



***U.S. Department of Justice
Office of Justice Programs***

***Bureau of Justice Statistics
633 Indiana Avenue, N.W.
Washington, DC 20531***

Thu 11-13-97 06:19PM

To: Cabinet Affairs
Cabinet Affairs
, Washington, DC 20502-

Phone No.: 202-456-2572

From: Bureau of Justice Statistics

Phone No.: 202-307-0784
FAX: 202-307-5846

Subject:

Following is a 3-page press release and pages 1-5 and 8 of the 10-page BJS Bulletin "Criminal Victimization 1996: Changes 1995-1996 with Trends 1993-96," embargoed for release at 9 a.m. Saturday, Nov. 15. If you don't get all 10 pages or want the full 10-page report, call the BJS fax-on-demand number 301-519-5550 and follow the prompts. The full report is also on the Internet: <http://www.ojp.usdoj.gov/bjs/> at "What's New." Questions: 202-307-0784; after hours 301-983-9354.

Total pages including cover page: 10



Department of Justice

ADVANCE FOR RELEASE AT 9 A.M., EST
SATURDAY, NOVEMBER 15, 1997

BJS
202/307-0784

VIOLENT VICTIMIZATIONS FELL 10 PERCENT LAST YEAR

Property Crimes Declined 8 Percent

WASHINGTON -- The nation's violent crime rate fell 10 percent last year and was 16 percent lower than in 1993, the Department's Bureau of Justice Statistics (BJS) announced today. Property crime was down more than 8 percent last year and was 17 percent lower than in 1993.

Certain personal crimes were down dramatically during the 1993-1996 period: rape, including attempted rape, fell 44 percent, other sexual assaults dropped 37 percent and aggravated assault declined 27 percent. Some property crimes also fell substantially during the 1993-1996 period: household burglary down 19 percent, motor vehicle theft 29 percent and personal theft (pocket picking, purse snatching and attempted purse snatching), down 35 percent.

"The victimization rates in 1996 are the lowest recorded by the National Crime Victimization Survey since its inception in 1973," commented BJS Director Jan M. Chaiken.

There were an estimated 2.7 million completed violent crimes in 1996 (a rate of 12.4 per 1,000 U.S. residents 12 years old and

(MORE)

- 2 -

older), compared to 3 million such crimes in 1995 (a rate of 13.8 per 1,000 residents 12 and older). There were an estimated 27.4 million completed or attempted household property crimes during 1996 (a rate of 266 per 1,000 households), compared to 29.5 million during 1995 (a rate of 291 such crimes per 1,000 households).

The data are from the Bureau's National Crime Victimization Survey, which BJS revised in 1993 to gather additional information about victimization. The 1996 statistics, which reflect both reported crime and offenses not reported to law enforcement agencies, are in general agreement with those in the FBI's Uniform Crime Reports released in early October.

Forty-eight percent of all victims of violence in 1996 knew the offender. Assault, rape and sexual assault victims were especially likely to have known their attackers.

About 43 percent of the violent crimes and 35 percent of the property crimes were reported to law enforcement agencies during 1996. Females were more likely than males and blacks more likely than whites to report a victimization to police.

Rape, robbery, assault, personal and household theft, household burglary and motor vehicle theft did not increase by a

(MORE)

- 3 -

statistically significant amount in any year between 1993 and 1996, and the rates decreased during those years about equally for all gender, racial and income groups. Hispanic households experienced a greater decrease in property crimes than did non-Hispanic households.

The survey interviews approximately 100,000 people 12 years old and older in a representative sample of the national population and measures both crimes reported to police and those that are unreported.

Single copies of the report, "Criminal Victimization 1996--Changes 1995-96 with Trends 1993-96" (NCJ-165812), by BJS statistician Cheryl Ringel, may be obtained by clicking on BJS's homepage on the Internet at:

<http://www.ojp.usdoj.gov/bjs/>

Single copies may also be obtained from the BJS fax-on-demand system by dialing 301/519-5550, listening to the complete menu and selecting document number 85 for the full report or document number 86 for the news release or by calling the BJS Clearinghouse number 1-800-732-3277. Fax orders for mail delivery to 410/792-4358.

Additional criminal justice materials can be obtained from the Office of Justice Programs homepage at:

<http://www.ojp.usdoj.gov>

BJ98005

After hours contact: Stu Smith at 301/983-9354

U.S. Department of Justice
Office of Justice Programs

EMBARGOED

for release Saturday, November 15, 1997, 9:00 a.m. EST



Bureau of Justice Statistics National Crime Victimization Survey

November 1997, NCJ-165812

Criminal Victimization 1996 Changes 1995-96 with Trends 1993-96

By Cheryl Ringel
BJS Statistician

In 1996 U.S. residents age 12 or older experienced nearly 37 million criminal victimizations, according to data collected from the National Crime Victimization Survey (NCVS). Of these victimizations, 27.3 million involved property crimes against households, 9.1 million involved the violent crimes of rape, robbery, and assault, and 0.3 million involved personal thefts such as purse snatching.

Translated into the number of violent and property crimes per 1,000 persons or households, crime rates for 1996 show 42 violent victimizations per 1,000 persons and 266 property crimes per 1,000 households. The victimization rates declined from 1995, and are the lowest recorded by the NCVS since its inception in 1973.*

From 1995 to 1996 the violent crime rate overall, as measured by the NCVS, decreased about 10%, and the rate of property crime went down 8%. These declines followed a general downward trend of criminal victimization rates over the past 3 years.

The trends reported in this Bulletin encompass 1993 through 1996. The redesigned NCVS first used a full

sample of households in 1993; therefore, the trends presented begin with that year.

Compared to 1993 rates, the 1996 victimization rates for all property crimes,

for personal theft, and for the measured violent crimes except robbery showed a significant decrease. Between 1993 and 1996, the violent crime rate fell 16%, and property crime rates dropped 17%.

