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Assault Weapons Ban [5]

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Congress of the United States

House of Representatives

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M E M O R A N D U M

TO: Members of the Subcommittee on Crime
 and Criminal Justice

FROM: Charles E. Schumer, Chairman

DATE: June 11, 1991

RE: June 12th Oversight Hearing on Semi-Automatic Weapons

The Subcommittee on Crime and Criminal Justice is holding an oversight hearing on semi-automatic weapons on Wednesday, June 12th. The hearing will begin at 11:00 a.m. in room 2237 of the Rayburn House Office Building. Witnesses will include: A panel from the Bureau of Alcohol, Tobacco and Firearms: Richard Cook, Chief, Firearms Division; Edward M. Owen, Jr., Chief, Firearms Technology Branch; and Hamilton Bobb, Group Supervisor, Armed Criminal Enforcement Study; a panel consisting of law enforcement officers who have been injured with or assaulted by these weapons and the widow of a law enforcement officer; a panel of law enforcement officers (including Dewey Stokes, National President of the Fraternal Order of Police and Gary Hankins, Chairman, Metropolitan Police-Labor Committee, Fraternal Order of Police of the District of Columbia); and Paul J. McNulty, Deputy Director, Office of Policy Development, Department of Justice.

BACKGROUND

The threat posed by criminals and mentally deranged individuals armed with semi-automatic assault rifles has been widespread --- from Patrick Purdy spraying a schoolyard in Stockton, California with an AK-47 to the seemingly unrelenting wave of killings beginning during the summer of 1990. Much needed attention was devoted to this issue during the 101st Congress by the Subcommittee on Crime and those activities are detailed in Report 101-621 (a copy is attached) which accompanied H.R. 4225, the "Restricted Weapons Act of 1990" passed by the Judiciary Committee.

JULY 1989 IMPORTATION BAN

The Administration responded to this situation by imposing a temporary ban in the Spring of 1989, on the importation of some 50 different types of semi-automatic rifles pending a comprehensive review by the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms ("BATF"). Following a three-month comprehensive study by the BATF, on July 7, 1989, Director Stephen E. Higgins announced a permanent ban on the importation of 43 foreign made semi-automatic rifles which were classified as semi-automatic assault weapons (copies of the July 1989 BATF press release and the report of the BATF working group are attached).

BATF based the ban on its authority under Section 925(d)(3) of Title 18 which allows importation of those firearms which are "generally recognized as particularly suitable for or readily adaptable to sporting purposes" While the report of the BATF working group fully describes its deliberative process, some of its findings are summarized below.

In deciding which foreign made semi-automatic weapons did not meet the "sporting purposes" test, and were, in fact, weapons of the kind commonly referred to as "assault" or "military style" rifles, the BATF working group examined the physical characteristics of the weapons in question. It found that these assault weapons possess a variety of physical characteristics meant for military purposes which distinguished them from traditional sporting rifles. These physical characteristics include:

A. MILITARY CONFIGURATION

- a. ability to accept a detachable magazine
- b. folding/telescoping stocks
- c. pistol grip
- d. ability to accept a bayonet
- e. flash suppressor
- f. bipods
- g. grenade launcher
- h. night sights

B. Semi-automatic VERSION OF A MACHINEGUN, and

C. WHETHER RIFLE IS CHAMBERED TO ACCEPT A CENTERFIRE CARTRIDGE HAVING A LENGTH OF 2.25 INCHES OR LESS.

Besides looking at the weapons' physical characteristics, the working group determined the scope of the statutory term "sporting purposes"; it evaluated whether the semi-automatic assault rifles are a type of rifle "generally recognized as particularly suitable for or readily adaptable to" the kinds of traditional sporting applications; it gathered and analyzed

information from outside sources, including the manner in which these weapon has been advertised; how firearms technical writers describe the rifle's use; and whether State game commissions allow the use of the rifle to hunt.

The final July 1989 importation ban went into effect after all of this information was compiled and evaluated. It should be noted that the 1989 importation ban was not the first time BATF interpreted the "sporting purposes" test. It did so for the first time in 1984 when the Striker-12 shotgun was denied importation. The Striker-12 was originally designed in South Africa for use in riot control.

CONGRESSIONAL LEGISLATIVE APPROACHES DURING THE 101ST AND 102ND CONGRESSES

There were two main legislative approaches utilized during the 101st Congress. The first, embodied in H.R. 4225, gives the Secretary of the Treasury the identical authority to regulate the sale and possession of domestically made military-like semi-automatic rifles as he already has under 18 U.S.C. §925(d)(3). Under H.R. 4225, the Secretary was required to publish a list composed of the domestic semi-automatic weapons which would be considered "restricted" weapons (having failed the "sporting purposes" test) as well as those foreign made rifles, pistols and revolvers already banned from importation for failing to meet the test. H.R. 4225 was sponsored by Congressman William J. Hughes and has been reintroduced this Congress as H.R. 19.

The other approach was contained in the bill introduced by Senator Dennis DeConcini which was part of last year's Senate crime bill and is Title VII of S. 618. The DeConcini bill lists nine specific categories of semi-automatic rifles and pistols (14 different types or models are listed within these nine categories) for which a penalty would be imposed if a person transferred, imported, transported, received or possessed them. Among the nine categories are the MAC 10 and MAC 11 handguns which are domestically made.

Attachments

SUBCOMMITTEE ON CRIME AND CRIMINAL JUSTICE

WITNESS LIST

DATE: June 12, 1991

TIME: 11:00 a.m.

ROOM: 2237 Rayburn House Office Building

RE: Oversight Hearing on Semi-Automatic Assault Weapons

PANEL I

Catherine Varner
Winslow, Arizona

Police Officer Neil Carr
Philadelphia Police Department
Philadelphia, Pennsylvania

Roger Guthrie, Agent
Bureau of Alcohol, Tobacco
and Firearms

Police Officer J.J. Rodriguez
Philadelphia Police Department
Philadelphia, Pennsylvania

Police Lieutenant Randy Beane
Dayton Police Department
Dayton, Ohio

PANEL II

Richard Cook, Chief
Firearms Division
Bureau of Alcohol, Tobacco
and Firearms

Hamilton Bobb, Group Supervisor
Bureau of Alcohol, Tobacco
and Firearms

Edward Owen, Jr., Chief,
Firearms Technology Branch
Bureau of Alcohol, Tobacco
and Firearms

PANE III

Paul J. McNulty, Deputy Director
Office of Policy Development
U.S. Department of Justice

PANEL IV

Dewey Stokes, National
President, Fraternal Order
of Police

Gary Hankins, Chairman
Metropolitan Police - Labor
Committee, Fraternal Order of
Police

Inspector Phillip O'Donnell
D.C. Rapid Deployment Unit
Washington, DC

Summary of the Assault Weapons Act

H.R. 3371 contains a ban on the future manufacture and importation of twenty-two specifically listed semiautomatic assault weapons. This provision is similar to the assault weapons ban which was twice approved by the U.S. Senate.

