect to—

15 “(A) any transfer, importation, transporting, ship-
16 ping or receiving to or by, or possession by or under,
17 authority of the United States or any department or
18 agency thereof, or of any State or any department,
19 agency, or political subdivision thereof; or

20 “(B) within sixty days of the date of enactment of
21 this Act—

22 “(i) any possession of such magazine or am-
23 munition belt that was lawfully possessed before
24 the date of this subsection; or

“(ii) any transfer, transporting, shipping, or receiving to or by any person for the purpose of sale or donation of such magazines or ammunition belts to the United States or any department or agency thereof, or any State or any department, agency or political subdivision thereof.”.

SEC. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

“(25) The term ‘assault weapon’ means all firearms designated as assault weapons in this paragraph and all other semiautomatic firearms which are determined by the Secretary of the Treasury, in consultation with the Attorney General, to be assault weapons, as provided in this Act. Such term shall include, in addition to any other firearm identified by the Secretary, all versions of the following, including firearms sold under the designation provided in this subsection and firearms which are substantially identical sold under any designation:

“(A) Avtomat Kalashnikov semiautomatic firearms;

“(B) Uzi semiautomatic firearms;

“(C) Ingram Mac 10 or 11 semiautomatic firearms;

“(D) TEC 9 and TEC 22 semiautomatic firearms;

“(E) Ruger Mini 14 semiautomatic firearms;

1 “(F) AR-15 semiautomatic firearms;

2 “(G) Beretta AR 70 semiautomatic firearms;

3 “(H) FN-FAL and FN-FNC semiautomatic fire-
4 arms;

5 “(I) Steyr Aug semiautomatic firearms;

6 “(J) shotguns with revolving cylinders known as
7 the Street Sweeper and Striker 12;

8 “(K) any other semiautomatic firearm with a fixed
9 magazine capacity exceeding ten rounds; and

10 “(L) any other shotgun with a fixed magazine,
11 cylinder or drum capacity exceeding six rounds.

12 “(26) The term ‘large-capacity magazine’ means a box,
13 drum or other container which holds more than ten rounds of
14 ammunition to be fed continuously into a semiautomatic fire-
15 arm, or a magazine which can be readily converted into a
16 large-capacity magazine.

17 “(27) The term ‘large-capacity ammunition belt’ means
18 a belt or strip which holds more than ten rounds of ammuni-
19 tion to be fed continuously into a semiautomatic firearm. or
20 an ammunition belt which can be readily converted into a
21 large-capacity ammunition belt.

22 “(28) The term ‘semiautomatic’ means a firearm capa-
23 ble of firing a series of rounds by a successive depression of
24 the trigger without additional slide, bolt or other manual
25 action.”.

1 SEC. 4. Title 18, United States Code, is amended by
2 adding the following new section to chapter 44:

3 "§ . Identification of assault weapons

4 "(a) The Secretary, in consultation with the Attorney
5 General shall, within thirty days after the date of enactment
6 of this Act, determine which firearms sold, or potentially sold
7 in the United States, in addition to those specifically desig-
8 nated in this Act, shall be designated as assault weapons
9 under the provisions of section 3 of this Act. The Secretary
10 shall publish the list of firearms so designated and take steps
11 to make the list and explanatory information widely available
12 to the public.

13 "(b) The Secretary, after consultation with the Attorney
14 General, may periodically modify the list of firearms desig-
15 nated as assault weapons consistent with this Act.

16 "(c) The Secretary may issue an emergency order, for
17 not longer than ninety days, barring importation and sale of
18 any firearms, which the Secretary has reason to believe may
19 be designated an assault weapon.

20 "(d) Notwithstanding any provision of this Act, no fire-
21 arm shall be designated as an assault weapon which—

22 "(1) does not employ fixed ammunition;

23 "(2) was manufactured prior to 1898;

24 "(3) operates by manual bolt action"

25 "(4) operates by lever action;

1 “(5) operates by slide action;

2 “(6) is a single shot weapon;

3 “(7) is a multiple barrel weapon;

4 “(8) is a revolving cylinder weapon other than a
5 shotgun;

6 “(9) employs a fixed magazine with a capacity of
7 ten rounds or less;

8 “(10) is a rimfire weapon that employs a tubular
9 magazine with a magazine capacity of six rounds or
10 less;

11 “(11) cannot employ a detachable magazine or
12 ammunition belt with a capacity greater than ten
13 rounds; or

14 “(12) was modified so as to render it permanently
15 inoperable or so as to make it permanently a device
16 which may not appropriately be designated as an as-
17 sault weapon.

18 “(e) The Secretary, in consultation with the Attorney
19 General, shall, when appropriate, recommend to Congress
20 any appropriate modification of this Act, including the addi-
21 tion or deletion of firearms to be designated as assault weap-
22 ons: *Provided*, That the Secretary shall submit an initial
23 report containing any recommendations regarding the type of
24 firearms designated as assault weapons no later than three
25 months after the date of enactment of this Act.”

1 SEC. 5. Title 18, United States Code, is amended by
2 adding the following new section to chapter 44:

3 "§ . Use of assault weapons

4 "(a) Whoever, during and in relation to the commission
5 of a crime of violence or drug trafficking crime (including a
6 crime of violence or drug trafficking crime, which provides
7 for an enhanced punishment if committed by the use of a
8 deadly or dangerous weapon or device) for which he may be
9 prosecuted in a court of the United States, uses or carries an
10 assault weapon, shall, in addition to the punishment provided
11 for the commission of such other crimes committed by the
12 defendant, be sentenced to a term of imprisonment for not
13 less than five years.

14 "(b) For purposes of this subsection, the term "drug
15 trafficking crime" means any felony violation of Federal law
16 involving the distribution, manufacture, or importation of any
17 controlled substance (as defined in section 102 of the Con-
18 trolled Substances Act).".

