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Folder Title:

Assault Weapons Ban: Articles

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DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Department of the Treasury
Information Relating to the Assault Weapons Ban

1. September to September trace statistics from ATF (ban effective 9/13/94).
Traces to the seller and first retail buyer of the gun are made when the firearm is seized and a trace request is made to ATF.

The data show an 18% drop in assault weapons traced by law enforcement from 1994-1995.

2. A Q&A provided by ATF, that states that the decrease is noteworthy.
3. A five page packet of information relating to assault weapons related investigations conducted by ATF. (Note that some of these are pre-ban.)
4. A marked up version of a document produced by Hand Gun Control Inc, showing the number of law enforcement officers known to be killed with assault weapons and with firearms with high capacity magazines. The mark up makes corrections in the totals. The corrections are based on the data provided by the FBI. (Note: the HCI data goes through September 30, 1995.)

**FIREARMS TRACED FOR THE PERIOD SEPTEMBER THROUGH
SEPTEMBER FOR YEARS 1992-1993, 1993-1994, 1994-1995.**

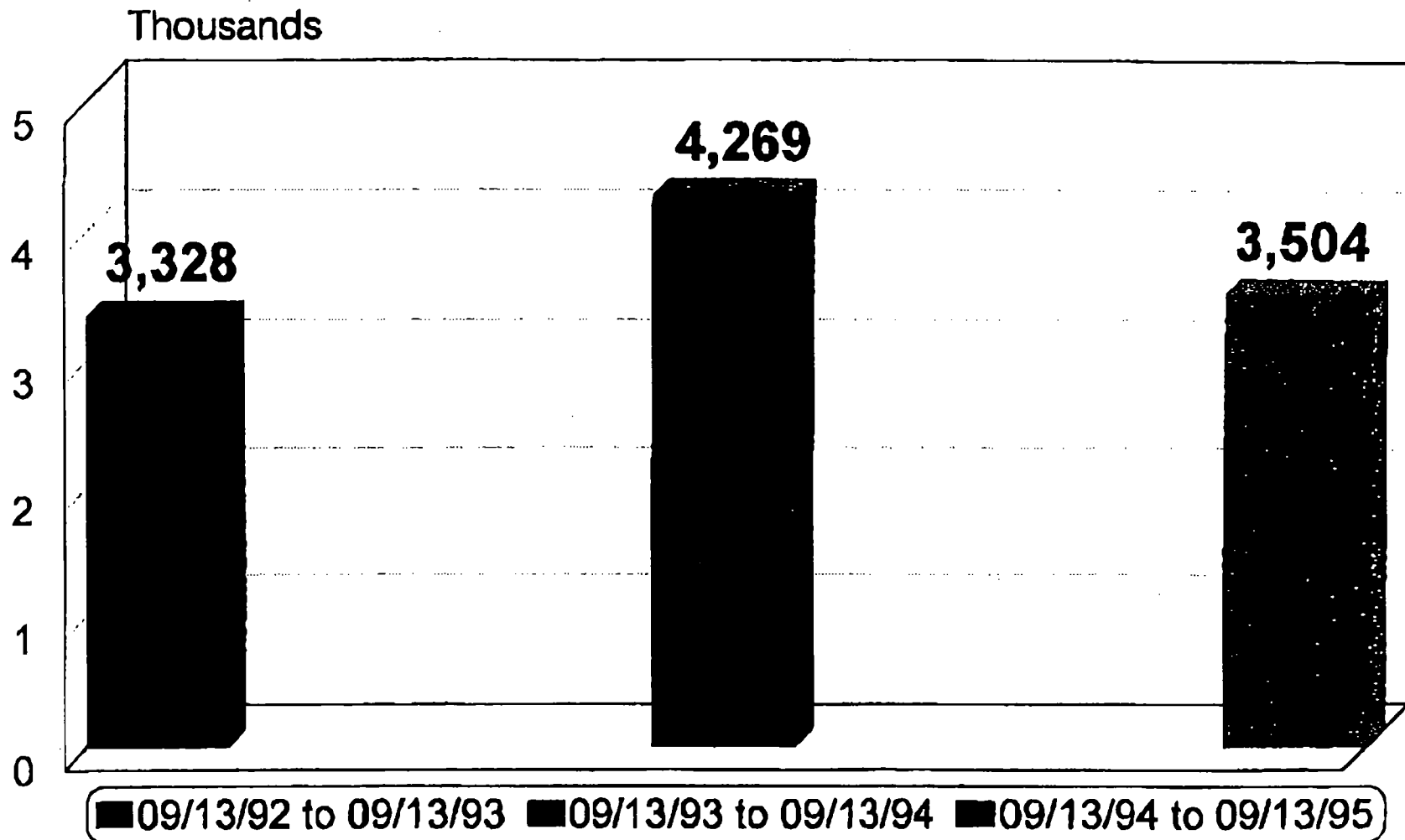
<u>TIME PERIOD</u>	<u>Total Firearms Traced</u>	<u>Semi-Automatics Traced</u> (includes AW)	<u>Banned Type Assault Weapons Traced</u>
9/92 - 9/93	51,614	25,536 (49.4%)	3,328 (6.4%*)
9/93 - 9/94	76,763	41,399 (53.9%)	4,269 (5.5%*)
9/94 - 9/95	80,455	43,119 (53.5%)	3,504 (4.3%*)

18% drop in AW traced

*** PERCENTAGES ARE OF THE TOTAL FIREARMS TRACED

Trace Requests Submitted

Semiautomatic Assault Weapons



Source: ATF National Tracing Center

ATF

-8-

QUESTION: Prior to the law, were there many semiautomatic assault weapon traces requested? Has the request for traces of semiautomatic assault weapons increased, decreased, or basically remained the same since the Crime Bill was passed?