Highlights

- The 1994-95 general downward trend in criminal victimizations continued in 1996.
- The NCVS property and violent crime rates for 1996 are the lowest recorded since the survey's inception in 1973.*
- The murder rate dropped 10% between 1995 and 1996 — the largest decrease in the past 4 years.
- Though overall violent crime rates decreased significantly from 1995 to 1996, the decline in the rates for robbery and aggravated assault were not statistically significant.
- In 1996 males experienced significantly higher victimization rates than females for all violent crimes except rape/sexual assault. Males were 2 times more likely than females to experience robbery and aggravated assault.
- In 48% of violent victimizations in 1996, the victim knew the offender.
- In 1996, 4 in 10 violent crimes and 3 in 10 property crimes were reported to the police. Females and blacks were more likely to report a crime to police than were males and whites.
- In 1996 violent crime rates were 16% lower and property crime rates 17% lower than they were in 1993.
- Between no two consecutive years from 1993 to 1996 did a violent, personal, or property crime rate increase a statistically significant amount.
- The decreasing victimization trends during 1993-96 were experienced about equally by both males and females and by the racial and income groups.
- Between 1993 and 1996 Hispanic households experienced a greater decrease than non-Hispanic households in the rate of property crime victimization.

*After rates were adjusted following the 1992 NCVS redesign.

*After rates were adjusted following the 1992 NCVS redesign.

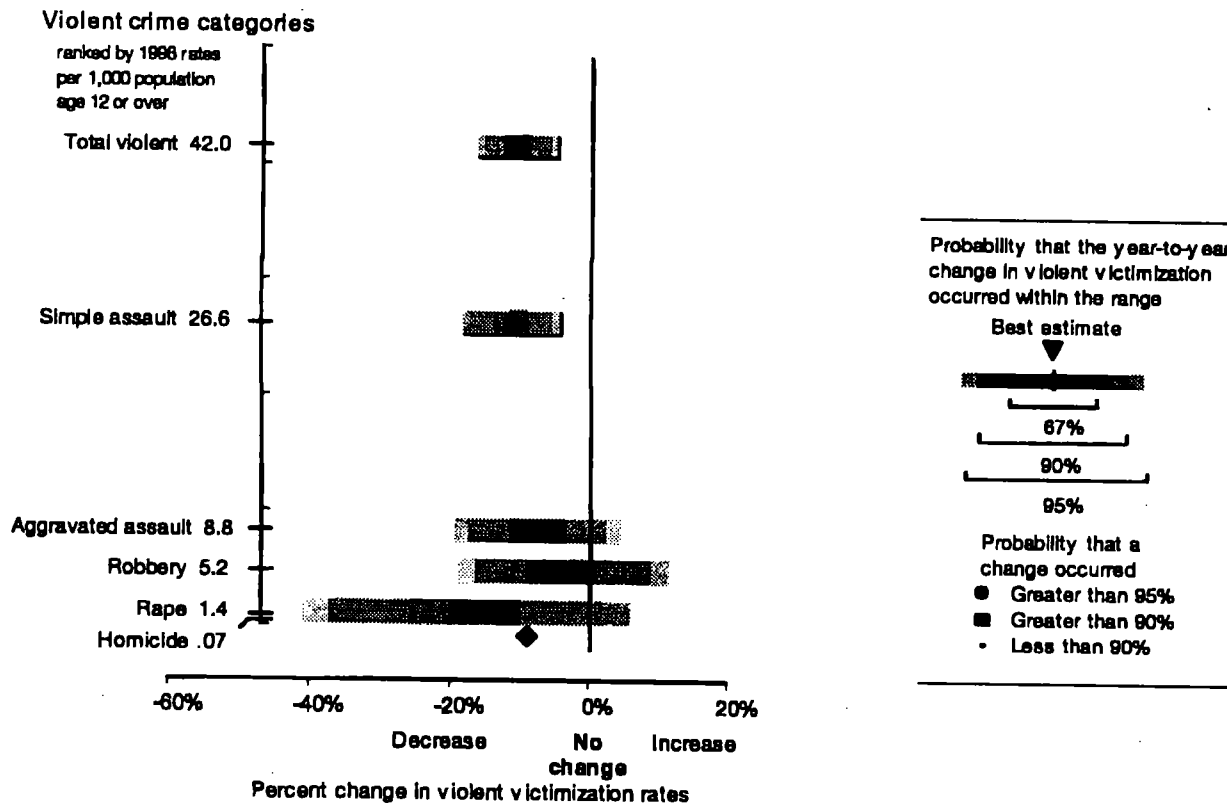
Criminal victimization, 1995-96**Violent crime**

The Uniform Crime Reports (UCR) program of the FBI collects data on murder and nonnegligent manslaughter. The NCVS collects information

about rape and sexual assault, robbery, and simple and aggravated assault.

From 1995 to 1996 both the murder rate and the rate of violent crime in the aggregate declined about 10% (figure 1). This decrease in the NCVS esti-

mate was statistically significant. Of the four types of violent offenses measured by the NCVS only simple assault showed a significant decline from 1995. For aggravated assault, robbery, and rape or sexual assault, the apparent declines in rates from

Change in violent victimization by category, 1995-96

Note: The rape category includes sexual assaults. The change in murder rates is presented as a point since the source of the data, the Uniform Crime Reports, is not a sample survey. Source: BJS, National Crime Victimization Survey, and FBI, Uniform Crime Reports.

For further explanation of the graph see the forthcoming BJS Technical Report, *Displaying Violent Crime Trends Using Estimates from the National Crime Victimization Survey*, NCJ 187881.

The figure shows the estimated annual percentage change in victimization rates from 1995 to 1996 for the categories that comprise violent crime: homicide, rape and sexual assault, aggravated assault, simple assault, and robbery. The crime categories are displayed vertically according to their 1996 rates per 1,000 population age 12 or over. Total violent (the sum of all types) is first with

the highest rate and murder is last with the lowest rate.

Because the National Crime Victimization Survey (NCVS) relies on a sample of households, the rates and numbers from it are estimates and are not exact. Each bar shows the range within which the true percent change in rates from year to year is likely to fall. If a bar is clear of the "No change" line, we are

reasonably certain a change occurred. If a bar crosses the "No change" line, there is a possibility that there was no change. The degree of certainty depends on where the bar crosses the line. The bars representing the crime categories where a statistically significant year-to-year change occurred are outlined.

The length of the range bars varies considerably from

crime to crime, dependent on sample size and rarity of the event. The value for the change in homicide rates is given as a point and not a range of estimates, because homicide rates are derived from nonsample data. The murder rates have no variance, but some discrepancies exist between UCR rates and *Vital Statistics* of the National Center for Health Statistics.

Figure 1

1995 to 1996 were not statistically significant.