The assault weapons legislation does the following:

(1) Prohibits the importation and domestic manufacture of new semiautomatic assault weapons of the following specific models:

(i) Action Arms Israeli Military Industries UZI and Galil; (ii) Auto Ordnance 27A1 Thompson, 27A5 Thompson, and M1 Thompson; (iii) Beretta AR-70 (SC-70); (iv) Colt AR-15 and CAR-15; (v) Fabrique Nationale FN/FAL, FN/LAR and FNC; (vi) INTRATEC TEC-9; (vii) MAC 10 and MAC 11; (viii) Norinco, Mitchell and Poly Technologies Avotomat Kalashnikovs (AK-47s); (ix) Springfield BM59, SAR48, and G3SA; (x) Steyr AUG; (xi) Streetsweeper and Striker 12; (xii) All Ruger Mini-14 models with folding stocks; and (xiii) Armscorp FAL.

Assault weapons lawfully owned before the effective date can still be possessed, transferred, transported, bought and sold. Agencies of federal, state and local governments, such as the military and police, are exempt from this act.

(2) Applies the prohibition to copies of the listed assault weapons.

So that manufacturers cannot evade the law by simply renaming their assault weapons, copies of assault weapons are treated the same as the listed firearms themselves.

(3) Requires a criminal background check for future buyers of assault weapons.

The Treasury Secretary would promulgate regulations requiring criminal background checks of future recipients of assault weapons to ensure that they are not felons, fugitives or otherwise prohibited from possessing firearms under current federal law. Current assault weapon owners would not be affected.

(4) Enhances penalties for the use of assault weapons during the commission of a violent or drug trafficking crime.

The penalty would be doubled from five to ten years in prison.

(5) Permits the Treasury Secretary to recommend to Congress that firearms be added to, or removed from, the list.

The Treasury Secretary can make recommendations to Congress, but the Secretary is given no discretion to add different firearms to the list.

Comparison between House and Senate Assault Weapon Bills

The Schumer assault weapon ban in the House crime bill is similar to the DeConcini assault weapons ban approved by the Senate in its crime bill:

- (1) Both bills specifically list the following assault weapons: UZI, Galil, Beretta AR-70 (SC-70), Colt AR-15 and CAR-15, Fabrique Nationale FN/FAL, FN/LAR and FNC, INTRATEC TEC-9, MAC 10 and MAC 11, Norinco, Mitchell and Poly Technologies Avotomat Kalashnikovs (AK-47s), Steyr AUG, Streetsweeper and Striker 12.
- (2) The House bill also lists the following domestic weapons which, if exported, the Bush Administration has banned from importation: Auto Ordnance 27A1 Thompson, 27A5 Thompson, and M1 Thompson, Springfield BM59, SAR48, and G3SA, Ruger Mini-14 models with folding stocks, and Armscorp FAL.
- (3) Both "grandfather" current assault weapons, allowing civilians who lawfully possess assault weapons prior to the effective date to keep their guns without any restrictions.
- (4) Both allow the Treasury Secretary to recommend to Congress any changes in the statutory list of assault weapons. The Secretary is given no discretion to unilaterally add new types of firearms to the list in either bill.
- (5) The Senate version requires all assault weapon owners to obtain a federal form as evidence of ownership, while the House version does not require current assault weapons owners to do anything at all.
- (6) The House version requires a criminal background check for future assault weapon purchases while the Senate version does not. The House provision would ensure that future recipients of assault weapons are not felons, fugitives or otherwise prohibited from possessing firearms under current federal law. Current assault weapon owners would not be affected.
- (7) The House version applies copies of the listed assault weapons while the Senate version does not. The copy provision is needed so that manufacturers cannot evade the law by simply renaming their assault weapons.

Why We Need to Outlaw Assault Weapons

Assault Weapons are a Threat to Domestic Safety

Stephen E. Higgins, Director of the Bureau of Alcohol, Tobacco and Firearms, stated the matter very plainly in 1989:

"Almost daily ATF special agents and other Federal, State, and local police see the spread of assault-type weapons on the streets. It is the general consensus of law enforcement officials that the ever-increasing presence of assault-type rifles in the illicit drug trade and in other types of crime places the safety and the very lives of the American public in immediate peril. The proliferation of these weapons and their massive firepower also poses a tremendous threat to the lives of Federal, State, and local police officers, who are outgunned by the criminals they encounter on the streets."

ATF Statistics Prove Assault Weapons Threat

The federal Bureau of Alcohol, Tobacco and Firearms (ATF) has analyzed gun trace reports from 1986 through 1990. ATF revealed that:

Although semiautomatic assault weapons comprise only 0.5% to 1% of the privately-owned guns in America, they accounted for 7% of all firearms traced to crime in 1986-87 and more than 10% of all crime guns traced in 1988-89. In other words, assault weapons are 10 to 20 times more likely to be traced to crime than conventional firearms.

During 1986-90, 1,088 assault weapons were traced to murders in the United States and 3,505 were linked to drug traffickers. Since only about 10% of all gun crimes result in firearms traces, assault weapons have been used in as many as ten times more crimes.

ATF Statistics Prove Assault Weapons Act Will Work

The Bush Administration's 1989 ban on the importation of assault weapons had a dramatic effect. Between 1989 and 1990, the number of imported assault weapons traced to crime declined by 45% while the number of domestic assault weapons traced to crime remained about the same. Murders, assaults, drug crimes and property crimes linked to assault weapons all declined from 1989 to 1990 as a result of the import ban.

No one claims that assault weapon legislation will stop all assault weapon crime, but ATF tracing statistics prove that we can dry up the supply of these guns, make them less accessible to drug dealers and homicidal maniacs, and make a significant dent in the violence plaguing America.

Q & A on Schumer Assault Weapons Act

What is an assault weapon?

It is an automatic or semi-automatic rifle, pistol or shotgun designed to be spray-fired in combat. Such weapons include the AK-47, Uzi, AR-15, MAC-10 and TEC-9.

What is the difference between an automatic and a semi-automatic weapon?

An automatic weapon (machine gun) will continue to fire as long as the trigger is depressed (or until the ammunition magazine is emptied). A semi-automatic weapon will fire one round and instantly load the next round with each pull of the trigger. This means that a semi-automatic fires a little more slowly than an automatic, but not much more slowly. When San Jose police test-fired an Uzi, a 30-round magazine was emptied in slightly less than two seconds on full automatic while the same magazine was emptied in just five seconds on semi-automatic.

Is a slide-action gun considered semi-automatic?

No. Slide-action, bolt-action, lever-action, and of course, single shot firearms are not semi-automatics because they require an additional manual operation before the trigger can be pulled again. In addition, revolvers are not considered semi-automatic weapons.