19 SEC. 6. (a) Section 5812 of title 26, United States
20 Code, is amended by inserting the phrase "or assault
21 weapon" after "firearm" wherever it appears.

22 (b) Section 5822 of title 26, United States Code, is
23 amended by inserting the phrase "or assault weapon" after
24 "firearm" wherever it appears.

1 (c) Subsections (a), (b), and (c) of section 5841 of title
2 26, United States Code, is amended by adding the phrase "or
3 assault weapons" after "firearms" wherever it appears and
4 adding the phrase "or assault weapon" after "firearm" wher-
5 ever it appears.

6 (d) Section 5841 of title 26, United States Code, is
7 amended by adding the following new subsection:

8 "(f) Any person in the possession of an assault weapon
9 on the date of enactment of this Act shall register such fire-
10 arm with the Secretary under such regulations as he may
11 prescribe. Such registration shall be required for any type of
12 assault weapon not later than thirty days from the date the
13 Secretary provides public notice that the type of firearm is
14 designated as an assault weapon or promulgates regulations
15 for registration, whichever is later: *Provided*, That any fire-
16 arm specifically designated as an assault weapon in para-
17 graphs 921(a)(25)(A)-(I), as added by this Act, shall be regis-
18 tered within thirty days of the promulgation of regulations for
19 registration by the Secretary."

20 (e) Section 5861 of title 26, United States Code, is
21 amended by adding the following new subsection:

22 "(m) to fail to register an assault weapon in violation of
23 the provisions of this chapter."

24 (f) Section 5845 of title 26, United States Code, is
25 amended by adding the following new subsection:

1 “(i) ASSAULT WEAPONS.—The term “assault weapon”
2 shall have the meaning provided in section 921 of title 18.”.

3 SEC. 7. EFFECTIVE DATE.—Unless otherwise provid-
4 ed, this Act shall become effective thirty days after the date
5 of enactment of this Act.

○

Bush Action on Gun Imports Cheers Backers of Curbs

In wake of Stockton massacre, gun-control advocates want to outlaw sales of assault weapons

Nothing promotes gun control like an appalling case of murder.

The last major U.S. gun-control law was enacted in 1968 in the wake of the assassinations of the Rev. Dr. Martin Luther King Jr. and Sen. Robert F. Kennedy. Before that, gangsterism and the rise of organized crime spurred gun restrictions in 1934 and 1938. (*History*, p. 581)

Today, proponents of gun control hope to capitalize on national outrage over increased drug-related violence, police killings and mass slayings such as the Jan. 17 schoolyard massacre in Stockton, Calif.

"There is a time to pass legislation," said Sen. Howard M. Metzenbaum, D-Ohio, "and this is the time, while the memory of Stockton, Calif., is still fresh."

Gun-control advocates got their biggest boost March 14, when the Bush administration — at the urging of William J. Bennett, the newly confirmed drug director — indefinitely suspended importation of semiautomatic assault weapons. Among the weapons affected was the AK-47, an assault rifle used by Patrick Edward Purdy to kill five children and injure 30 others in Stockton.

The suspension, which represented a reversal of position for President Bush, blocked the importation of more than 110,000 assault-type weapons for which applications were pending with the Bureau of Alcohol, Tobacco and Firearms (BATF).

But a sizable majority of the assault weapons sold in this country are manufactured domestically, and most remain available for sale. An exception is the AR-15, the civilian version of the military M-16 rifle, made by Colt Industries. Colt announced March 15 that it was voluntarily suspending commercial sales of the AR-15.

By Joan Biskupic

BOXSCORE

Bills: S 386, HR 1190, HR 669, HR 825, HR 1154 — to restrict the sale, importation and, in some instances, possession of semiautomatic assault weapons.

Latest action: Senate Judiciary subcommittee hearing Feb. 10 on S 386. House bills referred to Judiciary, Ways and Means committees.

Next likely action: Markup at unspecified date, Senate Judiciary Constitution Subcommittee.

Reference: Weekly Report p. 449.

Said Metzenbaum, "If we're going to put a stop to this, we're going to have to stop those manufactured in this country as well as those brought in from overseas."

Nonetheless, the Ohio Democrat said the administration action was "a major first step."

National Rifle Association (NRA) spokesmen maintained that the administration's indefinite ban was not a blow to their no-gun-control position. They reacted cautiously, saying they hoped it would allow a "cooling off" from the outrage caused by the Stockton killings and other violence and lead to "reasonable and sensible debate" on the issue.

A Changing Political Climate?

Gun-control proponents say a number of factors have changed the politics of gun ownership, particularly where assault weapons are concerned. They cited:

- The rising tide of drug-related violence, especially in urban areas.
- Increased support for weapons bans

from law-enforcement groups, whose members feel outgunned by criminals.

• A March 13 vote by the California Assembly to bar sales and possession of certain semiautomatic assault weapons. The state Senate earlier passed a slightly different version of the bill; the two must now be reconciled.

• Votes in a Maryland referendum last Nov. 8 for a ban on sales of selected handguns and in the Virginia General Assembly Feb. 23 to require a criminal-background check of buyers of certain handguns and semiautomatic weapons. Virginia Gov. Gerald L. Baliles has said he will sign the bill.

On the other side of the issue, Sen. James A. McClure, R-Idaho, says response to the violence at Stockton and elsewhere has been misread.

"The gun-control activists must feel that their chances of doing something are greater now because of public concern over these incidents. I suppose it is a reality that they can," said McClure, who was a chief sponsor of 1986 legislation that eased the 1968 gun-control law. "But I go back to what is central, that these incidents are committed by people who already illegally own weapons."

McClure added, "I would see these events, as gruesome as they are, as strengthening the position of those of us who want to get tough on crime, to do something about those people who misuse firearms."

He called Bush's import suspension "more cosmetic than real" and contended it would only divert attention from the people who use guns for criminal activity. McClure said that tougher sentences and additional prisons would do more than gun control to stop the current wave of violent crime.