Murder and nonnegligent manslaughter

The murder rate for 1996 was 7.4 per 100,000 inhabitants, with a total of 19,645 murders. The 10% decrease in the murder rate for 1995-96 was the largest such decrease in 4 years. The decrease was apparent across all sizes of cities and regions of the country. (See the box on page 6.)

Violent crime measured by the NCVS

The decrease in overall violent crimes between 1995 and 1996 included completed rape, assault, and simple assault (table 1). For aggravated assault and robbery, apparent declines in rates from 1995 to 1996 were not statistically significant. The rate of sexual assault did not change from 1995 to 1996.

The category of assault (an aggregate measure of aggravated and simple assault) showed a significant decrease from 1995 to 1996 — just over 10%. However, this is a reflection of the significant 11% decline in simple assault from 1995 to 1996. Aggravated assault continued its downward trend, but the 7% decrease was not statistically significant.

The category of rape (which represents completed rapes) exhibited a significant decline from 1995 to 1996. However, because there were no declines in attempted rape or sexual assault over the same period, this decrease is not apparent in the aggregate category of rape/sexual assault.

Though personal theft was down 21% from 1995-96, the change was only somewhat significant.

Among demographic characteristics ethnicity was the only factor associated with a greater rate of decline in violent crime. Between 1995 and 1996 individuals of Hispanic origin experienced

Table 1. Criminal victimization, 1995-96

Type of crime	Number of victimizations (1,000's)		Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)		Percent change, 1995-96
	1995	1996	1995	1996	
All crimes	39,926	36,796	...	...	...
Personal crimes*	10,436	9,443	48.5	43.5	-10.3*
Crimes of violence	10,022	9,125	46.6	42.0	-9.9*
Completed violence	2,980	2,700	13.8	12.4	-10.1*
Attempted/threatened violence	7,061	6,425	32.8	29.6	-9.8*
Rape/Sexual assault	363	307	1.7	1.4	-17.6
Rape/attempted rape	252	197	1.2	.9	-25.0**
Rape	153	98	.7	.4	-42.9*
Attempted rape	99	99	.5	.5	0
Sexual assault	112	110	.5	.5	0
Robbery	1,171	1,134	5.4	5.2	-3.7
Completed/property taken	753	757	3.5	3.5	0
With injury	224	250	1.0	1.1	10.0
Without injury	529	508	2.5	2.3	-8.0
Attempted to take property	418	377	1.9	1.7	-10.5
With injury	84	79	.4	.4	0
Without injury	335	298	1.8	1.4	-12.5
Assault	8,487	7,883	39.5	35.4	-10.4*
Aggravated	2,050	1,910	9.5	8.8	-7.4
With injury	533	513	2.5	2.4	-4.0
Threatened with weapon	1,517	1,397	7.1	6.4	-9.9
Simple	6,437	5,773	29.9	26.6	-11.0*
With minor injury	1,428	1,240	6.6	5.7	-13.6*
Without injury	5,012	4,533	23.3	20.9	-10.3*
Personal theft*	414	318	1.9	1.5	-21.1**
Property crimes	29,490	27,353	290.5	268.3	-8.3*
Household burglary	5,004	4,845	49.3	47.2	-4.3
Completed	4,232	4,056	41.7	39.5	-5.3
Forcible entry	1,570	1,511	15.5	14.7	-5.2
Unlawful entry without force	2,862	2,545	28.2	24.8	-11.7
Attempted forcible entry	773	789	7.8	7.7	-1.3
Motor vehicle theft	1,717	1,387	16.9	13.5	-20.1*
Completed	1,163	938	11.5	9.1	-20.9*
Attempted	554	449	5.5	4.4	-20.0*
Theft	22,769	21,120	224.3	205.7	-8.3*
Completed*	21,857	20,303	215.3	197.7	-8.2*
Less than \$50	8,652	7,580	85.2	73.8	-13.4*
\$50-\$249	7,712	7,374	76.0	71.8	-5.5**
\$250 or more	4,270	4,216	42.1	41.1	-2.4**
Attempted	911	818	9.0	8.0	-11.1

Note: The number of victimizations may differ from those reported previously because the estimates are now based on data collected in each calendar year rather than data about events within a calendar year. See *Survey methodology* on page 9. Completed violent crimes include rape, sexual assault, robbery with or without injury, aggravated assault with injury, and simple assault with minor injury. In 1993 the total population age 12 or older was 210,906,900; in 1994, 213,135,890; in 1995, 215,080,690; and in 1996, 217,234,280. The total number of households in 1993 was 99,746,020; in 1994, 100,568,080; in 1995, 101,504,820 and in 1996, 102,697,490.

*The difference is significant at the 95% confidence level.

**The difference is significant at the 90% confidence level.

*The NCVS is based on interviews with victims and therefore cannot measure murder.

*Includes pocket picking, purse snatching, and attempted purse snatching not shown separately.

a significantly greater decline than those of non-Hispanic origin in the rate of violent crime. The 1995-96 rate of decrease in violent crime was not different for males compared to females or whites compared to blacks.

Property crime

The crimes of motor vehicle theft, household burglary and theft make up the NCVS property crimes. In the aggregate, property crime showed just

over an 8% decrease from 1995 to 1996. Household burglary decreased (but not significantly) from 1995. This was true for both forcible entry and unforced entry.

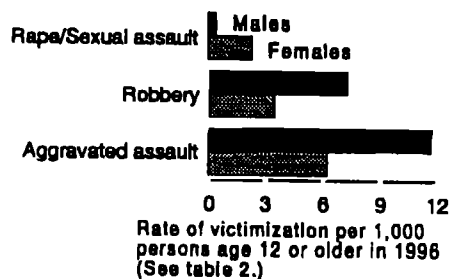
Motor vehicle theft, down 20%, showed the largest percent change from 1995. Both completed and attempted motor vehicle thefts decreased significantly. The significant 8% decrease in theft included a 13% decrease in thefts with a loss of under \$50. Thefts of greater economic loss (\$50-\$249 and \$250 or more) did decrease somewhat between 1995 and 1996.

Characteristics of victims of violent crime, 1996

The rate of violent victimization in 1996 varied across demographic characteristics such as sex, race, and ethnicity (table 2).