ANSWER: Prior to enactment of the law, from September 13, 1992, to September 12, 1993, there were 3,328 requests for traces of semiautomatic assault weapons. In the year before the effective date of the law, September 13, 1993, to September 12, 1994, that number increased to 4,269. Finally in the year after the effective date of the law, September 13, 1994, to September 12, 1995, the number of trace requests on semiautomatic assault weapons dropped to 3,504. Again, sufficient time has not elapsed to draw definitive conclusions from the numbers, but the combination of the numbers and a common sense analysis of the situation indicates that the number will decrease over time. As there are fewer assault weapons available in the marketplace, the number used in violent crime should decrease. The decrease in the number of trace requests for the last year is particularly noteworthy because the National Tracing Center is tracing more firearms than it has ever traced before, indicating that the per capita use of assault weapons is decreasing at a significant rate.

banned
AW.

DETERMINE WHAT ATF IS DOING TO ENSURE THAT FFL'S REPORT GUN THEFTS AND LOSSES WITHIN 48 HOURS.

QUESTION: How does ATF enforce the provision that FFLs report gun thefts and losses within 48 hours?

ANSWER: FFLs are educated about the provision through the ATF published firearms industry newsletter, contacts with ATF agents and inspectors, and by our special agents receiving the reports on ATF's dedicated toll-free Stolen Firearms Hotline. The implementation of the Stolen Firearms Program utilizes data compiled from FFL reported

11/20/96

ATF

Assault Weapons Investigations

There has been one instance in which a violation of Title 18 U.S.C. § 922(v) has been charged as a result of an ATF investigation since the effective date of the law. That investigation is ongoing, however, so details of the case may not be released.

However, a general synopsis of the investigation is included below. In addition to that case, this report contains a sample of adjudicated investigations that involved firearms that meet the definition of a semiautomatic assault weapons as defined in Title 18 U.S.C. § 921(a)(30).

Title 18 U.S.C. § 922(v)

- In January 1995, in Northern California, a convicted felon was contacted by the local police. He fled upon contact, leaving his vehicle. As the suspect fled, a firearm fell from his person. The suspect was apprehended and a search of his vehicle was ultimately conducted. The search resulted in the recovery of approximately one pound of cocaine and a Ruger, Mini-14, semiautomatic rifle with folding stock and pistol grip. In this configuration, the firearm meets the definition of a semiautomatic assault rifle under 18 U.S.C. § 921(a)(30). The defendant was subsequently indicted for being a felon in possession of a firearm, use of a firearm during and in relation to a drug trafficking crime, possession of a controlled substance with intent to distribute, and possession of a semiautomatic assault weapon that was not legally possessed prior to the date of enactment of that subsection. This case is pending additional judicial action.

Other Investigations Involving Semiautomatic Assault Weapons

- In Fort Lauderdale, Florida, ATF special agents arrested a German national after he purchased 51 firearms from Federal firearms licensees. On 10 separate occasions, the defendant had provided false information to dealers in connection with the purchase of these firearms. A search warrant served at the defendant's residence resulted in the seizure of 22 firearms, including 4 Intratec, TEC-22 pistols and 2 Intratec, TEC-9 pistols.

The defendant was indicted by a Federal grand jury on 22 counts of violations of the Federal firearms laws. A subsequent indictment charged him with attempted escape after a hacksaw and escape plan were found in his possession while in custody. On December 9, 1994, the defendant pled guilty to violating the Federal firearms laws. The defendant was remanded to the custody of the Immigration and Naturalization Service for deportation proceedings.

- The Providence, Rhode Island, Field Office conducted an investigation of two individuals who allegedly conspired to sell a Cobray, Streetsweeper, 12 gauge shotgun to an undercover ATF special agent. Both of the defendants have prior felony convictions for possession of narcotics. Both of the defendants were convicted of violations of the Federal firearms laws and sentenced to 27 and 24 months' imprisonment, respectively.

Luigs

- On October 29, 1994, a suspect, who was a convicted felon, brandished a Norinco, SKS, semiautomatic rifle, with folding stock and detachable magazine, and fired approximately 30 rounds at the White House. The configuration of the firearm used meets the legal definition of semiautomatic assault weapon. Additionally, investigation by ATF revealed that the firearm had been converted to that configuration by the addition of a folding stock on September 15, 1995, by the defendant.

*Duran
rearranged*

On April 4, 1995, the defendant was found guilty of attempted murder of the President of the United States, four counts of assault on a Federal officer, two counts of felon in possession of a firearm, destruction of government property, six counts of use of a firearm in a crime of violence, and interstate transportation of a firearm with intent to commit a felony. The suspect was sentenced to 40 years of incarceration without possibility of parole. The charge of violating Title 18, U.S.C. § 922(v) was not prosecuted by the Department of Justice.

- In October and November, 1994, it came to the attention of special agents in the McAllen, Texas, Field Office that an individual had purchased approximately 200 firearms from Federal firearms licensees. Of this number, approximately 70 were Intratec, TEC-9, 9mm pistols. Because of the proximity to the Mexican border, it was suspected that the individual might be smuggling the firearms to the Republic of Mexico.