The Pending Bills

Five bills have been introduced calling for controls on semiautomatic assault weapons. The most far-reaching measure, HR 669, introduced by

Rep. Howard L. Berman, D-Calif., would require current owners of certain "assault" rifles, carbines and pistols to turn in their weapons.

The only Senate bill, S 386, introduced by Metzenbaum, and the House bill with the most cosponsors, HR 1190, offered by Rep. Pete Stark, D-Calif., would ban the importation or sale of certain assault weapons. Current owners would have to register their firearms. Metzenbaum's bill also calls for large-capacity ammunition belts and magazines to be turned in within 60 days of enactment.

Both the Metzenbaum and Stark bills list specific weapons that would be banned and direct the Treasury secretary to designate any other assault weapons that should be included.

Because there is no definition in federal law for an "assault" rifle or "paramilitary" firearm, as the semiautomatics in question are often described, gun enthusiasts say the bills necessarily would apply to legitimate and commonly used hunting and sports arms.

Proponents of the legislation acknowledge that defining "assault" firearms is a problem but contend it can be overcome, for example, through consideration of the physical design of the weapon, its originally designed use and whether it can be fitted with a large-capacity magazine.

The Administration Action

The administration has suspended the importation of five types of assault weapons: the AKS-type, which includes AK-47s; Uzi Carbines; FN-FAL-type; FN-FNC-type; and the Steyr Aug.

The Treasury Department will review whether these weapons are, as required for importation, "particularly suitable for, or readily adaptable to, sporting purposes."

In announcing the decision, Bennett said there had been a surge in requests to import semiautomatic assault weapons. In the past three years, BATF has approved the import of 88,000 such weapons: 4,000 in 1986, 40,000 in 1987 and 44,000 in 1988.

"In the year to date, [BATF] has received requests to import which vastly exceed the previous three-year total. For example, it has requests pending for the importation of 113,732 AKS-type weapons alone."

Bush, a lifetime member of the NRA, had said as recently as February that he would not support legislation to ban the import or sale of semiauto-

matic assault-type guns.

But at least twice in early March he told audiences that he wanted to find a way to prevent criminal use of assault weapons. Bush said at a March 7 news conference, "I do think that there has to be some assurance that these automated attack weapons are not used in the manner they're being used."

Bush asked Bennett to study the problem, and the new director of drug-control policy wasted no time. Although Bennett refused to commit himself on the issue at his March 1-2 confirmation hearings before the Senate Judiciary Committee, he had effectively tipped his hand on the issue a year earlier.

In March 1988, as education secretary, Bennett sent a memo to then-Attorney General Edwin Meese III

pliance with the law," Fitzwater said.

The Police Position

Police groups, which in recent years have moved to the front lines in the fight for gun control, sense opportunity in the current climate.

"The change I perceive is situational, based on the incident at Stockton and the whole youth-gang situation elsewhere," said Cheryl Epps, legislative analyst for the International Association of Chiefs of Police. "All of those events have come together to cause a shift in gun politics. In another year, it could shift again."

The leadership of the police chiefs' group voted in February to oppose the distribution and sale of assault weapons to the general public. It defined assault weapons as firearms with such a high capacity for firepower that



R. MICHAEL JENKINS

Some lawmakers are seeking to ban sales and importation of semiautomatic weapons such as these, which were displayed at a recent Capitol Hill news conference.

urging the Reagan administration to consider some restrictions on the production, importation and sale of automatic weapons and other firearms.

He was in his new office less than a week before seeking the import suspension. (Bennett, *Weekly Report* pp. 529, 450)

White House spokesman Marlin Fitzwater, questioned March 15 at his daily briefing, said Bush does not intend to seek a review of domestic semiautomatic assault weapons.

"Right now, we don't see any need for any review or any other changes at all," Fitzwater said.

He insisted that Bush had not switched on the gun-control issue. "His position has not changed from what he said before, which is that he does not favor banning weapons that are used by sportsmen and are in com-

their function as legitimate sports and recreational firearms is substantially outweighed by the danger that they can be used to kill or injure human beings.

Some of the semiautomatic weapons the police chiefs said would fall under the category are the AK-47, the Uzi, the AR-15, MAC-10 and MAC-11.

"For cops, this is an occupational and health issue," said Jules Bernstein, legislative counsel for the National Association of Police Organizations.

There were 198 law-enforcement officers killed in the line of duty by firearms during 1985-87. During 1982-86, 222 officers were killed with firearms.

Several other law-enforcement groups also have urged Congress to ban assault weapons, but the action noted

Gun-Control Legislation: A History

The conflict between an American gun culture and attempts to restrain the criminal use of firearms is longstanding. Historically, it has taken a major crime to break the impasse.

The gangsterism of the Prohibition period and the rise of organized crime led to passage of the National Firearms Act of 1934, which required registration of machine guns and sawed-off shotguns. Four years later, the Federal Firearms Act prohibited unlicensed dealers from selling guns across state lines and made it illegal to sell firearms to convicted felons and fugitives.

In 1968, after the assassinations of the Rev. Dr. Martin Luther King Jr. and Sen. Robert F. Kennedy, D-N.Y., and amid fiery urban riots, Congress cleared sweeping new gun controls (PL 90-351, PL 90-618).

The law barred mail-order and interstate shipment of firearms and ammunition and established licensing procedures for those who made, imported, sold or collected guns. The law absorbed the provisions of the earlier acts and banned sales to minors, drug addicts and people with certain mental disorders, along with felons. (*Congress and the Nation Vol. II, p. 328*)

In 1986, the 1968 law was eased by legislation (PL 99-308) sponsored by Sen. James A. McClure, R-Idaho, and Rep. Harold L. Volkmer, D-Mo. It lifted the ban on interstate sales of rifles and shotguns. The culmination of a campaign pressed since 1979 by the NRA and other pro-gun groups, the 1986 law also allowed gun owners to transport their firearms interstate, overriding state laws

that barred residents from possessing firearms or transporting them in a vehicle. (*Background, 1986 Almanac p. 82*).