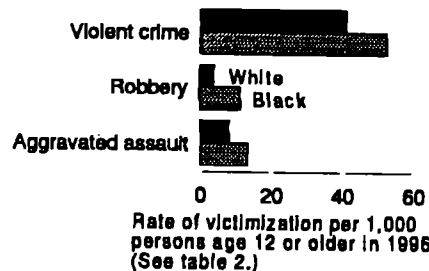
Sex of victim

Except for rape and sexual assault, males were more likely than females to be victims of violent crime. Men were twice as likely as women to experience aggravated assault and robbery. Women, however, were 10 times more likely than men to be a victim of rape or sexual assault.



Race of victim

Blacks were more likely than whites to be victims of violent crime. Robbery — for which blacks are victimized at 3 times the rate for whites — shows the greatest difference. While there was no statistically significant difference between the rates for blacks and whites for the overall assault category or for simple assault, there was a difference for aggravated assault, the more serious specific category. Blacks were nearly twice as likely as whites to experience aggravated assault.



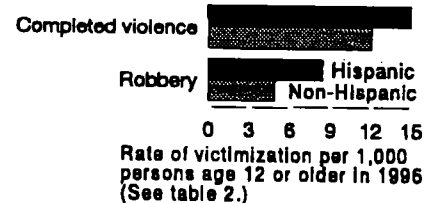
Note: The crime survey includes as violent crime rape, robbery, and assault.

Ethnicity of victim

Hispanics were twice as likely as non-Hispanics to fall victim to robbery and personal theft. While the rates of violent crime overall and attempted violent crime did not differ significantly between Hispanics and non-Hispanics, Hispanics were victims of completed violent crimes at a rate somewhat higher than that of non-Hispanics.

	Number of victimizations per 1,000 persons age 12 or older	
	Hispanic	Non-Hispanic
All violence	44.0	41.6
Attempted	29.1	29.6
Completed	14.9*	12.0*

Note: The National Crime Victimization Survey excludes murder and manslaughter.
*Difference is significant at 90-percent level of confidence.



Note: The crime survey includes as violent crime rape, robbery, and assault.

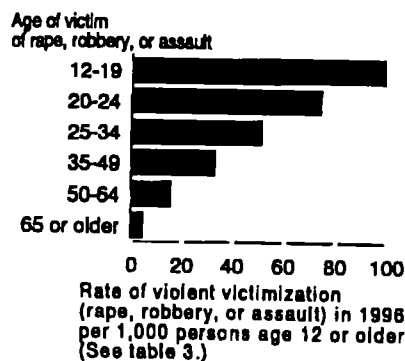
Table 2. Rates of violent crime and personal theft, by sex, age, race, and Hispanic origin, 1996

Victimizations per 1,000 persons age 12 or older								
Characteristics of victims	Population	All crimes of violence*	Rape/ Sexual assault	Violent crimes				Personal theft
				Robbery	Total	Assault		
						Aggravated	Simple	
Sex								
Male	105,054,160	49.9	.4	7.2	42.3	11.6	30.8	1.3
Female	112,180,110	34.6	2.3	3.4	28.9	6.2	22.7	1.8
Age								
12-15	15,587,620	95.0	2.6	10.0	82.3	15.6	66.8	3.3
16-19	14,866,000	102.7	4.8	12.0	85.7	25.3	60.4	2.5
20-24	17,533,290	74.3	2.1	10.0	62.2	15.9	46.4	2.9
25-34	40,876,720	51.1	1.8	7.1	42.2	9.8	32.4	1.2
35-49	61,741,430	32.8	1.3	3.8	27.7	7.4	20.3	1.0
50-64	34,889,380	15.7	.1	1.8	13.8	3.8	10.0	1.2
65 or older	31,739,850	4.9	0	1.1	3.8	.8	3.0	.7
Race								
White	182,853,380	40.9	1.3	4.2	35.3	8.2	27.2	1.4
Black	28,274,270	52.3	1.8	11.4	39.1	13.4	25.6	1.9
Other	8,108,620	33.2	2.1	7.4	23.8	7.2	16.6	1.3
Hispanic origin								
Hispanic	20,502,470	44.0	1.2	8.4	34.5	10.6	23.9	2.7
Non-Hispanic	194,729,590	41.6	1.4	4.9	35.3	8.5	26.8	1.3

*The National Crime Victimization Survey includes as violent crime rape/sexual assault, robbery, and assault but not murder or manslaughter.

Age of victim

Persons between ages 12 and 15 and between 16 and 19 had higher rates of violent crime victimization than those 25 or older. Persons age 12 to 19 were twice as likely as those age 25-34 and 3 times as likely as those age 35-49 to be victims of violent crimes. Persons age 12 to 19 had a violent crime victimization rate 20 times higher than those age 65 or older. For the crime of aggravated assault, individuals between ages 16 and 19 had a significantly higher rate of victimization than any other age group.

**Income**

In general, as household income levels decrease, rates of violent crime increase (table 3). Persons in households with an annual income of less than \$7,500 experienced significantly more violent crime than persons in households at any other income level, while persons in households with incomes of \$75,000 or more experienced significantly less than any others. Persons in households in the middle range of income (\$15,000-\$49,000) had similar rates of victimization in comparison to one another but significantly different rates from the lowest and highest income groups.

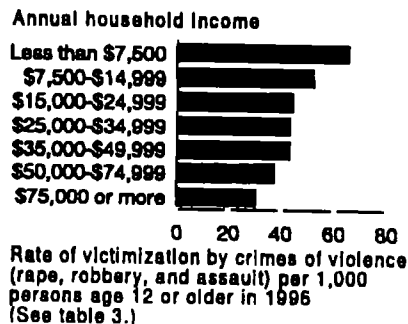


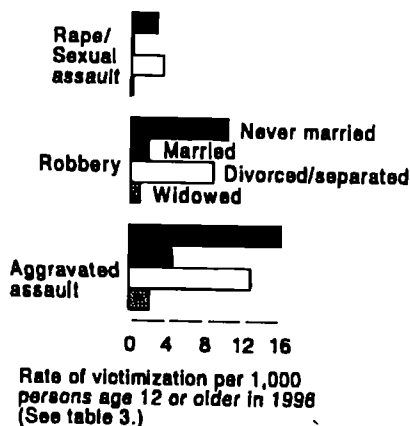
Table 3. Rates of violent crime and personal theft, by household income, marital status, region, and location of residence of victims, 1996