Surveillance revealed that this person, with another individual, was reselling the firearms at a profit to anybody who had money to purchase them. One of the individuals approached an undercover special agent and offered to sell him up to 40 firearms. Eventually, a confidential informant, who the suspect knew to be a resident of the Republic of Mexico, purchased from the suspect two Cobray, M-11, 9mm pistols and two Intratec, TEC-9, 9mm pistols. After further undercover purchases of firearms, the two suspects were charged with conspiracy to violate the Federal firearms laws. Both pled guilty to these violations.

- The St. Paul Field Division participated in an investigation of an individual who, in May 1995, opened fire with a Norinco rifle in the Minneapolis-St. Paul

*denied
Chenise*

International Airport. After being denied entry to a secured area of the airport, this subject produced a Norinco rifle from under his coat and began firing. The individual fired 45 rounds before being shot by airport police.

ATF traced the firearm and determined that it had been purchased by the shooter on December 16, 1994. The firearm was examined by the ATF Firearms Technology Branch and it was determined that a flash suppressor, a bayonet, a pistol grip stock, and a detachable magazine had been added to the firearm. In this configuration the firearm meets the definition of a semiautomatic assault weapon. In an interview, the dealer who sold the firearm stated that the firearm did not possess the above characteristics when he sold it.

The defendant was convicted in Federal court of Title 18 U.S.C. § 924(c), use of a firearm in a crime of violence. The Department of Justice did not charge violation of 18 U.S.C. § 922(v) in this case.

- On January 2, 1995, at the San Ysidro, California, Port of Entry, a suspect entered the United States from the Republic of Mexico. A narcotics detection dog alerted to the trunk area of the vehicle driven by the suspect. A search of the trunk revealed a false compartment that contained 63 grams of cocaine, 12 firearms, including 2 semiautomatic assault weapons and a machine gun, and over 3,600 rounds of ammunition. The defendant was indicted and subsequently pled guilty to violations of the Federal firearms laws.
- In late September 1994, a search warrant was served at the residence of an alleged "enforcer" for the Insanity Motorcycle Club, a local outlaw motorcycle organization, in Kenosha, Wisconsin. The search resulted in the seizure of user quantities of methcathene, a stolen dumptruck, and 30 firearms. Among the firearms seized were a Sten machine gun and a Cobray, Streetsweeper, 12 gauge shotgun, with the barrel cut to a length below the legal limit. The defendant subsequently pled guilty to violations of the Federal firearms laws and received a prison sentence.
- Between February 1993 and March 1995, an unlicensed individual engaged in the business of dealing firearms without a license. During this time he sold at least 62 firearms, four with obliterated serial numbers. The suspect sold a semiautomatic assault weapon to an ATF confidential informant whom the suspect knew to be a convicted felon. On August 18, 1995, the defendant pleaded guilty in Federal court to dealing in firearms without a license. He was sentenced to 57 months custody.

On August 1, 1994, a suspect used a stolen Uzi semiautomatic pistol to shoot a St. Louis police officer in the chest and thigh. The officer was able to return fire and take the suspect into custody. The suspect had previously suffered at least

six prior felony convictions and met the criteria of the Armed Career Criminal Act. Additionally, the suspect had been previously entered in the ATF Violent Offender Program. The defendant was convicted in Federal court of being a felon in possession of a firearm was sentenced to 180 months' incarceration. He is still pending judicial action in State court for assault on a police officer.

- *ban*
one In November 1994, ATF investigated an individual who was suspected of stealing firearms from residences in Palm Beach County, Florida. The investigation led to the recovery of 12 stolen firearms and approximately \$15,000 in stolen property. Among the firearms recovered were a machine gun and an AK-47 semiautomatic assault rifle. The suspect was indicted and became a fugitive. In December 1994, information was received that the fugitive was in Tennessee. As law enforcement was being deployed in the area, the fugitive fled by vehicle. A chase ensued which resulted in the fugitive ramming a police vehicle and escaping into the Smokey mountains while armed. In spite of an intensive two day search, the fugitive escaped capture. In January 1995, information was received that the fugitive was again in Florida. An arrest was attempted which resulted in the fugitive again fleeing. Eventually, the fugitive was arrested after he was shot by a deputy sheriff. A firearm was located a few feet from the suspect which was traced back to a burglary that the fugitive was suspected of committing. On September 17, 1995, the suspect pled guilty in Federal court to one count of possession of stolen firearms, possession of a machine gun, and felon in possession of a firearm. He has not yet been sentenced.
- The Providence, Rhode Field Office and local police conducted an investigation of a residential burglary in which 100 firearms were stolen. To date, 31 of these stolen firearms have been recovered by law enforcement, including 8 semiautomatic assault weapons. Two defendants were charged in connection with this burglary. Both of the defendants are previously convicted felons, with one meeting the criteria of the Armed Career Criminal Act. The Armed Career Criminal was charged in Federal court with violation of the Federal firearms laws. On September 27, 1995, after a 5 day trial, he was found guilty of being a felon in possession of a firearm and conspiracy to transport stolen firearms in interstate commerce. He is awaiting sentencing. The other defendant was convicted in state court of breaking and entering, larceny of a firearm, and possession of a firearm.
- On December 21, 1994, in Mableton, Georgia, five hooded males robbed a Federal firearms licensee and all of the customers in the store. The suspects took approximately \$5,000 in cash and checks and 42 firearms. Subsequent investigation by ATF revealed that a gang led by a convicted felon had committed the robbery. This gang was also suspected of other robberies of Federal firearms licensees in Georgia and Alabama. During the ATF

investigation, several of the stolen firearms were recovered in undercover purchases. ATF executed a consent search which resulted in the recovery of an AK-47 semiautomatic assault rifle. The leader of the gang was ultimately charged with aiding and abetting a robbery affecting interstate commerce, using a firearm in a crime of violence, possession of stolen firearms, and felon in possession of a firearm. The defendant pled guilty to aiding and abetting as a result of a plea bargain and received a sentence of 137 months of imprisonment.

