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HEADLINE: CALIFORNIA AND THE WEST;
FEINSTEIN SEEKS TO CLOSE LOOPHOLE IN GUN LAW;
FIREARMS: LEGISLATORS CITE JONESBORO, ARK., SCHOOLYARD SHOOTINGS IN EFFORT TO
BAN HIGH-CAPACITY MAGAZINES.

BYLINE: STEVE BERRY and JEFF BRAZIL, TIMES STAFF WRITERS

BODY:

Responding to concerns arising from the Jonesboro, Ark., killings, U.S. Sen. Dianne Feinstein (D-Calif.) and a group of Democratic and Republican legislators will file a bill today that would ban the sale of high-capacity ammunition magazines and plug a major loophole in the federal assault weapons law.

The U.S. Senate bill would prohibit the distribution, importation or manufacture of ammunition magazines holding more than 10 rounds. Rep. Diana DeGette (D-Colo.) will file a companion bill in the House.

Such a law would outlaw the sale of the type of magazine used in last week's shootings in Arkansas, where four girls and a teacher died in a schoolyard ambush, Feinstein said Monday.

Feinstein and DeGette said local and state authorities in Arkansas have confirmed that most of the 24 bullets allegedly fired by two boys came from a 15-round magazine and a .30-caliber firearm based on the M-1 carbine.

Feinstein said the two suspects--ages 11 and 13--also had two 30-round magazines, but did not use them.

"The tragic shooting in Jonesboro last week is a horrifying example of why high-capacity ammunition clips were designed for military combat, not for recognized sport," Feinstein said.

DeGette agreed, adding: "No one thinks this would have prevented Jonesboro . . . but it will stop people who are angry or emotionally disturbed from legally buying them."

The bills are sure to face strong opposition from the gun lobby.

"Industrywide, we are not going to sit still for such a bill," said Jack Adkins, a spokesman for the American Shooting Sports Council in Atlanta.

If passed, proponents say, the legislation would close one of the biggest loopholes in the 1994 federal assault weapons law.

Los Angeles Times, March 31, 1998

That landmark legislation, which Feinstein wrote, restricted possession of assault weapons, specifically those that accept a detachable ammunition magazine and have at least two military features such as a pistol grip or bayonet mount.

One key provision banned manufacture and distribution of ammunition magazines that carry more than 10 rounds and were manufactured after September 1994. But the legislation did not apply to magazines made before that date or to foreign-made magazines.

In a series of stories last fall, The Times reported that manufacturers stockpiled millions of high-capacity magazines just before the law went into effect. At the same time, importers continued bringing thousands more into the country--including at least 160,000 between June 1996 and April 1997.

As a result, gun makers have continued making thousands of weapons that are similar to illegal assault guns and can accept high-capacity magazines that were made before the 1994.

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The new bill would amend the existing law to ban further manufacture or importation of the magazines. People could keep what they already own, but owners would be forbidden to sell them or give them away.

DeGette said such a law might have prevented the death of a Denver police officer who was ambushed last year by a group of skinheads using a Chinese-made SKS assault rifle equipped with an American-made 30-round magazine.

"He was shot 15 times," she said.

Wayne LaPierre, president of the National Rifle Assn., denounced Feinstein's timing.

"This should be a time for mourning and grieving, and not a time to make political hay out of this tragedy," he said.

Calling the bill unenforceable, LaPierre said: "She might as well ban sheet metal and springs because that's all a magazine is made of.

"What would make a bigger impact on problems like what happened in Jonesboro is for Sen. Feinstein to talk to the entertainment industry in her backyard about stopping the showing of gratuitous violence without consequences.

"That's what people in stores, gas stations and shopping malls all over the country are saying about Jonesboro," he said. "No one has said 'Gee, we need another magazine ban.' "

The co-sponsors of the bill include Democratic Sens. Ted Kennedy of Massachusetts, Robert Toricelli and Frank Lautenberg of New Jersey, and Richard Durbin of Illinois.

Los Angeles Times, March 31, 1998

In the House, co-sponsors include Democrats Joseph Kennedy of Massachusetts, Patrick Kennedy of Rhode Island, Ed Towns of New York, Bill Pascrell Jr. of New Jersey and Earl Blumenauer of Oregon and Republicans Connie Morella of Maryland and Christopher Shays of Connecticut.