But in another bill enacted the same year (PL 99-408), Congress banned most importation, manufacture and sale of "cop-killer" bullets — ammunition that could pierce the protective vests worn by police.

And in 1988, the political momentum swung back in favor of tighter gun controls. Congress cleared a bill (HR 4445) to ban the manufacture, importation, sale or delivery of non-detectable firearms — those made mostly of plastic. (*1988 Weekly Report p. 3136*)

In early action on the 1988 omnibus anti-drug bill (HR 5210), a provision was added to require a seven-day mandatory waiting period so that a background check could be run on anyone wanting to purchase a handgun.

On Sept. 15, however, the House voted 228-182 to remove the waiting period. It was replaced by a provision offered by Rep. Bill McCollum, R-Fla., to require the Justice Department to develop and send to Congress a proposal for a system gun dealers could use to identify felons, who are ineligible to own handguns. (*1988 Weekly Report p. 2563*)

Justice Department spokesman David Runkel said the department is currently gathering information on state and local firearms laws, their administration and enforcement. He said officials are examining what technology might be available for immediate checks on gun buyers.

—Joan Biskupic

most by gun-control proponents is a decision by the comparatively conservative National Sheriffs' Association.

The sheriffs' executive committee voted Feb. 26 to endorse Metzger's bill. The group's full membership, which last year decided not to take a stand on the so-called Brady amendment, is scheduled to vote on the resolution at its annual meeting in June.

The Gun Groups

A spokesman for the NRA maintains that if sentiment on guns has changed because of increased violence, public opinion will side with the NRA.

"In fact, I think the frustration with rising crime is focusing people's attention on the right of law-abiding citizens to keep and bear arms," said David Conover, federal liaison for the NRA. "Restrictive gun control has failed District [of Columbia] residents."

Washington, D.C., with 372 homicides, led the nation in its rate of killings last year and has seen a record 112 slayings as of March 15 this year.

Although it has a restrictive gun-control law, the District is bordered by Virginia — which has long had virtually no controls on firearms sales.

Conover contends that law-enforcement support for gun control comes from "political" groups and not from rank-and-file police officers.

He also argues that the Maryland referendum, in which the NRA spent about \$5 million, was "an anomaly." He points to the 1988 presidential election of Bush, who was backed by the NRA, and a 1988 citizens' vote in Nebraska for a constitutional amendment affirming the right to keep and bear arms as evidence of a larger movement for unrestricted gun ownership.

The gun groups differed in their response to the Bush action.

Wayne LaPierre, executive director of NRA's Institute for Legislative Action, said, "The NRA trusts that the action will end the rush of ill-conceived and ill-defined legislative proposals that would turn millions of Americans into felons and deprive honest citizens of firearms they have lawfully owned for decades."

But Larry Pratt, the executive director of the Gun Owners of America, termed the ban irresponsible and predicted it would lead to other restrictions on semiautomatic weapons and other firearms.

The NRA has urged its 2.8 million members to write to representatives and senators in opposition to the pending bills on semiautomatic weapons. Conover estimated that some 20 million to 30 million legitimately owned weapons might be affected under any of the proposed legislation.

Rep. John D. Dingell, D-Mich., a longtime NRA supporter, said that the public horror at Purdy, who had a criminal record, should not be directed at law-abiding gun owners.

"In the wake of emotional outcries to ban semiautomatic rifles, shotguns and pistols . . . it is useful to keep in perspective that Mr. Purdy is not your ordinary law-abiding citizen," he said.

Handgun Control

For most of the past 20 years, gun-control efforts have focused primarily on handguns — especially small, eas-



SUE KLEMENS

"I would see these events, as gruesome as they are, as strengthening the position of those of us who want to get tough on crime."

—Sen. James A. McClure, R-Idaho

ily concealed weapons known as Saturday Night Specials.

In the 101st Congress, several handgun bills have been introduced: HR 128, mandatory registration; HR 993, to ban guns not suitable for sport; HR 1361, to restrict possession of Saturday Night Specials; and HR 1402, to set up a crime victims' fund with handgun excise taxes.

One handgun bill (HR 467) that is on hold for the moment was offered by Rep. Edward F. Feighan, D-Ohio. It would set a waiting period for the purchase of handguns to allow time for a criminal-background check on the prospective buyer.

Language that would have imposed a seven-day waiting period was in the original version of 1988 omnibus anti-drug legislation but was knocked out on the House floor. The provision was known as the Brady amendment (after James Brady, the former White House press secretary shot along with President Reagan in 1981).

The Brady amendment was replaced in the final version of the drug

bill (PL 100-690) by a provision directing the Justice Department to develop a system that would allow gun dealers to determine whether a would-be purchaser was a convicted felon, and hence ineligible to buy a gun.

Feighan and other handgun-control proponents say they are waiting for the attorney general's report, due in November, before pushing their bills.

Legislative Outlook

None of the assault-weapon bills has been reported out of committee.

But interest is high. Since the Stockton shootings, congressional offices have received thousands of letters, post cards and telephone calls from constituents either urging curbs on guns or warning against measures that could lead to gun confiscation.

Rep. Tom Campbell, R-Calif., a co-sponsor of H 1190, said some conservatives had expressed "a timidity, but willingness to consider" assault weapons' controls. They were waiting for Bush to take a position, Campbell said, adding that the administration's temporary suspension of imports could sway some members to support legislation for a permanent ban.

Metzenbaum, who was a target of the NRA in the 1988 Senate election, said some in Congress are not as intimidated by the powerful gun lobby as they have been in the past.

"I think the pendulum is swinging so far away from the NRA that they could be hurt worse by their failure to cooperate," said Metzenbaum. "I hear more today about total banning of guns. I don't want to do that, but I have heard that from people."