• — 7 ASSAULT WEAPON (banned weapon) as of 9/19/94

Confidential Draft: Do Not Distribute

JANUARY 1, 1994 - SEPTEMBER 30, 1995

Law Enforcement: Officers Killed With Firearms Sold
With High Capacity Magazines

Date	Name	Department	State	Weapon	Size of Magazine
August 4, 1995	Michael F. Clark	Simi Valley P.D.	CA	.40 Glock 22	15 Round Clip
July 4, 1995	Michael L. Crowe	Arizona Dept. of Public Safety	AZ	S & W 659 - 9mm	14 Round Clip
July 4, 1995	Daniel P. Elkins	Yuma P.D.	AZ	S & W 659 - 9mm	14 Round Clip
April 28, 1995	Timothy Mossbrucker	Jefferson Co. Sheriff	CO	SKS Rifle ✓	30 Round Clip
November 1, 1994	Lawrence King	Indianola P.D.	MS	Ruger P85	15 Round Clip
August 26, 1994	Timothy Jones	St. Paul P.D.	MN	Glock 20	15 Round Clip
August 15, 1994	James Kirard	Snohomish Co. Sheriff	WA	Ruger P91DC	11 Round Clip
August 14, 1994	Dennis Glivar	Garfield Heights P.D.	OH	Ruger P89	15 Round Clip
June 28, 1994	Len Rowell	Pearl River Co. Sheriff	MS	Ruger P85	15 Round Clip
June 14, 1994	Gary Heath	Greenville P.D.	AL	Star 31P	15 Round Clip
May 27, 1994	William Sibrava	Bernalillo Co. Sheriff	NM	Beretta 92FS	15 Round Clip
May 13, 1994	Larry Bland	Newport News P.D.	VA	Grendel P-12	11 Round Clip
April 19, 1994	Michael Hester	Lilburn P.D.	GA	Beretta 92FS	15 Round Clip
February 24, 1994	Michael Welcker	Salt Lake City Sheriff	UT	Ruger P-85	15 Round Clip
February 14, 1994	Tracy Michael	Palos Verdes Estates P.D.	CA	Sig Sauer P226	15 Round Clip
February 14, 1994	Vernon Vanderpool	Palos Verdes Estates P.D.	CA	Sig Sauer P226	15 Round Clip
February 1, 1994	Robert Mortell	Paxton P.D.	MA	Taurus 92AF	15 Round Clip

* COBRAY 9mm Assault Weapon, not S/W 9mm

-> ASSAULT WEAPON

Confidential Draft: Do Not Distribute

JANUARY 1, 1994 - SEPTEMBER 30, 1995

Law Enforcement Officers Killed With Assault Weapons

Date	Name	Department	State	Weapon	Other
May 29, 1995	William H. Christian, Jr.	FBI, Washington	MD	MAC-11 ✓	Gunsman also had Officer Novabilska's Smith & Wesson
May 25, 1995	Jerry Philpot II	Detroit P.D.	MI	AK-47 ✓	
April 26, 1995	John J. Novabilska	Prince George's Co. P.D.	MD	MAC-11 ✓	
April 20, 1995	John Norcross	Haddon Heights P.D.	NJ	AK-47 ✓	
April 20, 1995	John McLaughlin	Camden Co. Prosecutor	NJ	AK-47 ✓	
April 14, 1995	Timothy Howe	Oakland School Dist. P.D.	CA	AK-47 ✓	
March 8, 1995	Daniel Doffyn	Chicago P.D.	IL	TEC-9 ✓	
November 22, 1994	Henry J. Daily	Washington P.D.	DC	TEC-9 ✓	
November 22, 1994	Michael J. Miller	F.B.I., Washington	DC	TEC-9 ✓	
November 22, 1994	Martha Dixon-Martinez	F.B.I., Washington	DC	TEC-9 ✓	
November 13, 1994	James Quelff	San Francisco P.D.	CA	Uzi ✓	Gunsman also had: Glock, Steyr, Fabriques Rifle.
September 7, 1994	Julio Andino-Rivera	Police of Puerto Rico	PR	AR-15 ✓	
June 29, 1994	Philip Hochstetler	Kosciusko Co P.D.	IN	Cobray 9mm	
June 12, 1994	Daniel Calabrese	Winslow Township P.D.	NJ	MAC-11 ✓	
April 28, 1994	James A. Lutz	Waukesha P.D.	WI	Springfield M1-A ✓	
April 10, 1994	Issac Martinez	San Ildefonso Tribal Police	NM	Norinco 56S	
February 22, 1994	Christy L. Hamilton	Los Angeles P.D.	CA	AR-15 ✓	

not verifiable
from data

* FBI UCR STATES CALABRESE WAS KILLED $\bar{c}$.45 ACP

caliber

automatic
Colt
pistol round

JANUARY 1, 1994 - SEPTEMBER 30, 1995
Law Enforcement Officers Killed With Assault Weapons
or Guns Equipped With High Capacity Magazines