		Victimizations per 1,000 persons age 12 or older						
		Violent crimes						Personal theft
Characteristics of victims	Population	All crimes of violence*	Rape/ Sexual assault	Robbery	Assault			
					Total	Aggra- vated	Simple	
Household income								
Less than \$7,500	14,774,050	65.3	2.9	9.9	52.5	17.3	35.2	2.6
\$7,500 - 14,999	24,184,130	52.1	1.8	8.5	41.9	11.9	30.0	1.1
\$15,000 - 24,999	31,709,970	44.1	1.4	5.4	37.3	10.3	26.9	1.5
\$25,000 - 34,999	29,229,150	43.0	1.9	5.5	35.6	6.8	28.8	.9
\$35,000 - 49,999	34,958,450	43.0	1.4	4.5	37.1	8.6	28.5	1.5
\$50,000 - 74,999	31,007,900	37.5	.8	3.3	33.3	7.9	25.4	1.8
\$75,000 or more	23,924,850	30.5	1.0	2.0	27.5	5.5	22.0	1.5
Marital status								
Never married	86,576,940	79.1	2.8	10.4	65.9	16.0	49.9	2.5
Married	113,157,450	20.5	.3	2.0	18.2	4.8	13.6	.8
Divorced/separated	22,925,490	82.5	3.5	8.8	50.2	12.8	37.4	2.2
Widowed	13,724,480	7.2	.3	1.1	5.8	2.2	3.6	.9
Region								
Northeast	42,545,610	37.7	1.4	5.4	30.9	7.0	23.9	1.9
Midwest	51,833,600	43.7	1.7	5.2	36.8	7.9	28.9	1.5
South	76,436,860	37.5	1.0	4.4	32.1	8.6	23.5	1.2
West	46,418,200	51.5	1.8	6.3	43.4	11.8	31.5	1.5
Residence								
Urban	63,137,110	55.1	2.0	10.4	42.7	11.7	31.1	2.4
Suburban	104,794,740	38.9	1.3	3.3	34.2	7.8	26.4	1.4
Rural	49,302,420	31.9	.9	2.6	28.3	7.2	21.1	.5

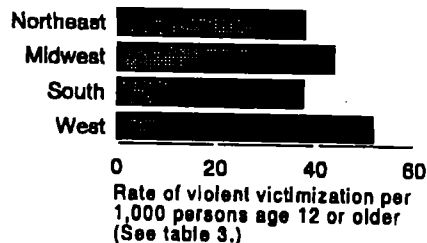
*The National Crime Victimization Survey includes as violent crime rape/sexual assault, robbery, and assault but not murder or manslaughter.

Marital status

Individuals who had never married or who had separated or divorced had higher rates of violent crime and personal theft than those who were married or widowed. For overall violent crimes, those who had never married were 4 times more likely than married persons to be victimized.

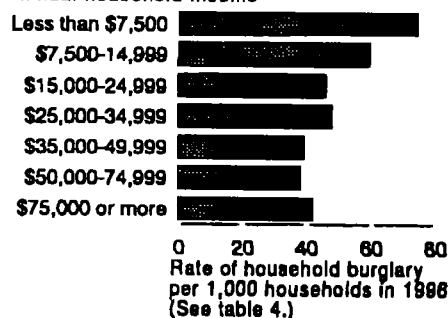
**Region**

Considered by region, Western residents were the most likely in the United States to be victims of violent crime. The South and the Northeast were indistinguishable from each other in victimization rates for overall violent crime, rape/sexual assault, robbery, and assault. The Midwest had generally higher rates of violent victimization than the South and Northeast but lower rates than the West.

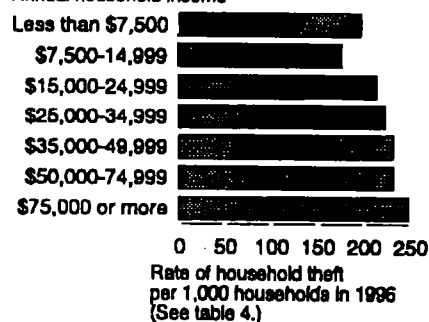


\$7,500 and \$14,999 were more likely to be victims of household burglary than those with household incomes of \$15,000 or higher, but less likely to be victims of theft.

Annual household income



Annual household income



Reporting to the police

The percentage of victimizations that were reported to law enforcement authorities varied by type of crime and victim characteristic. Of all types of victimizations, motor vehicle theft had the highest rate of being reported to the police — 76%, compared to 35% of property crime overall. The victim or someone else reported 43% of all violent crimes to authorities. Thirty-one percent of the rapes or sexual assaults were reported to police.

	Percent of crime reported to the police
All victimizations	36.8%
Violent crime	42.8%
Rape /Sexual assault	30.7
Robbery	53.9
Assault	41.6
Simple	37.3
Aggravated	54.8
Household crime	34.8%
Burglary	50.6
Motor vehicle theft	76.5
Theft	28.4

Victim characteristic	Percent of violent victimizations reported to the police
All	42.8%
Male	39.0
Female	47.9
White	41.4
Black	50.4
Hispanic	44.1
Non-Hispanic	42.5

Females were more likely than males, and blacks more likely than whites, to report a crime to the police.

Victimization trends, 1993-96

While not all year-to-year changes were statistically significant for the detailed victimization categories, there