What type of gun was used by Patrick Purdy?

On January 17, 1989, Patrick Purdy killed 5 small children, wounded 29 others and one teacher at the Cleveland Elementary School in Stockton, California, using a semi-automatic version of the AK-47 assault rifle imported from the Peoples' Republic of China. That weapon was equipped with a 75-round "drum" magazine. Purdy shot 106 rounds in less than 2 minutes.

How are assault weapons treated under current federal law?

In 1934, Congress voted to require that all fully-automatic weapons be registered. Transferees must undergo FBI criminal record checks and a \$200 transfer tax is imposed. In 1986, Congress outlawed the manufacture and importation of new automatic weapons for sale to civilians. However, under federal law, semi-automatic assault weapons can be purchased instantly.

Will all semi-automatics be banned if assault weapons are restricted?

No. The assault weapons legislation is limited to specific semi-automatic weapons. Semi-automatic hunting rifles such as the Browning and Remington, will not be affected by the Act.

How is it possible to distinguish semi-automatic hunting rifles from semi-automatic assault weapons?

Sporting rifles and assault weapons are two distinct classes of firearms. While semi-automatic hunting rifles are designed to be fired from the shoulder and depend upon the accuracy of a precisely aimed projectile, semi-automatic assault weapons are designed to maximize lethal effects through a rapid rate of fire. Assault weapons are designed to be spray-fired from the hip, and because of their design, a shooter can maintain control of the weapon even while firing many rounds in rapid succession.

Because assault weapons were designed for military purposes, assault weapons are equipped with "combat hardware," such as flash suppressors, silencers, folding stocks and bayonets, which are not found on traditional sporting guns. While opponents of legislation restricting semi-automatic assault weapons argue that such weapons only "look scary," there is a good reason why these features on assault weapons should frighten the public. Assault weapons are commonly equipped with some or all of the following combat hardware:

- * Large-capacity ammunition magazine, enabling the shooter to continuously fire dozens of rounds without reloading. Standard semiautomatic hunting rifles are equipped with 3 or 4-shot magazines.
- * Folding/telescoping stock on a rifle or shotgun, which sacrifices accuracy for advantages such as concealability and mobility in close combat.
- * Pistol grip on a rifle or shotgun, which facilitates firing from the hip, allowing the shooter to spray-fire the weapon. A pistol grip also helps stabilize the firearm during rapid fire.
- * Lug to attach a bayonet, which obviously is a purely military feature.
- * Threaded barrel designed to accommodate a flash suppressor, which serves no useful sporting purpose. The flash suppressor allows the shooter to remain concealed when shooting at night, an advantage in combat but unnecessary for hunting or sporting purposes. In addition, the flash suppressor is useful in preventing barrel climb during rapid fire, helping the shooter maintain control of the firearm.
- * Bipods, which provide stability and support for the weapon when fired rapidly from a prone position. It is useful to assassins but has no purpose for sportsmen.
- * Grenade launchers, which clearly have no sporting purpose.
- * Night sights, to facilitate sight alignment and target acquisition in the dark. These are not usually found on sporting firearms because it is generally illegal to hunt at night.

The federal Bureau of Alcohol, Tobacco and Firearms uses these features to identify assault weapons to be banned from importation.

How many semi-automatic assault weapons are there in the U.S.?

According to the Bureau of Alcohol, Tobacco and Firearms (ATF), there are about one million semi-automatic assault weapons currently in circulation.

What action did the Bush Administration take to limit the importation of assault weapons?

Under the 1968 Gun Control Act, the Bureau of Alcohol, Tobacco and Firearms (ATF) is empowered to prevent the importation of guns which are not "particularly suitable for or readily adaptable to sporting purposes." President Bush has permanently banned the importation of 43 types of semi-automatic assault weapons which were determined not to have a sporting purpose. An estimated 750,000 weapons awaiting import permits were affected.

Can ATF ban the domestic manufacture or sale of assault weapons?

Under current law, ATF has no authority to prohibit manufacture of domestic semi-automatic assault weapons. It would require the passage of new legislation for ATF to obtain that authority.

What good is it to only ban the importation of assault weapons?

If we do not prohibit domestic production, American manufacturers will make assault weapons in even greater quantities and copy the designs of previously imported assault weapons. After ATF outlawed the importation of a South African riot-control shotgun called the Striker-12 in 1986, American manufacturers subsequently marketed copies of the Striker-12, boasting that it was barred from importation.

How much of a crime problem are semi-automatic assault weapons?

Studies of firearms traced to crime by ATF found that semi-automatic assault weapons are 10 to 20 times more likely to be used in crime than a conventional firearm. Although semi-automatic assault weapons comprise only 0.5% to 1% of firearms in circulation, they represent nearly thirty percent of all firearms traced to organized crime, gun trafficking, and crimes involving terrorists in the United States.

The NRA argues that the real problem isn't assault weapons. It's courts that let criminals go free. The NRA says mandatory sentences for criminals who use guns is the answer. What do you think?

We have always supported tough mandatory sentencing. However, that is only part of the answer. We need preventive measures. The use of assault weapons in crime has been growing at an alarming rate. According to the ATF study, the percentage of semi-automatic assault weapons traced to crime increased sharply since 1986. Why should weapons that are designed solely for use in combat be made freely available to criminals? Law-abiding citizens have no need for weapons of war.

Won't criminals always be able to get assault weapons even if they're banned?

Stopping the domestic manufacture and import of semi-automatic assault weapons would dry up the pool of available weapons. The 1989 import ban had a dramatic effect on the use of imported assault weapons in crime. While the number of domestic assault weapons traced to crime remained steady from 1989 to 1990, the number of imported assault weapons traced to crime declined by 45% as a result of the import ban!

What do law enforcement officials think we should do about assault weapons?

Every major national law enforcement organization supports legislation to outlaw assault weapons, including the Fraternal Order of Police, National Sheriffs' Association, International Association of Chiefs of Police, National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, and the Police Executive Research Forum.

Will a ban on assault weapons affect the use of these weapons by the military or police?

No. The legislation exempts governmental agencies such as law enforcement and the military.

Summary of the Ammunition Magazine Limitation

H.R. 3371 contains a ban on the future manufacture and importation of detachable large-capacity ammunition magazines (sometimes called "clips"). This provision is similar to one proposed by President Bush. The Schumer proposal does the following:

- (1) The future importation and domestic manufacture of new large-capacity ammunition magazines (those holding more than 7 rounds) is prohibited.**

The prohibition applies to any detachable magazine or feed-strip (called an "ammunition feeding device") which holds or "can be readily restored or converted to accept" more than 7 rounds. Attached tubular .22 rimfire magazines are specifically exempted. Agencies of federal, state and local governments, such as the military and police, and magazines manufactured for export, are exempt from this prohibition.