Sen. Jim Exon, D-Neb., an avid hunter and gun-control opponent, agrees that there might be a backlash if the NRA is perceived as unyielding on sensible gun-control measures.

Exon locked horns with the NRA last year when, after he backed a version of legislation to ban non-detectable firearms (so-called "plastic guns"), the NRA sent letters to his constituents saying, "Your senator cast a vote against our rights."

Exon, who usually supports NRA goals, bristled. He called the group's attack on him "strong-arm tactics," adding, "I thought they went far, far off base."

Although Exon said he generally would not support restrictions on semiautomatic firearms, he added "a knee-jerk reaction against any gun control will risk an overreaction by the public and Congress."

THE BENCH

Chief Justice Urges Judicial Pay Hike

Shedding his usual reluctance to address policy issues off the bench, Chief Justice William H. Rehnquist March 15 proposed that federal judges' salaries be increased by 30 percent.

Such a step would require action by Congress, which on Feb. 7 killed a proposed 51 percent pay boost for its own members, top executive branch officials and federal judges. Lawmakers acted after a firestorm of protest from the public at the size of the pay raise and the initial attempt of House leaders to put it into effect without a vote. (*Weekly Report* pp. 261, 203)

Rehnquist said Congress should grant a pay increase to judges immediately, regardless of whether it acts to raise its own pay and that of other government officials. "Failure to adequately address this issue poses the most serious threat to the future of the judiciary and its continued operations that I have observed," he said.

Rehnquist is not the first chief justice to warn that low salaries are driving judges off the bench and discouraging good lawyers from accepting judicial appointments. His predecessor, Warren E. Burger, told the presidential commission that recommended the recently rejected pay hike, "I know of one situation where the first 10 people who were invited to take an appointment on a court of appeals declined because they could not afford it." (*Weekly Report* p. 436)

Rehnquist called a rare press conference to publicize a pay proposal adopted March 14 by the U.S. Judicial Conference, the policy-making arm of the federal judiciary.

The plan would increase the salaries of district court judges from the current \$89,500 per year (the same salary as members of Congress) to \$116,350. It would boost the pay of appeals court judges from \$95,000 to \$123,000; of Supreme Court justices from \$110,000 to \$143,000; and of the chief justice from \$115,000 to \$149,500.

Rehnquist said that judicial salaries do not begin to match those earned by many attorneys in private practice. He said some judges' clerks, just one or two years out of law school, earn more money the moment they enter private practice than the jurists for whom they clerked.

February 8, 1989

CONGRESSIONAL RECORD — SENATE

S 1361

By Mr. METZENBAUM (for himself, Mr. CHAFEE, Mr. PELL, and Mr. CRANSTON):

S. 386. A bill to control the sale and use of assault weapons; to the Committee on the Judiciary.

ASSAULT WEAPON CONTROL ACT OF 1989

● Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that will ban the importation and sale of new semiautomatic assault weapons.

These weapons of war can be found at gun dealers across the country, and can be purchased over the counter without any waiting period or background check of the buyer.

One of these weapons, an AK-47 assault rifle, was used last month by a gunman in a schoolyard in Stockton, CA. It was reported that he fired over 100 rounds of ammunition in less than 2 minutes. The result was 5 children killed, 29 children and 1 teacher wounded.

The Stockton gunman, despite an extensive arrest record, misdemeanor convictions, and a history of mental illness, was able to walk into a gun shop, fill out a simple Federal firearms form with no background check, pay his money and walk out with a weapon designed by the Soviet Union for its combat troops.

These assault weapons in the hands of criminals put our law enforcement officers at a great disadvantage in any exchange of gunfire. In 1986 eight FBI agents in Miami became involved in a gunfight with two bank robbers, one of whom was armed with a Ruger mini 14 assault weapon. The result was two agents killed, and five wounded.

Last year in Los Angeles, a police officer was shot and killed by a gang member armed with an AR-15, an assault weapon similar to the U.S. Army's M-16. Three years earlier, another Los Angeles police officer was killed, when ambushed by a gunman armed with a MAC-10.

These semiautomatic assault firearms have become the weapons of choice of drug dealers. The easy availability of these weapons dangerously tips the balance of power away from our law enforcement officers, who are on the frontline in our Nation's war on drugs. These weapons are not designed for hunting game but for killing human beings.

The legislation I am introducing today would ban the manufacture, importation, possession, and transfer of new assault weapons. This step would halt the rapid growth in the number of these weapons in circulation. Second, it would require the registration of assault weapons lawfully possessed prior to the bill's effective date. Persons who own these weapons now would be allowed to keep them, but through registration, law enforcement authorities would be able to keep records of the owners and persons to whom they are transferred. Third, any transfer or sale of a lawfully possessed assault weapon would be subject to a

thorough background check of the buyer, comparable to that now employed when a machinegun is sold.

Before a potential buyer could take possession of the firearm, he or she would have to submit an application with photograph and fingerprints to the Bureau of Alcohol, Tobacco, and Firearms. Before BATF could approve the sale, the buyer would have to obtain a signed certificate from his local chief of police, sheriff of the county, head of the State police, or State or local district attorney or prosecutor. The local law enforcement official must state that he has no information indicating that the receipt or possession of the semiautomatic assault weapon would place the buyer in violation of State or local law, and that he has no information that the buyer will use the assault weapon for other than lawful purposes.

This certification would allow a local law enforcement official to stop the sale of an assault weapon to an individual known to the local police as someone who would present a risk to the community if armed with that firearm. Had such a procedure been in effect last August when Patrick Edward Purdy bought the AK-47 he used in the Stockton shooting, the local police would not have allowed that sale.

This bill does not in any way limit the ability to purchase a legitimate hunting rifle or handgun. The bill's coverage is limited to a specific list of the most dangerous military weapons now available and to firearms with large fixed magazines.