GRAPHIC: PHOTO: Sen. Dianne Feinstein PHOTOGRAPHER: Los Angeles Times

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105th CONGRESS

2d Session

S. 1887

To ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law.

IN THE SENATE OF THE UNITED STATES

March 31, 1998

Mrs. FEINSTEIN (for herself, Mr. TORRICELLI, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, and Mr. BUMPERS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law.

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

SECTION 1. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended--

(1) in paragraph (1), by striking `(1) Except as provided in paragraph (2)' and inserting `(1)(A) Except as provided in subparagraph (B)';

(2) in paragraph (2), by striking `(2) Paragraph (1)' and inserting `(B) Subparagraph (A)';

(3) by inserting before paragraph (3) the following:

`(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.';
and

(4) in paragraph (4)--

(A) by striking `(1)' each place it appears and inserting `(1)(A)'; and

(B) by striking `(2)' and inserting `(1)(B)'.

SEC. 2. EXTENSION OF BAN ON TRANSFERRING LARGE CAPACITY AMMUNITION FEEDING DEVICES TO THOSE THAT WERE MANUFACTURED BEFORE THE BAN BECAME LAW.

Chapter 44 of title 18, United States Code, is amended--

(1) in section 921(a)(31), by striking `manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994'; and

(2) in section 922(w)(1)(B), as so redesignated by section 1 of this Act, by striking `or transfer'.

END



News from . . .

Senator Dianne Feinstein

of California

Senators Launch Effort to Ban High Capacity Ammunition Clips

-- Ammunition clips designed for military rifles often used in slayings --

March 31, 1998

Washington, DC - A coalition of Senate and House members today, led by Senator Dianne Feinstein (D-CA), launched an effort to ban the importation and sale of high-capacity ammunition magazines. The legislation, to be introduced in both the Senate and the House, would close a loophole in the 1994 Crime Bill that banned the future manufacture and sale of ammunition magazines that can hold more than 10 rounds, but continued to allow the importation and sale of those clips that were manufactured before the ban was enacted.

Senate co-sponsors of the legislation include Edward Kennedy (D-MA), Robert Torricelli (D-NJ), Frank Lautenberg (D-NJ), and Richard Durbin (D-IL). The Bill is sponsored in the House by Rep. Diana DeGette (D-CO) along with Constance Morella (R-MD), Joseph Kennedy (D-MA), Edolphus Towns (D-NY), Patrick Kennedy (D-RI), Bill Pascrell (D-NJ), and Earl Blumenauer (D-OR).

The Bureau of Alcohol, Tobacco and Firearms (ATF) estimates that close to a million high capacity magazines continue to circulate in the United States, many of which were stockpiled by manufacturers before the ban took effect, and that, since the ban, millions more have been approved for importation. From June 1996 to April 1997 alone more than 1.8 million high-capacity magazines were approved for importation, and more than 160,000 were actually delivered.

The Feinstein legislation would strike the provision in the 1994 Crime Bill that allows pre-ban clips to be imported or sold in the United States. People who already legally possess high capacity ammunition clips would not have to turn them in, but could not transfer or sell them to anyone else.

"Three years ought to be more than enough time to allow the stockpile of pre-ban clips to evaporate," Feinstein said. "Congress banned them in 1994 for a reason: There is no legitimate sporting purpose for these military-designed ammunition clips, and their deadly effectiveness when used against people is a threat to public safety.

"The tragic shooting in Jonesboro, Arkansas last week is a horrifying example of why high capacity ammunition magazines were designed for military combat -- not for any recognized sport. Information on the shooting indicates that of the 10 weapons actually used in that assault, most of which were regularly-used hunting rifles and handguns that can hold only a few rounds, the weapon that delivered the most carnage was a Universal carbine with a 15-round magazine.

"According to police investigators, out of what appears to be 24 shots fired, 15 came from the carbine -- more than all the shots from the nine other weapons combined. The entire

magazine was emptied in a matter of seconds without the shooter having to reload or change weapons. The boys also had two 30-round magazines on them that, thank God, were not used.

"Last January in Orange County California, an enraged former employee in a train yard opened fire on everyone in his path with an AK 47-type assault rifle, firing dozens and dozens of rounds from high capacity magazines in a matter of minutes. Five people died and two were wounded in that attack before the gunman was killed.

"And last year, bank robbers in Los Angeles emptied several 100-round ammunition drums and 30-round clips in a shootout with police. The LAPD officers had to borrow assault weapons with high capacity clips from a local gun store in order to bring the gunmen down. Eight officers and three civilians were wounded in that attack.