Table 5. Rates of criminal victimization and percent change, 1993-96

Type of crime	Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)						
					Percent change		
	1993	1994	1995	1996	1993-96	1994-96	1995-96
Personal crimes*	52.2	54.1	48.5	43.5	-16.7*	-19.6*	-10.3*
Crimes of violence	49.9	51.8	48.6	42.0	-15.8*	-18.9*	-9.9*
Completed violence	15.0	15.4	13.8	12.4	-17.3*	-19.5*	-10.1*
Attempted/threatened violence	34.9	36.4	32.8	29.6	-15.2*	-18.7*	-9.8*
Rape/Sexual assault	2.5	2.1	1.7	1.4	-44.0*	-33.3*	-17.6
Rape/attempted rape	1.8	1.4	1.2	.9	-43.8*	-35.7*	-25.0**
Rape	1.0	.7	.7	.4	-60.0*	-42.9*	-42.9*
Attempted rape	.7	.7	.5	.5	-28.6	-28.6**	0
Sexual assault	.8	.8	.5	.5	-37.5*	-16.7	0
Robbery	6.0	6.3	5.4	5.2	-13.3	-17.5*	-3.7
Completed/property taken	3.8	4.0	3.5	3.5	-7.9	-12.5	0
With injury	1.3	1.4	1.0	1.1	-15.4	-21.4	10.0
Without injury	2.5	2.6	2.5	2.3	-8.0	-11.5	-8.0
Attempted to take property	2.2	2.3	1.9	1.7	-22.7**	-26.1*	-10.5
With injury	.4	.6	.4	.4	0	-33.3*	0
Without injury	1.8	1.7	1.6	1.4	-22.2	-17.6	-12.5
Assault	41.4	43.3	39.5	35.4	-14.5*	-18.2*	-10.4*
Aggravated	12.0	11.9	9.5	8.8	-26.7*	-26.0*	-7.4
With injury	3.4	3.3	2.5	2.4	-29.4*	-27.3*	-4.0
Threatened with weapon	8.6	8.6	7.1	6.4	-25.6*	-25.6*	-9.9
Simple	29.4	31.5	29.9	26.8	-9.5*	-15.6*	-11.0*
With minor injury	6.1	6.8	6.8	5.7	-8.8	-16.2*	-13.6*
Without injury	23.3	24.7	23.3	20.9	-10.3*	-15.4*	-10.3*
Personal theft*	2.3	2.4	1.9	1.5	-34.8*	-37.5*	-21.1**
Property crimes	318.9	310.2	290.5	266.3	-16.5*	-14.2*	-8.3*
Household burglary	58.2	56.3	49.3	47.2	-18.9*	-18.2*	-4.3
Completed	47.2	46.1	41.7	39.5	-16.3*	-14.3*	-6.3
Forcible entry	18.1	18.9	15.5	14.7	-18.8*	-13.0*	-5.2
Unlawful entry without force	29.1	29.2	26.2	24.8	-14.8*	-15.1*	-5.3
Attempted forcible entry	10.9	10.2	7.8	7.7	-29.4*	-24.5*	1.3
Motor vehicle theft	19.0	18.8	16.9	13.6	-28.9*	-28.2*	-20.1*
Completed	12.4	12.5	11.5	9.1	-26.6*	-27.2*	-20.9*
Attempted	6.6	6.3	5.5	4.4	-33.3*	-30.2*	-20.0*
Theft	241.7	235.1	224.3	205.7	-14.9*	-12.5*	-8.3*
Completed*	230.1	224.3	215.3	197.7	-14.1*	-11.9*	-8.2*
Less than \$50	98.7	93.5	85.2	73.8	-25.2*	-21.1*	-13.4*
\$50-\$249	78.1	77.0	76.0	71.8	-6.7	-6.7*	-5.5**
\$250 or more	41.6	41.8	42.1	41.1	-1.2	-1.7	-2.4**
Attempted	11.6	10.8	9.0	8.0	-31.0*	-25.9*	-11.1

Note: Victimization rates may differ from those reported previously because the estimates are now based on data collected in each calendar year rather than data about events within a calendar year. (See *Survey Methodology* on page 9.) Completed violent crimes include rape, sexual assault, robbery with or without injury, aggravated assault with injury, and simple assault with minor injury. See the note on table 1, page 3, for the population counts, 1993-96.

*The difference is significant at the 95% confidence level.

**The difference is significant at the 90% confidence level.

*The victimization survey cannot measure murder because of the inability to question the victim.

*Includes pocket picking, purse snatching, and attempted purse snatching not shown separately.

*Includes thefts with unknown losses.

THE WHITE HOUSE
WASHINGTON

November 13, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES F.C. RUFF
ELENA KAGAN

SUBJECT: Importation of Modified Semiautomatic Assault Type Rifles

As you requested, attached is a redraft of the directive. The directive now includes a more detailed discussion of the predicate for the actions to be taken by the Secretary. We have also separated the action of suspending existing permits from the discussion regarding the review process and pending applications.

Attachment

THE WHITE HOUSE
WASHINGTON

November 14, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Importation of Modified Semiautomatic Assault Type Rifles

The Gun Control Act of 1968 restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable to sporting purposes. In 1989, the Treasury Department conducted a review of existing criteria for applying the statutory test based on changing patterns of gun use. As a result of that review 43 assault type rifles were specifically banned from importation. However, manufacturers have modified many of those weapons banned in 1989 to remove certain military features without changing their essential operational mechanism. Examples of such weapons are the Galil and the Uzi.

In recent weeks members of Congress have strongly urged that it is again necessary to review the manner in which the Treasury Department is applying the sporting purposes test to ensure that the agency's practice is consistent with the statute and current patterns of gun use. A letter signed by 30 members of the Senate strongly urged that modified assault type weapons are not properly importable under the statute and that I should use my authority to suspend temporarily their importation while the Treasury Department conducts an intensive, expedited review. A recent letter from Senator Feinstein emphasized again that weapons of this type are designed not for sporting purposes but for the commission of crime. In addition, 34 members of the House of Representatives signed a letter to Israeli Prime Minister Binyamin Netanyahu requesting that he intervene to stop all sales of Galils and Uzis into the United States. These concerns have caused the Government of Israel to announce a temporary moratorium on the exportation of Galils and Uzis so that the United States can review the importability of these weapons under the Gun Control Act.

The number of weapons at issue underscores the potential threat to the public health and safety that necessitates immediate action. Firearms importers have obtained permits to import nearly 600,000 modified assault type rifles. In addition, there are pending before the Treasury Department applications to import more than one million additional such weapons. The number of rifles covered by outstanding permits is comparable to that which existed in 1989 when the Bush Administration temporarily suspended import permits for assault type rifles. The number of weapons for which permits for importation are being sought through pending applications is approximately ten times greater than in 1989. The number of such firearms for which import applications have been filed has skyrocketed from 10,000 on October 9, 1997, to more than one million today.

This Administration is committed to enforcing the statutory restrictions on importation of firearms that do not meet the sporting purposes test. It is necessary that we ensure that the statute is being correctly applied and that the current use of these modified weapons is consistent with the statute's criteria for importability. This review should be conducted at once on an expedited basis. The review is directed to weapons such as the Uzi and Galil that failed to meet the sporting purposes test in 1989, but were later found importable when certain military features were removed. The results of this review should be applied to all pending and future applications.