This bill specifically identifies the most dangerous assault weapons now available to the general public, including the AK-47, the Uzi, Mac 10 and Mac 11, Tec 9 and Tec 22, Ruger mini 14, AR-15, FN-FAL, FN-FNC, Steyr Aug, Beretta AR 70, and the street sweeper shotgun. These weapons and any other firearms which are substantially identical to them, are automatically defined as assault weapons. They are all designed and marketed to use large capacity magazines, which enable them to fire a large number of rounds in a matter of seconds. For example, the Stockton gunman managed to fire over 100 rounds in less than 2 minutes sending a hail of gunfire through a group of children on the school's playground. The street sweeper shotgun, originally designed as a crowd control weapon in South Africa, is advertised as capable of firing 12 shotgun blasts in 3 seconds. These firearms in the hands of criminals are a danger to society and a problem for law enforcement. An Uzi, which can fire 30 rounds in 5 seconds, or a street sweeper capable of firing 12 shotgun shells in 3 seconds is a machine intended to kill people, not deer.

The bill also prohibits the transfer, possession, and importation of detachable magazines and ammunition belts with a capacity of more than 10 rounds. A magazine or belt is the

mechanism for feeding ammunition into a firearm. By limitation their size, this legislation prevents any person or manufacturer from selling to the general public large capacity magazines or belts for use in semiautomatic weapons. As for large capacity magazines and belts already in the hands of the general public, the bill allows for the sale or donation of them to the Government, for use by the military or law enforcement. The bill does not seek to restrict in any way sales or possession of semiautomatic rifles or handguns which do not come within the precise terms of the bill.

The Secretary of the Treasury is specifically precluded from designating as an assault weapon any firearm that does not have semiautomatic action, or which cannot employ a detachable magazine or ammunition belt with a capacity greater than 10 rounds. These and other specific exclusions in the bill ensure that firearms designed for, and used specifically for hunting, target practice, or other sports or recreational activity will not be restricted in any way by this legislation.

The weapons of war targeted by this bill have no place on the streets and in the schoolyards of America. I believe that most Americans would agree with the Director of the FBI William Sessions, who said in the aftermath of the Stockton tragedy, "Where there seems to be no rationale for having those types of weapons for any purpose other than making war and killing people, it would seem to me that there is some rationale for limitation of that type of weapon."

Support for Federal legislation on assault weapons has been voiced in the past few weeks by groups such as the U.S. Conference of Mayors, the National Association of Police Organizations, and the American Bar Association.

The American people are fed up with the death and violence brought on by these assault weapons. They demand action. I urge my colleagues to join me in supporting this measure.

I ask unanimous consent that a copy of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act shall be known as the "Assault Weapon Control Act of 1989."

SEC. 2. Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(p)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess any assault weapon.

"(2) This subsection does not apply with respect to—

"(A) transfer, importation, transporting, shipping or receiving to or by, or possession, by or under, authority of the United States

or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof; or

"(B) any lawful transfer or possession of such a weapon that was lawfully possessed before the effective date of this subsection."

"(q)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess a large-capacity detachable magazine or large-capacity ammunition belt, which can be employed by a semi-automatic firearm.

(2) This subsection does not apply, with respect to—

(A) any transfer, importation, transportation, shipping or receiving to or by, or possession by or under, authority of the United States or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof; or

(B) within 60 days of the date of enactment of this Act—

(i) any possession of such magazine or ammunition belt that was lawfully possessed before the date of this subsection; or

(ii) any transfer, transporting, shipping, or receiving to or by any person for the purpose of sale or donation of such magazines or ammunition belts to the United States or any department or agency thereof, or any State or any department, agency or political subdivision thereof."

Sec. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(25) The term 'assault weapon' means all firearms designated as assault weapons in this paragraph and all other semi-automatic firearms which are determined by the Secretary of the Treasury, in consultation with the Attorney General, to be assault weapons, as provided in this Act. Such term shall include, in addition to any other firearm identified by the Secretary, all versions of the following, including firearms sold under the designation provided in this subsection and firearms which are substantially identical sold under any designation:

(A) Automat Kalashnikov semi-automatic firearms;

(B) Uzi semi-automatic firearms;

(C) Ingram Mac 10 or 11 semi-automatic firearms;

(D) TEC 9 and TEC 22 semi-automatic firearms;

(E) Ruger Mini 14 semi-automatic firearms;

(F) AR-15 semi-automatic firearms;

(G) Beretta AR 70 semi-automatic firearms;

(H) FN-FAL and FN-FNC semi-automatic firearms;

(I) Steyr Aug semi-automatic firearms

(J) shotguns with revolving cylinders known as the Street Sweeper and Striker 12;

(K) any other semi-automatic firearm with a fixed magazine capacity exceeding ten rounds; and

(L) any other shotgun with a fixed magazine, cylinder or drum capacity exceeding six rounds.

(26) The term 'large-capacity magazine' means a box, drum or other container which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic firearm, or a magazine which can be readily converted into a large-capacity magazine.

(27) The term 'large-capacity ammunition belt' means a belt or strip which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic firearm, or an ammunition belt which can be readily converted into a large-capacity ammunition belt.

(28) The term 'semi-automatic' means a firearm capable of firing a series of rounds

by a successive depression of the trigger without additional slide, bolt or other manual action.

Sec. 4. Title 18, United States Code, is amended by adding the following new section to chapter 44:

"Sec. . Identification of Assault Weapons.

"(a) The Secretary, in consultation with the Attorney General shall, within 30 days after the date of enactment of this Act, determine which firearms sold, or potentially sold in the United States, in addition to those specifically designated in this Act, shall be designated as assault weapons under the provisions of Section 3 of this Act. The Secretary shall publish the list of firearms so designated and take steps to make the list and explanatory information widely available to the public.

"(b) The Secretary, after consultation with the Attorney General, may periodically modify the list of firearms designated as assault weapons consistent with this Act.