Assault
Weapons

18 ~~17~~ (18.3%) (19.35%)

High Capacity Magazines
(11+ Rounds)

15 ~~17~~ (18.3%) (16.12%)

Other
Firearms

8
53 (57.0%)

Law Enforcement
Service Firearms

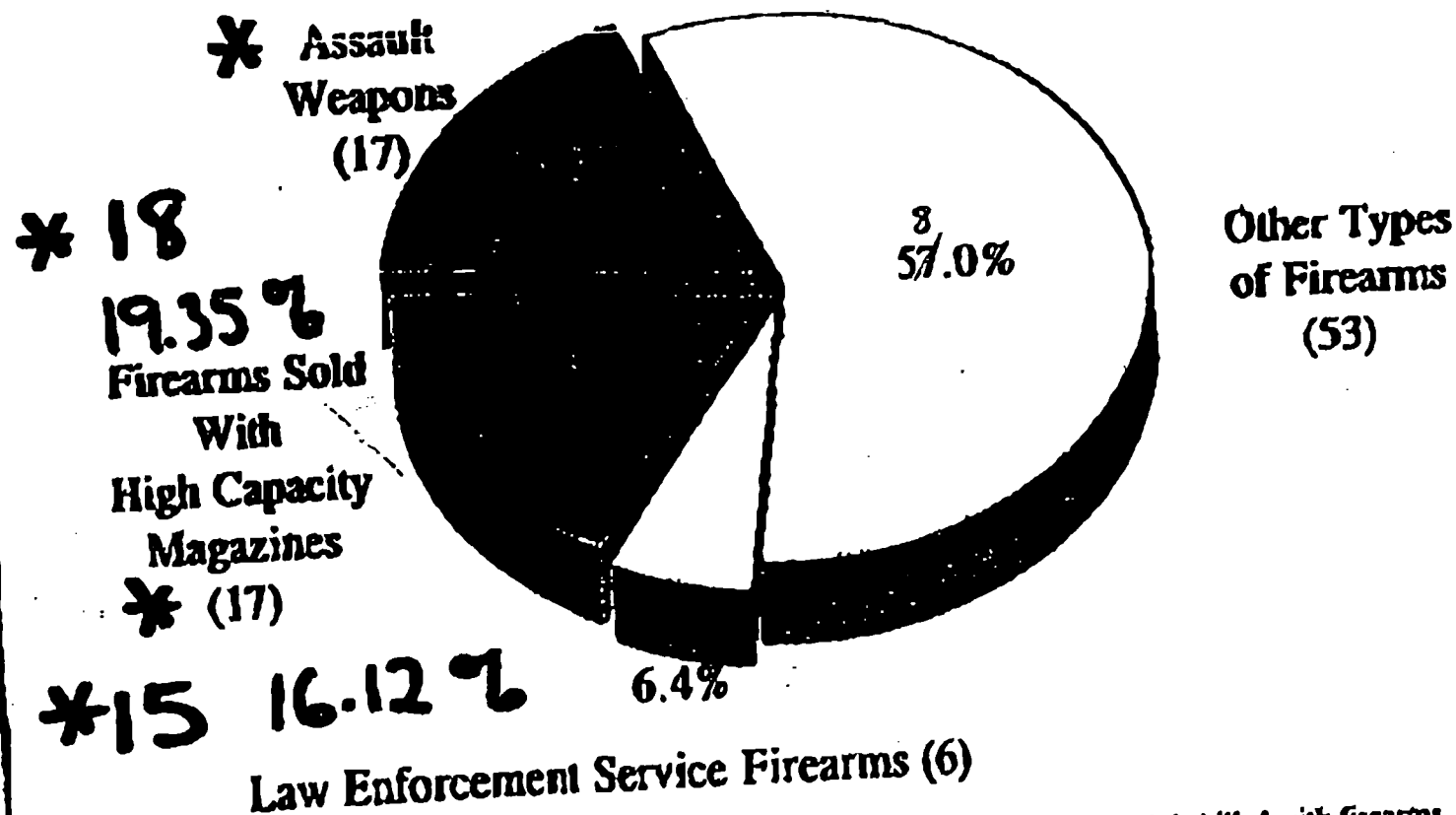
6 (6.4%)

Total Firearms where Gun
Make and Model are Known*

97 (100%)
2

*From January 1, 1994 to September 30, 1995, there were 122 law enforcement officials killed with firearms. Of these 122 deaths, the make and model of the firearm are known in only 97 incidents.

JANUARY 1, 1994 - SEPTEMBER 30, 1995
Law Enforcement Officers Killed With Assault Weapons
or Guns Equipped With High Capacity Magazines



From January 1, 1994 to September 30, 1995, there were 122 law enforcement officials killed with firearms. Of these 122 deaths, the make and model of the firearm are known in only 93 incidents.

The Assault Weapon Honor Roll

The Stockton Schoolyard Massacre. On January 17, 1989 Patrick Purdy walks onto the Cleveland Elementary playground with a semi-automatic version of an AK-47 assault rifle equipped with a 75 round "drum" magazine. In under two minutes, he fires 106 rounds killing 1 teacher, 5 small children and wounding 29.

The San Francisco High Rise Massacre. On July 1, 1993, gunman Luigi Ferri kills 8 people and wounds 8 others at a San Francisco law office. He used 2 TEC assault pistols with 509 round magazines.