- (2) Large-capacity ammunition magazines lawfully owned before the effective date can still be possessed without any registration or restrictions.**

Current owners don't have to do anything to keep their magazines. Current owners are not registered.

- (3) Large-capacity ammunition magazines lawfully owned before the effective date can still be transferred, without any restrictions.**

- (4) In the future, manufacturers and importers must place serial numbers on these large-capacity magazines, but this does not affect current magazines.**

Why Ban High-Capacity Ammunition Magazines

The Problem

Two years ago, Patrick Purdy gunned down five schoolchildren and wounded 30 others using an AK-47 rifle equipped with a 75-round "drum" magazine and a 30-round "banana clip." Unfortunately, his use of high-capacity ammunition magazines in the commission of a crime was not unusual.

Drug traffickers and youth gangs frequently use semiautomatic assault weapons equipped with large-capacity ammunition magazines to gun down victims in spray-fired drive-by shootings. Our police are now frequently out-gunned by criminals on the street.

It is no wonder. Large-capacity magazines are totally unrestricted by federal law. They can legally be manufactured, imported and sold by anyone, to anyone. It's perfectly legal to sell them to felons. They can be and are sold through the mail. As a result, anyone can purchase 15, 30, 50, even 100-round ammunition magazines.

There is just no reason for civilians to have that kind of firepower.

No legitimate purpose

According to the Sporting Arms and Ammunition Manufacturers' Institute, which represents the major American gun manufacturers (including Browning, Marlin, Mossberg, Remington, Smith & Wesson, and Sturm, Ruger & Co.):

"Traditional centerfire semiautomatic rifles and shotguns generally have an ammunition capacity of 5 rounds, and semi-automatic shotguns used for waterfowl hunting must be capable of firing no more than 3 shots before reloading."
Position paper submitted to the Senate Subcommittee on the Constitution.

Similarly, the federal Bureau of Alcohol, Tobacco and Firearms reported that:

"Virtually all modern military firearms are designed to accept large, detachable magazines. This provides the soldier with a fairly large ammunition supply and the ability to rapidly reload. Thus, large capacity magazines are indicative of military firearms. Most traditional semiautomatic sporting firearms, designed to accommodate a detachable magazine, have a relatively small magazine capacity. In addition, some States have a limit on the magazine capacity allowed for hunting, usually 8 rounds or less." Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles, July 6, 1989.

Quite simply, hunters and marksmen do not need large-capacity ammunition magazines because they do not spray-fire at targets or game.

Who needs a 75-round drum magazine -- except Patrick Purdy?

AMMUNITION MAGAZINE SIZE LIMITS FOR HUNTING

Federal law: No person shall take migratory game birds with a shotgun capable of holding more than three shells (one in the chamber and two in the magazine) unless the magazine is plugged with a one-piece filler which is incapable of removal without disassembling the gun.

States with additional limits on magazine size while hunting game other than migratory game birds are as follows:

	<u>Shotguns</u> (not including one round in chamber)	<u>Rifles</u> (semiautomatic centerfire)
AL	N/A	N/A
AK	N/A	N/A
AZ	2 for all game	5 for all game
AR	N/A	N/A
CA	2 for all game	N/A
CO	2 for small game	5 for big game
CT	2 for deer	N/A
DE	2 for all game	N/A
FL	N/A	5 for all game
GA	4 for deer/2 for all other game	N/A
HI	N/A	N/A
ID	N/A	N/A
IL	2 for all game	N/A
IN	N/A	N/A
IA	N/A	N/A
KS	N/A	N/A
KY	2 for small game/10 for deer	10 for deer
LA	2 for all game	N/A
ME	5 for all game with semiautos	5 for all game
MD	2 for all game except deer	8 for deer
MA	N/A	N/A
MI	5 for all game	5 for all game
MN	N/A	N/A
MS	N/A	N/A
MO	2 for all game except deer	11 for deer
MT	N/A	N/A
NE	N/A	N/A
NV	N/A	N/A
NH	5 for all game	5 for all game
NJ	2 for all game	3 for all game
NM	N/A	N/A
NY	5 for all game	5 for all game
NC	N/A	N/A
ND	N/A	8 for big game
OH	N/A	N/A
OK	N/A	N/A
OR	N/A	5 for all game
PA	2 for small game	No hunting with semiautos
RI	2 for all game	No hunting with rifles
SC	N/A	N/A
SD	N/A	5 for big game
TN	N/A	N/A
TX	N/A	N/A
UT	N/A	N/A
VT	N/A	N/A
VA	2 for all game	N/A
WA	N/A	N/A
WV	N/A	N/A
WI	N/A	N/A
WY	N/A	N/A

Q & A about the Ammunition Magazine Limitation

1. **"The Magazine Limit will make criminals of law-abiding gun owners who possess these clips."**

That's false. Current owners don't have to do anything to keep their magazines. Current owners are not registered. People who buy pre-existing large-capacity magazines do not have to register.

2. **"The Magazine Limit will force everyone to get a serial number placed on their large magazine."**

Not at all. In the future, manufacturers and importers must place serial numbers on these magazines, but this does not effect current magazines.

3. **"The Magazine Limit will make standard .22 caliber Boy Scout rifles illegal because they hold more than 7 rounds."**

Such rifles will not be affected. The prohibition only applies to large-capacity detachable magazines. These Boy Scout rifles use fixed magazines. In addition, the attached tubular .22 rimfire magazines are specifically exempted.

4. **"The Magazine Limit will result in de facto registration of firearm owners."**

No one will ever have to register under this law.

Assault Weapons Muscle In On the Front Lines of Crime

Sunday, May 21

By Jim Stewart
and Andrew Alexander
Cox Washington Bureau

WASHINGTON — An assault gun is 20 times more likely to be used in crime than a conventional firearm, according to a study by Cox Newspapers.

While assault guns account for 1 million — or 0.5 percent — of the 200 million privately owned firearms in the United States, they were used in one of every 10 crimes that resulted in a firearms trace last year, the study shows.

The findings appear to document for the first time what police across the nation have asserted for months — that a minute number of semiautomatic guns patterned after military firearms are the favored weapon of a growing number of criminals, especially violence-prone drug gangs that infest larger U.S. cities.

The study further found that two-thirds of the assault guns traced to crime are produced domestically and will not be affected by President Bush's decision to ban the importation of 49 foreign-made assault guns. The import ban is a key element in the administration's crime-fighting program announced last Monday.

"If you're going to do anything to assault weapons, I think you have to do a little bit more than Mr. Bush has done, and this study demonstrates that very clearly," said Sen. Dennis DeConcini (D-Ariz.), sponsor of one of two Senate bills that would impose new restrictions on assault guns.

A spokesman for the White House, however, said the findings were not at odds with Mr. Bush's plan but in fact "underscore the importance of the president's proposals."