"(c) The Secretary may issue an emergency order, for not longer than 90 days, barring importation and sale of any firearms, which the Secretary has reason to believe may be designated an assault weapon.

"(d) Notwithstanding any provision of this Act, no firearm shall be designated as an assault weapon which:

"(1) does not employ fixed ammunition;

"(2) was manufactured prior to 1898;

"(3) operates by manual bolt action;

"(4) operates by lever action;

"(5) operates by slide action;

"(6) is a single shot weapon;

"(7) is a multiple barrel weapon;

"(8) is a revolving cylinder weapon other than a shotgun;

"(9) employs a fixed magazine with a capacity of ten rounds or less;

"(10) is rim fire weapon that employs a tubular magazine with a magazine capacity of six rounds or less;

"(11) cannot employ a detachable magazine or ammunition belt with a capacity greater than ten rounds; or

"(12) was modified so as to render it permanently inoperable or so as to make it permanently a device which may not appropriately be designated as an assault weapon.

"(e) The Secretary, in consultation with the Attorney General, shall, when appropriate, recommend to Congress any appropriate modification of this Act, including the addition or deletion of firearms to be designated as assault weapons, provided that the Secretary shall submit an initial report containing any recommendations regarding the type of firearms designated as assault weapons no later than three months after the date of enactment of this Act."

Sec. 5. Title 18, United States Code, is amended by adding the following new section to chapter 44:

"Sec. . Use of Assault Weapons."

(a) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries an assault weapon, shall, in addition to the punishment provided for the commission of such other crimes committed by the defendant, be sentenced to a term of imprisonment for not less than five years.

(b) For purposes of this subsection, the term "drug trafficking crime" means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act).

Sec. 6. (a) Section 5812 of Title 26, United States Code, is amended by inserting the phrase "or assault weapon" after "firearm" wherever it appears.

(b) Section 5822 of Title 26, United States Code, is amended by inserting the phrase "or assault weapon" after "firearm" wherever it appears.

(c) Subsections (a), (b), and (c) of Section 5841 of Title 26, United States Code, is amended by adding the phrase "or assault weapons" after "firearms" wherever it appears and adding the phrase "or assault weapon" after "firearm" wherever it appears.

(d) Section 5841 of Title 26, United States Code, is amended by adding the following new subsection:

"(f) Any person in the possession of an assault weapon on the date of enactment of this Act shall register such firearm with the Secretary under such regulations as he may prescribe. Such registration shall be required for any type of assault weapon not later than 30 days from the date the Secretary provides public notice that the type of firearm is designated as an assault weapon or promulgates regulations for registration, whichever is later; provided that any firearm specifically designated as an assault weapon in paragraphs 921(a)(25)(A)-(L), as added by this Act, shall be registered within 30 days of the promulgation of regulations for registration by the Secretary.

(e) Section 5861 of Title 26, United States Code, is amended by adding the following new subsection:

"(m) to fail to register an assault weapon in violation of the provisions of this chapter."

(f) Section 5845 of Title 26, United States Code, is amended by adding the following new subsection:

"(i) Assault Weapons. The term 'assault weapon' shall have the meaning provided in Section 921 of Title 18."

Sec. 7. EFFECTIVE DATE.—Unless otherwise provided, this Act shall become effective thirty days after the date of enactment of this Act.

By Mr. DIXON:

S. 387. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1989

Mr. DIXON. Mr. President, tomorrow night, President Bush will address the Nation to present his budget for fiscal year 1990. I would hope that included in the President's budget proposal would be a call for a tax amnesty program that has proven extremely successful in many States, including my State of Illinois.

Mr. President, for the past 8 years, the Federal deficit has averaged an appalling \$177 billion, representing 4.5 percent of the gross national product. A Federal budget deficit of this magnitude ultimately results in slower economic growth and a lower standard of living for our citizens. As many of us in Congress clearly recognize, the

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PRINT JOB FULFILLMENT

User ID : RET2
At Station: 7
User Name : harleen 040138
Summary: 4 IMAGE FILES TO PRINT
Files:
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e:10\i\053\048-001.000
e:10\i\053\048-002.000
e:10\i\053\048-003.000

040138

JLDD

THE WHITE HOUSE
WASHINGTON

Pathy

THE OFFICE OF PRESIDENTIAL
CORRESPONDENCE HAS RECEIVED
54,859 LETTERS IDENTICAL TO
THE KIND THAT IS ATTACHED.

*show this
to chief of staff
CJB
4-22*

4/24/89

JIM -- The President asked
that Governor Sununu
see the attached.

Patty Presock

Kevin Beck
Rr 51 Box 598
Terra Haute IN 47805

THE PRESIDENT HAS SEEN

*** 0019 02081 1 ZP 0.205 BFPP104A ***

President George Bush
The White House
Washington, DC
20500-0002

April 14, 1989

Dear President Bush:

I strongly urge you to oppose the Metzenbaum and Stark bills, S. 386 and H.R. 1190. These bills would create a bureaucratic nightmare for honest people like me who lawfully own firearms and deprive me of my rights guaranteed under the Second Amendment.

S. 386 and H.R. 1190 would prohibit or severely restrict the ownership of semi-automatic firearms possessed for decades by 20-30 million law-abiding American citizens. Semi-auto firearms are used for hunting in 48 states, for Olympic competition, and for target shooting in matches throughout the country.

The Metzenbaum and Stark bills could make felons out of millions of Americans and make a lawfully-owned semi-automatic firearm contraband. It will subject firearm owners to a nightmare of federal registration and restrictions, government checks, as well as force millions of gun owners to pay a \$200 tax for the "privilege" of keeping a semi-automatic firearm. Prohibiting gun owners from owning a semi-automatic firearm or any type of firearm will not stop criminals from acquiring them illegally, or using them to commit violent crime. S. 386 and H.R. 1190 make no sense whatsoever if Congress is truly serious about curbing violent crime and stopping violent criminals.