Terrorist Attack at the CIA Headquarters. On January 25, 1993 during morning rush hour a Pakistani national walks into a busy intersection across from the entrance of CIA Headquarters and opens fire with a Chinese made AK-47 assault rifle into a row of cars waiting to turn left, killing 2 employees and wounding 3.

Assault Weapons Are Cop Killers

Northridge, CA -- A teenager guns down officer Christy Lynne Hamilton with the same AR-15 assault rifle he used to kill his father.

Waukesha, WI -- Two bank robbers kill Captain James Lutz, a 30-year veteran of the force, in a hail of bullets from an M1-A assault rifle. Two more officers are wounded when the robbers fired 100 rounds at a police roadblock.

Washington, DC-- A man armed with a TEC 9 assault pistol takes the elevator up to the third floor of the police department and kills a police sergeant and two special agents, seriously wounding another.

Chicago, IL -- Officer Daniel Doffyn responds to a robbery in progress and is gunned down by a known gang member with a TEC-9 assault pistol. Another officer is wounded in the attack. (Prior to this assault the killer was involved in another gang shoot out.)

Oakland, CA -- Police Officer Timothy Howe is shot and killed during a traffic stop. The weapon is an AK-47 assault rifle. The bullet pierces the front of his protective vest and exits the rear. Five days later the killer uses the same gun to kill two civilians and another police officer.

Prince Georges Co., MD -- Officer John Novabilski is killed by an assailant armed with a MAC-11 assault pistol while he is sitting in a marked police car. The killer sprays the car with a flurry of bullets. Novabilski is struck 10 times.

NewtGram

Volume 2 Number 12

March 21, 1996



GOP PAYS DEBT To NRA; GINGRICH SCHEDULES VOTE TOMORROW ON ASSAULT WEAPON BAN REPEAL



On Wednesday, Gingrich suddenly set a vote for Friday on repealing the ban on assault weapons, thereby fulfilling a promise to the National Rifle Association. Rep. Charles Schumer (D-NY) called the sudden scheduling of the vote "a sneak attack." Even some Republicans disagreed with the decision. Rep. Peter Torkildsen called the timing "ludicrous" and Rep. Sherwood Boehlert (R-NY) said "There are people who think it focuses attention on the wrong issue at the wrong time." Early last year, Gingrich and Senate Leader Bob Dole promised the NRA that they would bring up votes on repeal of the assault weapons ban this session. In a letter to the NRA's chief lobbyist, Tanya Metaksa, Dole called the ban "ill-conceived" and promised that repeal would be one of his "legislative priorities." The NRA's Metaksa admits that it will be impossible to repeal the assault weapons ban while President Clinton is in office, but says "Our members who were active in the 1994 elections need to know the people they helped have stick to their original promise to repeal the Clinton gun ban."

The source of the GOP's enthusiasm for repealing the ban — which has been strongly supported by police organizations and has shown effectiveness in slowing the spread of violent crime — may have something to do with the NRA's more than generous support for Republican campaigns over the years. In 1994, the Rifle Association put \$1.4 million to GOP Congressional campaign coffers, and spent millions more on independent expenditure campaigns. The gun lobby's contributions had a lot to do with Gingrich and Co. taking control of Congress. Now they're getting what they paid for.

NEWT NOTES

The Wall Street Journal reports that "Congressional leaders want to cut just about everybody's budget but their own." Gingrich proposes increasing spending on his Speaker's office by 10%, to \$1.6 million. Senate Leader Dole plans an 8% increase, to \$1.2 million. [*Wall Street Journal*, 3/20/96]

Newt recruit Rep. Greg Laughlin (R-TX) — who switched parties last year — was forced into a run-off in the Republican primary in Texas last week, despite a January campaign appearance in the district by Gingrich. [*Washington Post*, 3/17/96]

According to the ultra-conservative *American Spectator*, "Top Republicans in both the House and Senate are concerned that Speaker Newt Gingrich has lost his political focus and isn't taking the '96 campaign seriously enough... some sources suggest that Gingrich is preoccupied with the independent counsel's investigation of ethics charges against him." [*American Spectator*, 4/96]

QUOTE OF THE WEEK

"The freshman Republicans feel like they are an endangered species." — Republican consultant Tom Edmonds. [*USA Today*, 3/19/96]

The Associated Press

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September 13, 1994, Tuesday, BC cycle

SECTION: Washington Dateline

LENGTH: 235 words

HEADLINE: With Crime Bill

BYLINE: By The Associated Press

BODY:

The 19 named assault-style firearms banned under the crime law signed by President Clinton on Tuesday:

- AK-47 and all models of the Norinco, Mitchell and Poly Technologies Avtomat Kalashnikovs, designed in the former Soviet Union in 1947. AK-47s were used in 1989 by the man who shot five children to death in a Stockton, Calif., schoolyard, and a man who killed eight people at a printing plant in Louisville, Ky.

- Action Arms Israeli Military Industries UZI and Galil.

- Intratec TEC-9, TEC-22 and TEC-DC9, used to kill eight people in a San Francisco law firm in July 1993.

- SWD M-10, M-11, M-11-9 and M-12. Based on the design of the MAC-10, their full-automatic cousin, these assault pistols are designed to fire many bullets over a wide area in seconds.

- Street Sweeper and Striker 12 and other revolving cylinder semiautomatic shotguns. Banned from import into the United States in 1989 by President Bush, these riot-control guns went into domestic production almost immediately afterwards.