Despite their small numbers, assault guns showed up in nearly 30 percent of all firearms traced to organized crime, gun trafficking and crimes committed by terrorists in the United States in 1988 and the first quarter of 1989, the study found.

And of the thousands of gun models sold in the United States, just 10 of them — all members of the so-called assault gun family — accounted for 12.4 percent of the nation's drug-related crime, the study found.

A study appears to document for the first time what police across the nation have asserted — that a minute number of semiautomatic guns patterned after military firearms are the favored weapon of a growing number of criminals, especially violence-prone drug gangs that infest larger U.S. cities.

The findings came from a comprehensive examination of 42,758 gun trace requests submitted to the federal Bureau of Alcohol, Tobacco and Firearms (ATF) from police departments around the nation. The forms covered the period from Jan. 1, 1988, to March 27, 1989.

With the bureau's approval, The Cox Washington Bureau entered data from each of the trace requests into computers. The data included the location and nature of the crime, the manufacturer of the gun involved, the weapon model, the magazine capacity and the weapon serial number. Once collated, the information provided a detailed, state-by-state picture of the use of firearms in crime that had never before been available.

"These deadly statistics are hard news to the nation's police officers, who are forced to deal with the carnage every day," said Sen. Howard M. Metzenbaum (D-Ohio). "But this chilling evidence should be enough to convince the rest of us that assault guns must be banned now."

Robert J. Barnes, a former senior federal firearms enforcement officer, said, "What this screams at me is that criminals have gone from using defensive weapons, like small handguns, to offensive weapons. This presents a totally different picture for the policemen of America. Their lives are clearly in much greater danger."

Figures High for Miami, L.A.

For purposes of the study, assault guns were defined as those specifically identified by the Bush administration's temporary import ban on foreign-manufactured semiautomatic weapons, as well as the domestically

produced semiautomatics identified in Senate Bill 386, introduced by Mr. Metzenbaum. The two lists totaled 64 individual weapon models.

Among the study's other chief findings:

- The use of assault weapons in crime rose more than 78 percent in 1988 over 1987. Figures for the first three months of 1989 show the trend toward the use of assault guns continues to grow.

- Just 10 assault gun models accounted for 90 percent of the crimes involving assault guns. One of every five of those was a weapon known as a TEC-9. The gun, made in Miami, was virtually unknown two years ago.

- In Miami, where drug gangs are especially violent and gun laws are lax, assault gun use rose to nearly twice the national average. In Los Angeles, the frequency of assault gun use in crime was also about twice the national average. In that city, a 20-day waiting period is required before a handgun purchase can be completed; assault rifles, however, are not covered and thus are easier to buy.

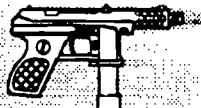
- Some weapons that have figured prominently in congressional debates over assault weapons — notably the Atlanta-made Street Sweeper shotgun — actually cause barely a ripple on the crime scene. During 1988, only one of more than 33,700 guns traced by federal agents was a Street Sweeper.

- For the first time since records on firearms used in crimes have been kept in the United States, semiautomatic pistols outnumber revolvers. Overall, the figures reveal a clear trend on the part of criminals to upgrade their arsenals with weapons that fire faster and hold more ammunition.

Most U.S. police departments are still armed with standard six-shot revolvers, according to the International Association of Chiefs of Police.

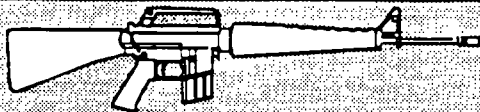
The gun trace forms reviewed for this article were submitted to the U.S. Bureau of Alcohol, Tobacco and Firearms Tracing Center in Landover, Md., by city, state and federal police departments from all 50 states; a handful were submitted by foreign agencies. The ATF, an arm of the

WEAPONS Continued on Page 3



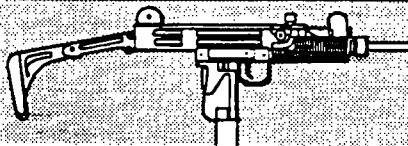
1
TEC-9

MADE IN MIAMI: Manufactured by In-tertec U.S.A. Inc., this 9mm gun is the favorite of drug dealers, apparently because it is inexpensive — about \$380 — easily concealed and is available with a 36-round magazine. One of every five assault weapons traced to crime is a TEC-9, according to ATF records. Promotional material states the gun is "as tough as your toughest customer."



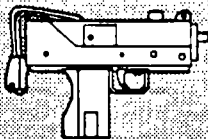
2
AR-15

MADE IN HARTFORD, CONN.: As concern about assault weapons being used in crime mounted, Colt Industries Firearms Division ceased sale on March 15 of this reliable look-alike to the fully automatic Army M-16. Demand had pushed the average price to nearly \$1,000 by the time sales were suspended.



3
UZI

MADE IN ISRAEL: One of the foundation weapons of the Israeli army, it comes in a 9mm submachine-gun style popular with the U.S. Secret Service. Critics contend that legal semiautomatic Uzis are too easily converted to illegal fully automatic Uzis. The gun is popular despite its high price, from \$700 to \$1,400.



4
MAC-11

MADE IN ATLANTA: "The Gun That Made the '80s Roar," boasted a recent magazine ad for the gun. It is manufactured by SWD Inc. and is based on the company's earlier MAC-10 design. A favorite of survivalists and soldiers of fortune, the boxy-looking gun is cheap — \$200 to \$300 — and can be fitted with a 32-round 9mm magazine.



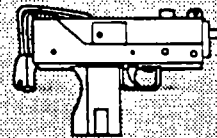
5
MINI-14

MADE IN SOUTHPORT, CONN.: A light, handy rifle made by Sturm, Ruger & Co. Inc., the Mini-14 is patterned after the M-1 and M-14 combat rifles. William B. Cruise used one to kill six people outside a Palm Bay, Fla., shopping center in 1987. Since then, the cost has increased from \$400 to about \$1,500.



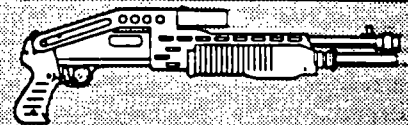
6
AK-47

MADE IN CHINA, HUNGARY: This is the Eastern bloc's standard infantry weapon. It also is a popular weapon among America's West Coast criminals and crazies. Drifter Patrick Edward Purdy used one to kill five schoolchildren last January in Stockton, Calif. After the shootings, the average price jumped from around \$380 to around \$1,500.



7
MAC-10

MADE IN ATLANTA: Drug gangs quickly discovered that they could easily convert these guns to full automatic. Nearly 33,000 were in circulation before ATF decided it had made a mistake in allowing them to be sold. The weapon was banned in 1982. A variation is now being manufactured by RPB Industries Inc. in Texas.