The existence of outstanding permits for nearly 600,000 modified assault type rifles threatens to defeat the purpose of the expedited review unless, as in 1989, the Treasury Department temporarily suspends such permits. Importers typically obtain authorization to import firearms in far greater numbers than are actually imported into the United States. However, gun importers could effectively negate the impact of any Treasury Department determination by simply importing weapons to the maximum amount allowed by their permits. The public health and safety require that the only firearms allowed into the United States are those that meet the criteria of the statute.

Accordingly, as we discussed, you will:

- 1) Conduct an immediate expedited review not to exceed 120 days in length to determine whether modified semiautomatic assault type rifles are properly importable under the statutory sporting purposes test. The results of this review will govern action on pending and future applications for import permits, which shall not be acted upon until the completion of this review.

- 2) Suspend outstanding permits for importation of modified semiautomatic assault type rifles for the duration of the 120 day review period. The temporary suspension does not constitute a permanent revocation of any license. Permits will be revoked only if and to the extent that you determine that a particular weapon does not satisfy the statutory test for importation, and only after an affected importer has an opportunity to make its case to the Department.

DIANNE FEINSTEIN
CALIFORNIA



United States Senate

WASHINGTON, DC 20510-0854

September 17, 1997

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We the Members of the U.S. Senate urge you to use your executive authority to declare a temporary suspension of the importation of semi-automatic assault weapons that are now coming into this country.

We have learned that the state-owned Israel Military Industries, Ltd., has been granted permission to export to the United States for commercial sale tens of thousands of military-style assault weapons. They have taken the Uzi and Galil used by the military and made physical modifications to them, which do not affect their rapid-fire use. These weapons violate the 1968 Gun Control Act, in that they are not "suitable for, or readily adaptable to sporting purposes" [18 USC 925(d)(3)]. The Bureau of Alcohol, Tobacco and Firearms approved the importation permit because they did not believe that the modified weapons were in technical violation of the 1994 assault weapons law. However, that law applied generally to the transfer of these weapons, and was enacted independently of, and did not override, the 1968 Gun Control Act, which is addressed specifically to imports. The ATF has been requested to provide a list of all importation permits granted over the past two years, and that they indicate whether the weapons are manufactured by a private or government-owned company. According to ATF, this information will not be available for one month.

As Members of the Senate, we wish to state clearly that the intent of the Federal assault weapons legislation was to keep weapons such as these off the streets of America. The weapons planned for export to the United States by a government-owned Israeli gun manufacturer are functionally no different than the military-style weapons Congress intentionally banned and those weapons prohibited from import by the Presidential Directive of 1989: they are capable of firing bullets as fast as the operator can pull the trigger, the pistol grip is designed to allow the weapon to be fired from the hip as opposed to target shooting, with slight alterations they are able to be made fully-automatic, and they are capable of accepting magazines that hold 30, 50 or even 100 bullets. In short, these weapons have the same capacity as those that many Americans are trying to keep off our streets and out of the hands of criminals.

6-5581

President William J. Clinton
September 17, 1997
Page Two

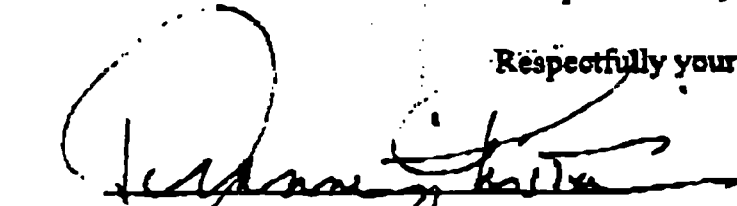
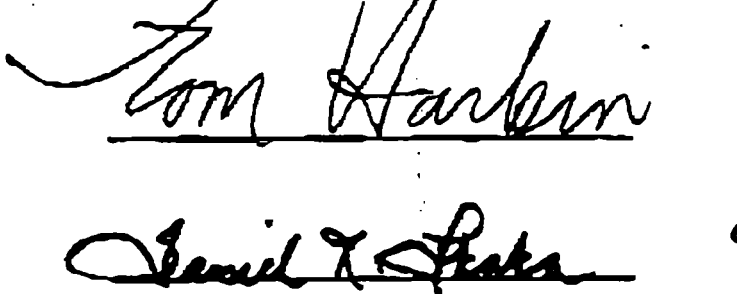
These weapons are not designed for hunting. Rather, they have become the weapon of choice for grievance killers, gangs, and those who use them against police. They are designed to kill large numbers in close combat, and as such have no place on the streets of a civilized society.

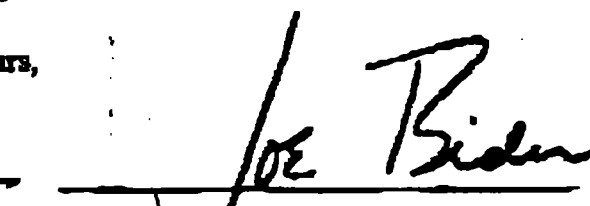
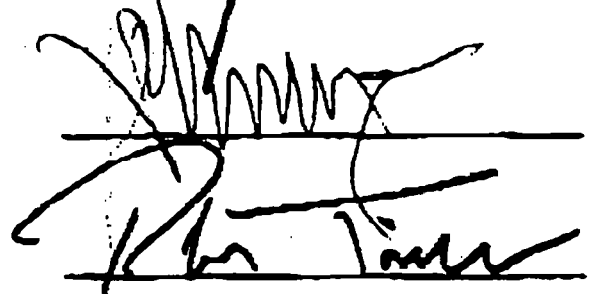
Mr. President, the 1994 Crime Bill included legislation that banned 19 specific types of semi-automatic assault weapons, including the Uzi and Galil. The Department of Justice reported that, from January, 1992 through May, 1995, 20 police officers were murdered with assault weapons. After implementation of the Crime Bill, since May of 1995, there has been only one killing of a police officer with an assault weapon, and the number of banned weapons traced to crimes has dropped precipitously.

Practically every other day there is another news report of incidents involving assault weapons used in bank robberies, drive-by shootings and revenge killings. A police officer in Tacoma, Washington was killed by an assault weapon just last month. We all saw on the CBS program *48 Hours* last week, the chilling footage of two bank robbers in Los Angeles who, dressed in full body armor and carrying assault weapons with thousands of rounds of ammunition, fearlessly took on more than 100 Los Angeles police officers. Outgunned officers were forced to borrow weapons from a nearby gun store to protect themselves.