- Beretta AR-70 and SC-70, used by armed forces in a number of countries including Italy, Jordan and Malaysia.

- Colt AR-15, the civilian version of the M-16 rifle that is the U.S. military's standard-issue rifle.

- Several weapons manufactured by Fabrique Nationale, the FN-FAL, FN-LAR and FNC. The guns are used by the armed forces of more than 90 countries.

- Steyr AUG, a rifle made in Germany.

LANGUAGE: ENGLISH

LOAD-DATE: September 13, 1994

FACSIMILE COVER SHEET

DEPARTMENT OF THE TREASURY

OFFICE OF ENFORCEMENT

OFFICE OF POLICY DEVELOPMENT

FAX NO. (202) 622-7301
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FROM: Susan Ginsburg

@

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COMMENTS:

ASSAULT WEAPONS BAN

Prepared by the Bureau of Alcohol, Tobacco and Firearms
Firearms Enforcement Division
January 18, 1996

The assault weapons ban prohibited the manufacture or importation of certain weapons meeting the definition of "semiautomatic assault weapons." One of the types of firearms specifically covered by this law was the Avtomat Kalishnikov, commonly referred to as AK rifles. The term "AK-47 rifle" generally refers to a fully automatic machinegun. Machineguns that are not registered have been illegal since the enactment of the National Firearms Act of 1934. The assault weapons ban did not affect fully automatic AK-47 rifles. Semiautomatic AK rifles were the subject of a 1989 importation ban by President Bush. One of the effects of the assault weapon ban, effective September 13, 1994, was to codify this importation ban. Since 1989, the number of AK rifles in the United States has steadily decreased to the point that they are no longer one of the prominent firearms used by narcotics traffickers in this country.

Some semi-automatic assault weapons commonly associated with narcotics trafficking are the M-10 pistol, the M-11 pistol and the TEC-9 pistol. The assault weapons ban has reduced the market availability of weapons such as these to narcotics traffickers through restriction in their production.

Some examples of ATF's enforcement activities of the ban include the following:

- ▶ On February 17, 1995, in Louisville, Kentucky, a subject was arrested by Federal agents after the service of a search warrant at a residence. The subject had received approximately 5 kilograms of cocaine through the U.S. mail at that residence. As a result of the search, one Cobray, M-11, 9 millimeter, semiautomatic assault pistol was seized, along with a high-capacity magazine for a Glock pistol. At another residence used by the subject, an additional search warrant was served. This search warrant resulted in the seizure of a Glock, model 19, 9 millimeter pistol. This subject is a convicted felon, having been convicted of three drug trafficking offenses in 1993.

On November 6, 1995, the defendant was found guilty by a jury of violation of 18 U.S.C. § 922(g)(1), felon in possession of a firearm; 18 U.S.C. § 924(c)(1), use of a firearm during and in relation to a

drug trafficking crime; and narcotics crimes. Sentencing is set for February 5, 1996. The defendant qualifies for enhanced sentencing as an Armed Career Criminal.

- ▶ On December 6, 1994, in Escondido, California, ATF special agents served a search warrant at the residence of a narcotics trafficker. Seized as a result of the warrant were several firearms, to include a Cobray M-11, 9 millimeter pistol, with three loaded high-capacity magazines, 2 pounds of methamphetamine, approximately \$50,000 in U.S. currency, approximately 2 pounds of marijuana, and narcotics distribution paraphernalia.

On June 12, 1995, a defendant was convicted of violation of Federal law. On August 28, 1995, the defendant was sentenced to 78 months' incarceration.

- ▶ On April 26, 1995, ATF and the West Virginia State Police arrested two individuals after they traded 19.75 grams of crack cocaine and \$1,200 for a silencer and five firearms, one of which was an Uzi, 9 millimeter pistol. The subjects had met with ATF undercover special agents on previous occasions and had placed the order. The subjects are firearms and narcotics traffickers operating between West Virginia and New York. Investigation resulted in two additional persons being charged with violations of Federal law.

One of the defendants pled guilty to violation of 18 U.S.C. § 924(c), use of a firearms during and in relation to a drug trafficking crime. The other three defendants pled guilty to narcotics violations. Sentencing is pending for these individuals.

- ▶ On January 2, 1995, a resident alien entered the United States from the Republic of Mexico at the San Ysidro, California, Port of Entry. The subject was referred for secondary inspection. A narcotics detection dog alerted to the trunk of the vehicle. A search of the vehicle resulted in the discovery of a false compartment that contained 63 grams of cocaine, 12 firearms, including a Colt AR-15 type, .223 caliber rifle and a PWA, Commando, .223 caliber rifle (AR-15 copy), and over 3,600 rounds of ammunition.

On April 3, 1995, the defendant pled guilty to illegally importing a firearm into the United States. On May 22, 1995, the defendant was sentenced to 60 months of incarceration.

The Providence, Rhode Island, Field Office and local police conducted an investigation of a residential burglary in which 100 firearms were stolen. To date, 31 of these stolen firearms have been recovered by law enforcement, including two Calico, M-950, 9 millimeter pistols with 100 round magazines, five Intratec, TEC-DC9, pistols, and one Uzi, model A, 9 millimeter pistol. Two defendants were charged in connection with this burglary. Both of the defendants are previously convicted felons, with one meeting the criteria of the Armed Career Criminal Act. The Armed Career Criminal was charged in Federal court with violation of the Federal firearms laws. On September 27, 1995, after a 5 day trial, he was found guilty of being a felon in possession of a firearm and conspiracy to transport stolen firearms in interstate commerce. He is awaiting sentencing. The other defendant was convicted in State court of breaking and entering, larceny of a firearm, and possession of a firearm.