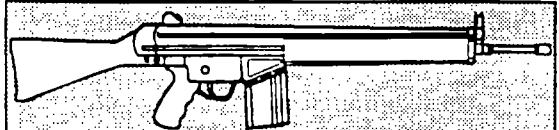
8
SPAS 12

MADE IN ITALY: This "battle shotgun" manufactured by the Luigi Franchi firm is rapidly gaining in popularity. It can be fired either from the hip or sighted down the barrel using a folding stock. The average price is around \$595.



9
HK-91

MADE IN GERMANY: A favorite with many police SWAT teams, this rifle is manufactured by Heckler & Koch using 308-caliber ammunition in the semiautomatic version. The West German army uses it in the fully automatic version. The price of the HK-91 has risen from around \$948 to between \$1,500 and \$2,000.



10
HK-93

MADE IN GERMANY: Same as the HK-91 but in a smaller .223-caliber, like the Colt AR-15 and the Ruger Mini-14. It sells for more than \$1,500 these days.

Assault guns most often used in crimes, according to a study by Cox Newspapers of trace requests submitted to the U.S. Bureau of Alcohol, Tobacco and Firearms.

Weapons

From Page 1

Treasury Department, is the federal agency responsible for enforcing U.S. firearms regulations. Its Landover center acts as a clearinghouse to aid police by tracing the ownership of guns used in crimes.

The ATF used to have the capability to do computer analysis of gun trace information, but it lost funding for its own computer system in 1985 and has since processed all requests by hand.

"The priorities on money changed, and unfortunately, other things came first," spokesman Richard Pedersen said.

The Cox Washington Bureau sought access to the forms in February and offered to computerize the data. The ATF agreed.

Summaries of data from the forms are "normally disclosable information that we needed and would have been glad to release, but did not have the manpower or funding to do so," Mr. Pedersen said.

The trace requests on file at Landover do not represent all the crimes committed with firearms in any given year because only a portion result in a trace request. Police departments vary in how frequently they ask for traces, according to Thomas M. Gerrity, the center's director.

The requests do, however, represent a "significant cross section" of firearm-related crime, Mr. Gerrity

What this screams at me is that criminals have gone from using defensive weapons, like small handguns, to offensive weapons. This presents a totally different picture for the policemen of America.'

— Robert J. Barnes, former federal firearms officer

said. "It is the only national data base of its kind in the nation," he said.

For example, in 1987 — the last year for which full records are available — the FBI's Uniform Crime Reporting Section documented 1.3 million crimes reported against individuals. Of those, 361,000 involved a firearm. The same year, the ATF received 35,100 weapons trace requests, about one for every 10 gun crimes reported.

Assault weapons have been the focus of an increasingly emotional debate since January, when Patrick Edward Purdy killed five schoolchildren and wounded 29 others and a teacher in a Stockton, Calif., schoolyard. Purdy fatally shot himself in the head with a semiautomatic pistol before police arrived.

The killings prompted a wave of national and state legislation, unparalleled since the assassinations of Robert F. Kennedy and Martin Luther King Jr. led to passage of the 1968 Gun Control Act. Twenty-three

state legislatures are considering bills that would ban or restrict the use of specified assault guns. In Congress, two bills are in the Senate, four in the House.

Two problems have hampered advocates of revised gun laws.

The first is the difficulty of defining assault guns. Semiautomatic assault guns have the same kind of "receiver" — the mechanical portion of the gun housing the firing mechanism and to which the barrel is attached — as many popular hunting and sporting weapons not targeted for restriction.

Most current bills attempt to clear that hurdle by naming the weapons to be restricted. They would leave it to the ATF and a board of advisers to revise the list as need be, with congressional approval.

Their second problem deals with the actual number of assault guns owned by Americans and how many of these weapons have been involved in crime — varying estimates have confused the debate.

In testimony before a House subcommittee last month, ATF Associate Director Daniel M. Hartnett estimated that Americans own between 2 million and 3 million semiautomatic firearms that could be classed as assault guns.

After a review of ATF records, agency spokesman Tom Hill said the number is closer to 1 million. Mr. Hill said the estimate was based on the actual number of imported weapons in the president's ban, combined with estimates of domestically produced weapons.

The number of assault guns traced last year surprised officials because there are so few of them in the general gun population.

Ninety percent of assault gun crime can be attributed to just six rifle models, three pistols styled with submachine-gun looks and one shot-gun model, the Italian-made SPAS 12.

Among all types of weapons, the top five criminal guns were:

1. The MP-25, a .25-caliber semiautomatic pistol manufactured by Raven Arms in City of Industry, Calif., with an average retail price of \$85.

2. The Model 60, a stainless-steel .38-caliber revolver produced by Smith & Wesson of Springfield, Mass., priced at \$360.

3. The Model 36, a slightly plainer .38-caliber revolver also made by Smith & Wesson and one of the world's most popular handguns. Its estimated retail price is \$320.

4. The J22, a .22-caliber semiautomatic pistol made by Calwest Co. of

The Fiction, The Facts

FICTION: Assault weapons are the same thing as machine guns.

FACT: Assault weapons are semiautomatics. Machine guns and submachine guns are automatics. The 1986 Firearms Owner Protection Act outlawed the production of machine guns for civilian purchase. To buy one today, the purchaser must pay a \$200 transfer fee and submit to a background check by the federal government, submit a letter from his local police department and be fingerprinted. The procedure takes up to six months.

FICTION: Assault weapons fire thousands of rounds a minute.

FACT: No assault gun can fire at such a high rate. That is true whether the weapon is a semiautomatic one, which fires one bullet for each pull of the trigger, or a fully automatic military rifle, which fires continuously when the trigger is depressed. The most a semiautomatic weapon can handle is between 60 and 80 rounds a minute, assuming the firer changes magazines rapidly.

FICTION: "There is simply no evidence that criminals prefer to use semiautomatic rifles, shotguns or pistols for illegal purposes. In fact, data available on criminals' firearms preferences indicates just the opposite." — "Semi-Auto Firearms," a National Rifle Association pamphlet.

FACT: Whatever past trends may have shown, that's not the case today. For the first time since police began categorizing weapons by type, semiautomatic pistols are outdistancing revolvers and all other firearms as the weapon of choice of criminals.

WEAPONS Continued on Page 4

Weapons

From Page 3

Irvine, Calif., known for its small size, low price and notorious inaccuracy. It sells for \$45.

5. The TEC-9, which ranked no better than fifth among assault guns alone in 1986 but is rapidly moving up the sales ladder. It retails for under \$380.

In sheer numbers, assault guns were most common in drug-related crime, accounting for 12.4 percent of all narcotics firearms traced. On the West Coast, that frequency jumped to

21 percent, and in Arizona to 38.6 percent.

In addition to the standard crime categories traced, the government

also tracks firearms involved in investigations of organized crime. Assault guns amounted to nearly one of every three guns in that category.