"These are just a few of the most high-profile incidents involving these big clips. There have been dozens more all over the country. Police, in particular, face a huge threat every day against assault weapons and the high-capacity clips they are designed to hold. The bottom line is, hunters don't need these big clips; marksmen don't need them; no legitimate sportsmen need them; and they should not be sold or given away like toys.

"This legislation will stop millions of these clips from being imported to this country, and end the commercial sale of hundreds of thousands that were stockpiled before the ban took effect.

"It is time to apply some sanity to American gun laws. This should be an easy place to start."



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Senator Dianne Feinstein

Why Ban Military Clips?

Senator Feinstein, in a press conference on March 31, 1998, made the following argument for banning the import and transfer of high-capacity, military clips:

"Three years ought to be more than enough time to allow the stockpile of pre-ban clips to evaporate. Congress banned these clips in 1994 for a reason: there is no legitimate sporting purpose for these military-designed ammunition clips, and their deadly effectiveness when used against people is a threat to public safety.



Senator Feinstein is joined by her Congressional colleagues to ban Military Clips.

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Senator Dianne Feinstein

What are Military Style Clips?

Under the 1994 Crime Bill, it was made unlawful to transfer or possess "large capacity ammunition feeding devices," also known as Military Clips. These clips are defined as magazines with the capacity to hold more than 10 rounds of ammunition, with exceptions made for law enforcement and other governmental use. The term 'large capacity ammunition feeding device' was defined as:

"(A) a magazine, belt, drum, feed strip, or similar device manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994 that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; (B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition."

A grandfather clause was added stating that this restriction "shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of enactment of this subsection," (September 13, 1994).

ATF Prohibition of Importation of Military Clips Challenged:

The ATF originally interpreted the grandfather clause as applying only to such magazines that were lawfully possessed in the United States on or before September 13, 1994. Under that interpretation, ATF prohibited importation of these devices. ATF's interpretation was challenged by several Members of Congress, the firearms industry, and gun-owner groups, claiming that the intent of Congress was to apply the grandfather clause to any magazine manufactured, domestically or abroad, on or before September 13, 1994.

ATF issued new regulations in June of 1996 that provided that large capacity magazines manufactured on or before September 13, 1994 are eligible for importation to the United States. The BATF began allowing Military Clips to be imported into the U.S. after July 1996. They provided the following statistics on applications and importations since then:



Senator Feinstein demonstrates the use of a Military Clip in an AR-15.

From July 1996 to April 1997:

Number of permits issued for Military Clips	77
Number of Military Clips approved for importation	1,815,399
Number of Military Clips imported	159,578

Millions of Military Clips Available for Import

ATF estimates that the number of Military Clips available for importation under the current grandfather clause may be in the millions, including those that are in surplus military stockpiles around the world. Many date back to World War II.

Date of Manufacture Impossible to Verify

ATF has no way of determining the date of manufacture of Military Clips, but relies on documentation from the company. The date of manufacture must be included in import documentation.



SENATOR FEINSTEIN and her colleagues
hold up an ATF report on military clips.

Investigations Abroad are Difficult to Conduct

If BATF officials are made aware of possible violations in a foreign country, they can utilize the international arms of the FBI or State Department to investigate. However, there has never been an investigation of international producers of Military Clips. An unidentified ATF official is quoted in a Los Angeles Times interview saying that it is "impractical for the government to conduct investigations abroad to determine the date of manufacture of these foreign clips."

Hundreds of Thousands of Domestically Manufactured Military Clips in Circulation

Although no firm estimates exist on the number of domestically manufactured Military Clips in circulation, ATF estimates the number to be "in the high hundreds of thousands." News reports indicate that, prior to enactment of the 1994 law, domestic magazine manufacturers beefed up their stockpiles of Military Clips in anticipation of the ban.

For example, according to the LA Times, Calico Light Weapons Systems in Bakersfield, CA produced so many high capacity magazines that, as of April 1997, they still had 6,000 on hand.

No Regulation of Ammunition Magazine Industry

There is no regulation of the ammunition magazine industry in the United States. Magazine manufacturers are not required to file disclosures, reports, or provide any documentation to Federal agencies to indicate compliance with the 1994 Crime Bill. Therefore ATF has no legal vehicle to inspect manufacturers.