I ask you to support tough legislation that would: 1) Take repeat criminals and violent drug dealers off the streets of our country and lock them up by enforcing the federal law already on the books which provides that anyone using or carrying a firearm in the commission of a violent crime or drug trafficking crime be subject to a mandatory five year to life prison sentence; 2) Enforce mandatory sentencing laws already on the books; 3) Convert closed military bases into prisons; 4) Establish the death penalty for police killers; and 5) Assign a U.S. Attorney in each district to prosecute felons in possession of firearms. In short, take action that will work to make our communities safer by penalizing those truly responsible for crime.

Until Congress enacts tough criminal justice measures, more innocent lives will be lost because lawmakers are not effectively dealing with criminals. Proposals like the Metzenbaum and Stark bills only affect decent citizens, like myself, depriving me of my right to own a firearm and treating me like a criminal. Such an approach is not only morally wrong, it's an assault on Constitutional principles.

Help law-abiding citizens defeat S. 386 and H.R. 1190 and pass effective crime-fighting measures. That is the sole route to restoring citizen confidence in the ability of government to keep America both strong and safe.

Sincerely,

Kevin Beck
Rr 51 Box 598
Terra Haute IN 47805

046351

Class

C O P Y
from ORM

THE WHITE HOUSE
WASHINGTON

DATE: 4-23-89

FROM THE PRESIDENT

41

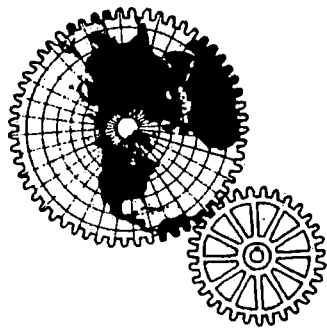
TO: Brent

Jude Wanniski's advice to the Russians.

Give to whomever might be interested.

GB

cc : J.S.



POLYCONOMICS, INC.
Political and Economic Communications

Jude Wanniski
President
86 Maple Avenue
Morristown, N.J. 07960
Tel. 201-267-4640
Fax. 201-539-4025

April 20, 1989

Mr. Gueorgui Markossov
Counselor
U.S.S.R. Embassy
1125 16th Street, NW
Washington, D.C. 20036

THE PRESIDENT HAS SEEN

Dear Georgui:

I really hope you could somehow convey to Mr. Gorbachev my concern that the new progressive tax structure for the USSR reported in the Financial Times, 4-18, will be a great burden to his perestroika program, a millstone around the neck of an economy that has so far to go to catch up to the West. The 50% tax at a threshold of 1,500 rubles per month will be crippling to incentives of capital and labor.

The objective of perestroika must be the creation of wealth, which can only be created by people. To tell them they must significantly slow down their creation of wealth when they attain 1500 rubles a month will smother the most potentially productive. Ballerinas and artists will still strive for perfection because of the psychic rewards they get, but financial reward is necessary to encourage great effort for more mundane efforts.

It is perfectly natural for Mr. Gorbachev to express himself openly on this subject, as our President Reagan did throughout his term. My recommendation is that you annualize the tax schedule and if you are going to retain the 50% rate, you should fix the threshold at a level closer to the Western industrial powers. Perhaps 50,000 rubles per year. This would send a genuine signal to the population that perestroika is serious. You should also make tax free the first 10,000 rubles of income deposited in a credit union, which would serve as a source of capital to the cooperative movement, as Japan did with its postal savings system. This way, people who earn less will be able to see that the earnings of the more productive are benefitting them through a credit union.

I hope you don't think me presumptuous in offering this advice, but you know it is meant constructively, as one supplier to another.

Cheerfully, as ever,



THE PRESIDENT

4-23-89

Dear Kathryn -

I really appreciate
your coming to Saturday's
meeting. It was really
very helpful.

Most Gratefully and Sincerely
C. R.

FROM

THE WHITE HOUSE

WASHINGTON, D.C.

Ms. Kathryn Eickhoff
President
Eickhoff Economics, Inc.
510 LaGuardia Place
New York, New York 10012



Dear Art
A Great Camp David
meeting. May thanks
for being with us. I
learned a lot and I

went to do more
of this
Sincerely,

Bob

4-23-89

Mr. Arthur B. Laffer
A. B. Laffer Associates
Suite 100
1825 Lomita Boulevard
Lomita, California 90717



Dear Herb -
A lot of meetings just
churn around. I
thought Saturday's Camp
David meeting was a
good one. I know it

was very helpful to
me -

Thanks for
your participation

Sincerely,

4-23-89

The Honorable Herbert Stein
American Enterprise Institute
1150 17th Street, N.W.
Washington, D.C. 20036



THE PRESIDENT

4-23-89

Dear Paul,

So many thanks for
coming to Camp David.
This meeting was really
very helpful. Most Sincerely
Cory

FROM

THE WHITE HOUSE

WASHINGTON, D.C.

The Honorable Paul Volcker
Chairman
James D. Wofensohn
40th Floor
599 Lexington Avenue
New York, New York 10022



4-23-89

Dear Jude -

Saturday's meeting was
very helpful to me. I
really learned a lot -

Thanks for your role
in that. Sincerely, C. Bush

FROM
THE WHITE HOUSE
WASHINGTON, D.C.

Mr. Jude Wanniski
President
Polyconomics
86 Maple Avenue
Morristown, New Jersey 07960



THE PRESIDENT

April 26, 1989

Dear Irwin,

Thanks for your thoughtful letter of April 10th. I appreciate your good wishes and kind words. It sounds to me like you are doing well in business. I love that entrepreneurial spirit that came through in your letter.

Best wishes for every continued success.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. H. W. Bush".

FROM
THE WHITE HOUSE
WASHINGTON, D.C.

Mr. Irwin Sternberg
President
Stonehenge, Ltd.
29 West 35th Street
New York, New York 10001