How the Study Was Done

In all, 42,758 Firearms Trace Request forms filed at the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF) Tracing Center in Landover, Md., were examined. The forms cover the period from Jan. 1, 1988, to March 27, 1989.

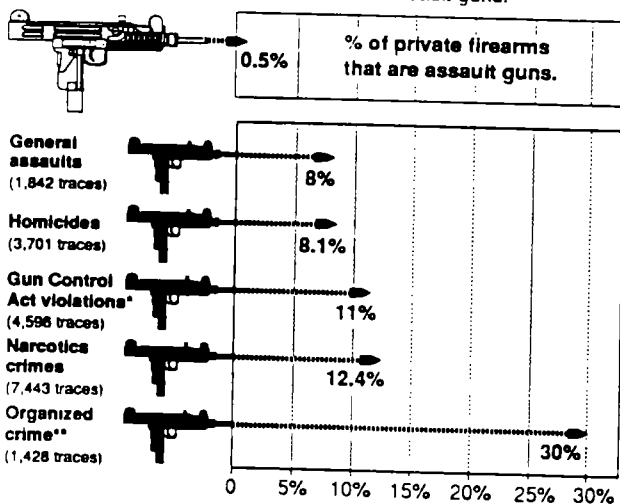
Information from the forms was entered into computers by Cox Washington Bureau reporters and clerks and tabulated by Data Tabulating Service Inc. of Atlanta.

The information from each form in-

cluded the date of the request; the identity of the requesting agency; the state where the request originated; the manufacturer; type of weapon, model, caliber, magazine capacity, serial number and country of origin; the type of crime involved; the presence, if any, of organized crime; and codes for nine major metropolitan areas selected by the reporters. Information on the forms was supplied by the law enforcement officer making the request.

The Most Common Assault Gun Crimes

There are an estimated 200 million privately owned guns in the United States, and an estimated 1 million of them (one-half of 1 percent) are assault guns. But those guns turn up in disproportionate numbers in a variety of crimes. For example, of 7,443 weapons traced to narcotics crimes, 12.4% were assault guns.



*Felons in possession of a weapon.

**Includes drug cartels, arms trafficking or suspected terrorism.

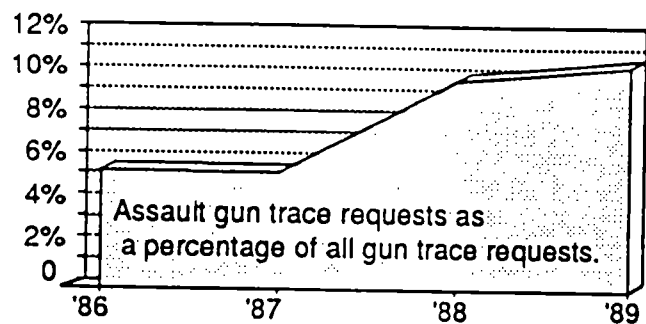
Traces made from Jan. 1, 1988, to March 27, 1989.

Sources: U.S. Bureau of Alcohol, Tobacco and Firearms, The Atlanta Journal-Constitution Washington Bureau, National Rifle Association.

MITCHELL BROOKS/Staff



The Big Jump in Assault Gun Crime



■ 1986: Of 39,800 guns traced to crimes, 2,219, or 5.6 percent, were assault guns.

■ 1987: Of 35,100 guns traced to crimes, 1,926, or 5.5 percent, were assault guns.

■ 1988: Of 33,717 guns traced to crimes, 3,298, or 9.8 percent, were assault guns.

■ 1989 (first three months): Of 8,933 guns traced to crimes, 941, or 10.5 percent, were assault guns.

Source: U.S. Bureau of Alcohol, Tobacco and Firearms



A City-By-City Look at Guns Criminals Are Using

Figures in parentheses represent total number of trace requests on that type of weapon.

Type of gun	U.S.	Atlanta	Chicago	Dallas	Detroit	Houston	L.A.	Miami	N.Y.	D.C.
Assault weapon (4,249)	10%	10%	10%	9%	11%	10%	19%	18%	11%	13%
Pistol (12,424)	29%	35%	31%	33%	26%	26%	24%	27%	46%	34%
Derringer (581)	1%	1%	3%	1%	1%	3%	1%	2%	1%	1%
Revolver (13,968)	33%	39%	37%	35%	21%	39%	20%	31%	32%	30%
Rifle (5,305)	12%	7%	7%	11%	19%	9%	15%	10%	4%	12%
Shotgun (5,493)	13%	9%	11%	10%	20%	11%	19%	10%	5%	10%
All Others (738)	2%	3%	2%	2%	3%	2%	3%	3%	1%	2%

Source: Analysis by The Atlanta Journal-Constitution Washington Bureau of weapon trace requests submitted to U.S. Bureau of Alcohol, Tobacco and Firearms between Jan. 1, 1988, and March 27, 1989. Percentages have been rounded off and may not add up to 100%.



DEPT. OF THE TREASURY
BUREAU OF ALCOHOL,
TOBACCO & FIREARMS

NEWS



24 HOUR TALK

For Immediate Release

PY-89-31
July 7, 1989

ATF DETERMINES SEMIAUTOMATIC ASSAULT RIFLES CANNOT BE IMPORTED INTO THE UNITED STATES

Washington -- Stephen E. Higgins, Director of the Bureau of Alcohol, Tobacco and Firearms (ATF) announced today that imported firearms classified as semiautomatic assault rifles do not meet statutory requirements and will be banned from entry into the United States.

This action, which is being taken under the Gun Control Act of 1968, will make permanent the temporary suspension on many of the imported semiautomatic rifles that ATF identified for review last March and April.

The decision follows a 3-month comprehensive study and analysis conducted by ATF. "The study was undertaken because of the dramatic increase in the number of these weapons being imported and police reports of their use in violent crime," Higgins said.

- 2000 -

"Forty-three of the weapons under suspension have been classified as semiautomatic assault rifles and accordingly will be barred from entry into the U.S. Another seven -- six models of .22 rimfire caliber rifles and the Valmet Hunter -- were determined to meet the statutory requirements for importation," Higgins said.

The Gun Control Act of 1968 allows imports of only those types of firearms "generally recognized as particularly suitable for or readily adaptable to sporting purposes." Higgins said, "ATF has determined that semiautomatic assault rifles do not meet this test."

ATF has begun notifying the affected importers that this ATF action will apply to outstanding permits and pending applications.