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GANNETT NEWS SERVICE

August 16, 1994, Tuesday

LENGTH: 502 words

HEADLINE: CRIME BILL WOULD BAN THESE ASSAULT WEAPONS

BYLINE: Gannett News Service

DATELINE: WASHINGTON

BODY:

The \$ 30.2 billion crime bill blocked by the House last week would ban manufacture or sale of several semi-automatic, military-style assault weapons that currently are manufactured and sold in the United States.

The proposed ban, opposed by the National Rifle Association and a key reason many members opposed bringing the crime bill to the House floor, specifically would prohibit manufacture and sale of:

- AK-47, which is made by Norinco, Mitchell and Poly Technologies.
- Uzi and Galil, both made by Action Arms Israeli Military Industries.
- Beretta AR-70 (also known as the SC-70).
- Colt AR-15 (and the Sporter, a look-alike gun).
- FN/FAL, FN/LAR and FNC, manufactured by Fabrique Nationale.
- M-10, M-11, M-11/9 and M-12, made by SWD.
- Steyr Army Universal Rifle, or AUG.
- INTRATEC TEC-9, TEC-DC9 and TEC-22.
- Striker 12 and the Street Sweeper.

Exempt are assault weapons already in private ownership. Transfer and sale of those guns would be grandfathered under the bill.

The ban, which would be effective as soon as the president signs it, would last for 10 years. Congress could choose to renew it at that time.

The bill also bans semi-automatic rifles, pistols and shotguns with detachable magazines and any two of the following enhancements:

- A folding or telescoping stock.
- A pistol grip that protrudes beneath the weapon.

- A bayonet mount.
- A flash suppressor.
- A threaded barrel that can accommodate a flash suppressor, a barrel extender, silencer or forward handgrip.
- A grenade launcher.
- (For pistols) An ammunition magazine that attaches to the gun outside the grip.
- A shroud that allows the shooter to hold the gun with both hands and not be burned.
- (For pistols) A weight of 50 ounces or more when the gun is loaded.
- A fixed magazine for shotguns that can hold more than five rounds.

Also banned would be large-capacity ammunition feeding devices capable of holding 10 rounds or more and any combination of parts that could be used to make such a device. Exempt would be tubular magazines for .22-caliber rimfire ammunition.

To assure that sportsmen are not affected by the legislation, it would exempt 650 models of firearms from the ban. Included are:

- Several types of centerfire and rimfire rifles, such as the Remington Model 7400, Mitchell Winchester replicas and Browning A-Bolt rifles.
- Drillings, combination guns, double rifles.
- Competition rifles.
- Several types of autoloading and slide and bolt action shotguns, including Remington 11-87 and 870, Browning Citori and American Arms shotguns.

Punishment for violating the ban would be a prison sentence of up to five years and a \$ 5,000 fine. The legislation also provides for a prison sentence of up to five years if a semi-automatic weapon is used during a federal crime of violence or drug trafficking.

The legislation also requires the Justice Department to study the effect assault weapons have on violent and drug-trafficking crimes in the United States.

LANGUAGE: ENGLISH

LOAD-DATE: August 18, 1994

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The Houston Post

January 18, 1995, WEDNESDAY, FINAL EDITION

SECTION: NATIONAL, Pg. A10

LENGTH: 321 words

HEADLINE: STOCKMAN BILL OFFERS END TO ASSAULT WEAPON BAN

BYLINE: KATHY KIELY, POST WASHINGTON BUREAU

DATELINE: WASHINGTON

BODY:

In a payback to one of his key constituencies, rookie Rep. Steve Stockman said Monday he has introduced legislation to repeal the assault weapons ban enacted just a few months ago.

The Friendswood Republican's bill (HR 464) would reverse a major victory won by gun control advocates when, after considerable controversy and behind-the-scenes lobbying, Congress included the assault weapons ban in the anti-crime bill passed last fall.

It prohibits the sale or purchase of 19 types of military-style weapons, including the Uzi, the Colt AR-15, the TEC-9 and the Street Sweeper. Stockman's bill would make them legal again.

Supporters of the assault weapons ban, which passed the House of Representatives by only two votes last May, argue there is no legitimate sporting use for semi-automatic guns.

But Stockman's spokesman, Kevin Bishop, disagreed. He said the guns can be used for "recreational" purposes and for protection. "A lot of Korean merchants used them during the Los Angeles riots," Bishop said.

In a letter urging support for his bill, which is co-sponsored by Rep. Roscoe Bartlett, R-Md., Stockman reminded his congressional colleagues that "during last November's election the American people sent Congress a loud and clear message: KEEP GOVERNMENT OUT OF OUR LIVES." One of the largest groups of single-issue voters, he added, were "law-abiding gun owners."

Stockman should know. Members of Gun Owners of America and the National Rifle Association played a key role in his upset victory over longtime Democrat Rep. Jack Brooks of Beaumont. The gunowners felt Brooks betrayed them by supporting the crime bill with the assault weapons ban.

Brooks, a 42-year incumbent and supporter of the NRA, tried to have the assault weapons ban removed. He was unsuccessful, but decided to support the legislation anyway because he felt it contained too many other valuable measures to oppose.

GRAPHIC: PHOTO, STOCKMAN:

LOAD-DATE: January 19, 1995