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ALCOHOL,
TOBACCO &
FIREARMS

NEWS



24 HOUR

July, 1989

BARRED FROM IMPORTATION:

AK47 type
AK47S type
AK74 type
AKS type
AKM type
AKMS type
84S type
ARM type
84S1 type
84S3 type
HK91 type
HK93 type
HK94 type
G3SA type
K1 type
K2 type
AR100 type
M14S type
MAS223 type
SIG 550SP type
SIG 551SP type
SKS type with detachable magazine

86S type
86S7 type
87S type
Galil type
Type 56 type
Type 56S type
Valmet M76 type
Valmet M78 type
M76 counter sniper type
FAL type
LiALA type
SAR 48 type
AUG type
FNC type
Uzi carbine
Algeme AGMI type
AR180 type
Australian Automatic Arms SAR
type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type

ALLOWED FOR IMPORTATION:

AK22 type
AP74 type
Galil/22 type
M16/22 type
Unique F11 type
Erma EM1.22 type
Valmet Hunter (Considered as one of AK-47 type during suspension)

111

FACT SHEET

Introduction

Last spring the import of several different types of semiautomatic rifles was suspended pending a study by ATF on whether these weapons are, as the law requires, of a type generally recognized as particularly suitable for, or readily adaptable to, sporting purposes. Based on three criteria: the firearm has a military appearance, accepts a large capacity magazine and is a semiautomatic version of a machinegun, ATF suspended action on pending applications and outstanding permits requesting authority to import over 700,000 semiautomatic assault rifles. This is a number over seven times higher than actual imports of this same type of weapon in the previous year.

Background

With the passage of the Gun Control Act of 1968, ATF developed guidelines for "sporting purposes" for handguns.

At that time, handguns were perceived as the critical issue.

Other than surplus military firearms, which Congress addressed separately, longguns being imported prior to 1968 were generally conventional rifles and shotguns specifically intended for sporting purposes.

Definition of Sporting Purposes

The first time ATF undertook a specific analysis of the "sporting purposes" with respect to rifles and shotguns

-more-

was in 1984, when importation of the Striker-12 shotgun was denied. It was clear that the assumption that all shotguns were sporting was no longer viable. The importer gave information that the Striker-12, a weapon initially designed in South Africa for riot control, was also suitable for police combat-style competitions. ATF then made the determination that this type of competition did not constitute "sporting purposes" under the law and the gun was not permitted for import. Again in 1986, ATF faced the same situation with the USAS-12 and again denied the import. In both cases ATF interpreted "sporting" as being limited to certain traditional sports and not simply any lawful activity in which the weapons could be used. ATF was sued in the USAS-12 case. The court upheld ATF, and the decision is under appeal.

The legislative history indicates the term "sporting purposes" refers to traditional sports such as target shooting, skeet and trap shooting and hunting. There is nothing in the law to indicate the term "sporting purposes" was intended to recognize every conceivable type of activity or competition which might employ a firearm.

SUMMARY

In taking an intensive look at the firearms themselves, ATF studied the available literature, made a technical evaluation of the weapons, conducted a wide-ranging comprehensive survey and concluded there were viable, clear differences between semiautomatic assault rifles and semiautomatic rifles used in traditional sports. The semiautomatic assault rifles in question represent a distinctive type of rifle characterized by certain military features which distinguish them from the traditional sporting rifle.

In accordance with the statute, ATF's determination has application only to imported firearms.

On Friday, June 30, the U.S. Court of Appeals for the 11th Circuit upheld ATF's temporary suspension of the semiautomatic assault rifles in the Gun South case.

LEVEL 1 - 2 OF 19 STORIES

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USA TODAY

January 17, 1990, Wednesday, FINAL EDITION

SECTION: NEWS; Pg. 3A

LENGTH: 442 words

HEADLINE: Stockton: A year later;
City recalls schoolyard killings

BYLINE: Dianne Barth; Andrew Pollack

DATELINE: STOCKTON, Calif.

BODY:

For months after the shooting, children would huddle by the Cleveland Elementary School at recess, afraid to venture out on the playground.

One year later, children are jumping rope and playing ball, and teachers are supervising recess, just as they did on Jan. 17, 1989 - the day a crazed gunman named Patrick Purdy invaded their lives.

Purdy sprayed the playground of his former school with 106 rounds from a semiautomatic assault rifle, killing five children and injuring 30 before committing suicide.

Today, there will be five minutes of silence at 11: 55 a.m. citywide to honor the dead.

Not everything is the same: 100 children are in weekly counseling, many teachers receive counseling, and second-grade teacher Janet Geng limps from a bullet that hit her leg. Adults carry walkie-talkies on the playground, which was repaved to cover bloodstains.

The shooting sent ripples far beyond this city of 171,000, fueling a wave of anti-gun campaigns nationwide. At Cleveland Elementary, it left students afraid, guilty, anxious.

"They couldn't go out and play, they weren't sleeping well, they were having nightmares," said Mary Ainsworth, a school psychologist.

For a while, many students feared the school bathrooms were haunted by the spirits of the dead that are part of Cambodian culture.

Four of the dead children were Cambodian, one Vietnamese. Close to 70 percent of the children at Cleveland Elementary are Cambodian. Their parents said the shooting reminded them of the killing fields of their homeland.

The entire community pitched in to make them feel safe again, lavishing the school with money for supplies and equipment. Parents bought and installed new equipment in the playground.

USA TODAY, January 17, 1990

Teachers say that every day it gets a little easier to get over the pain. Many credit principal Patricia Busher for holding the school together.

Families of the dead are enduring. The parents of Ram Chun, 6 years old when she was killed, are planning a memorial for her this week.

Rathanar Or's mother and sister visit his grave regularly, but the only time his mother wept this month was on his birthday. 'It is hard sometimes still. I miss him,' says his sister, Larkhenar Or, 15....

Stockton was braced for this week, the one-year anniversary of the shootings. A two-week teacher strike that threatened to overshadow the anniversary was settled. Teachers returned to classrooms Tuesday.

There are fresh flowers on the children's graves. Someone has left jars of incense, boxes of cookies and open bottles of root beer in front of the heart-shaped burial stones.

Dianne Barth and Andrew Pollack write for The Stockton Record.

GRAPHIC: b/w, Keith Carter, USA TODAY (Map, California); PHOTO: b/w, Richard Wisdom, San Jose Mercury News (Murder Cases - Stockton Massacre, Chun Im, son Jam Bon, Ram Chun); PHOTO: b/w, AP (Murder Cases - Stockton Massacre, Patrick Purdy); PHOTO: b/w, USA TODAY (Murder Cases - Stockton Massacre, scene of shooting);

CUTLINE: STILL HAUNTED: Chun Im sits with her son, Jam Bon, 3, as she reflects on the Stockton, Calif., massacre that left daughter Ram Chun, in photo at rear, and four other children dead. CUTLINE: PURDY: Gunman killed self CUTLINE: SCENE OF THE SHOOTING: Five children were killed and 30 injured during a gunman's rampage at Cleveland Elementary. CUTLINE: BUSHER: Credited with holding the school together

LANGUAGE: ENGLISH