Mr. President, we do not need more assault weapons on the streets of America. We urge you to use your executive authority as President to prevent this transfer of arms to American streets on behalf of public safety.

Respectfully yours,


Tom Harbo

Daniel J. Flaherty


Joe Biden

John T. ...

President William J. Clinton
September 16, 1997
Page Three

Don Dinkin

Paul Willstone

Quendell Ford

Richard Reed

John H. H. H.

Dale Dingers

Bob Corcoran

John R. R.

Harry R.

Jim J.

Jim Vachler

Carl L.

Christopher D.

John H. C.

Frank R. L.

L. L.

Mark C.

John E.

Herb G.

Bob L.

ates Senate

DC 20510-0504

BUSINESS

THE PRESIDENT HAS BEEN
9-15-97

B. D. C. / cc S. Berger
Chairman of the

James A. Christen
U.S.S.

E/K

The Honorable William J. Clinton
The White House
1600 Pennsylvania Ave.
Washington D.C. 20500



United States Senate

WASHINGTON, DC 20510-0504

(202) 224-3841

September 15, 1997

*Copied
Reed
Berg
COS*

The Honorable William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I am writing you on an urgent matter that will have a devastating impact on California and at least 11 other states. California and 11 other states are facing an October 1, 1997 Child Support Enforcement System automation deadline imposed by the 1988 Family Support Act.

The 1988 Act and the 1996 Welfare reform require all states to have a child support enforcement system automation plan ready and certified by HHS by October 1, 1997 as part of the state plan requirement for receiving TANF funds.

As you may know, HHS has indicated that only 16 states have currently been certified and 22 states might be certified by December 1997. Twelve or more states, including California, will not meet the October 1, 1997 deadline or be certified by December 1997 and as a result could potentially lose all their TANF funds and the state's child support program funds.

Complete shut down in welfare and child support funding for 12 or more states would have a nationwide impact since 30% of all child support cases are interstate collection cases. This means children in Kansas or Georgia will not be able to get child support from fathers in California or Pennsylvania.

I urge you to support a temporary six month moratorium on the penalties imposed on all states who fail to comply with the system requirement allowing Congress to find a more permanent solution within that time. The 6 month moratorium amendment should be part of the Labor, HHS Appropriations Bill or a CR.

FRESNO OFFICE:
1130 "O" STREET
SUITE 2446
FRESNO, CA 93721
(202) 485-7432

LOS ANGELES OFFICE:
11111 SANTA MONICA BLVD.
SUITE 915
LOS ANGELES, CA 90025
(310) 614-7360

SAN DIEGO OFFICE:
750 "B" STREET
SUITE 1030
SAN DIEGO, CA 92101
(619) 221-9712

SAN FRANCISCO OFFICE:
525 MARKET STREET
SUITE 3870
SAN FRANCISCO, CA 94105
(415) 536-6062

FY98 will be the first full year of welfare reform implementation and due to the Child Support Enforcement System deadline, welfare reform implementation will be in jeopardy since so many states will not get their TANF funds under the penalty. Millions of families and children in all the states who rely on TANF and child support for survival will be impacted by these penalties.

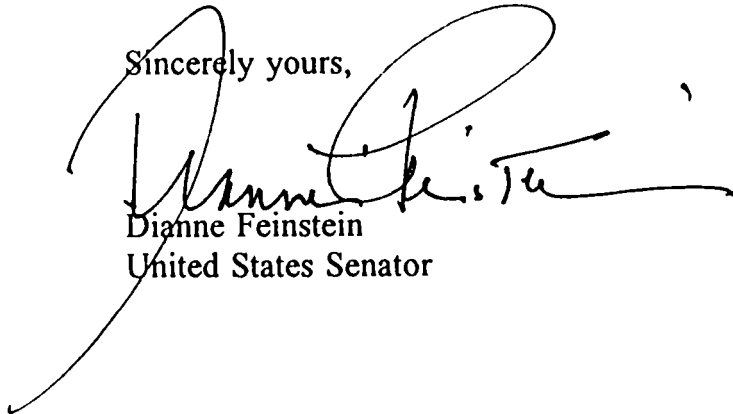
- For California, loss of TANF and child support funds amount to \$4 billion dollars.
- For South Dakota, loss of TANF and child support funds amount to \$25 million dollars.
- For New Mexico, loss of TANF and child support funds amount to \$129 million dollars.
- For Hawaii, loss of TANF and child support funds amount to \$ 113 million dollars.
- For Illinois, loss of TANF and child support funds amount to \$654 million dollars.
- For Ohio, loss of TANF and child support funds amount to \$836 million dollars.
- For Maryland, loss of TANF and child support funds amount to \$274 million dollars.
- For Michigan, loss of TANF and child support funds amount to \$857 million dollars.
- For Nevada, loss of TANF and child support funds amount to \$62 million dollars.
- For Pennsylvania, loss of TANF and child support funds amount to \$794 million dollars.
- For the District of Columbia, loss of TANF and child support funds amount to \$100 million dollars.

I believe that imposing extraordinary financial penalties on states that fail to meet this deadline will not hasten the development of workable systems but will result in harming the very people for whom the 1988 Family Support Act and the 1996 Welfare Reform were designed to serve.

The Honorable William J. Clinton
September 15, 1997
Page 3

I hope you will support a temporary 6 month moratorium on the penalties and I look forward to working with you in improving our child support program that would better serve our families and children in California and the Nation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping underline that extends to the right.

Dianne Feinstein
United States Senator

9-15-97

Bleed

Copied

Reed EK
COS

HIGH CAPACITY MAGAZINES (HCMs)

ISSUE:

Under the 1994 Crime Bill, it was made unlawful to transfer or possess "large capacity ammunition feeding devices," defined as magazines with the capacity to hold more than 10 rounds of ammunition, with exceptions made for law enforcement and other governmental use.

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).

Additionally, 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."

ATF Prohibition of Importation of HCMs 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 HCMs to be imported into the U.S. after July 1996. They provided the following statistics on applications and importations since then:

From July 1996 to April 1997:

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

■ MILLIONS OF HCMs AVAILABLE FOR IMPORT

ATF estimates that the number of HCMs 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 HCMs, but relies on documentation from the company. The date of manufacture must be included in import documentation.

■ 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 HCMs.** 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 HCMs IN CIRCULATION

Although no firm estimates exist on the number of domestically manufactured HCMs 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 HCMs 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.

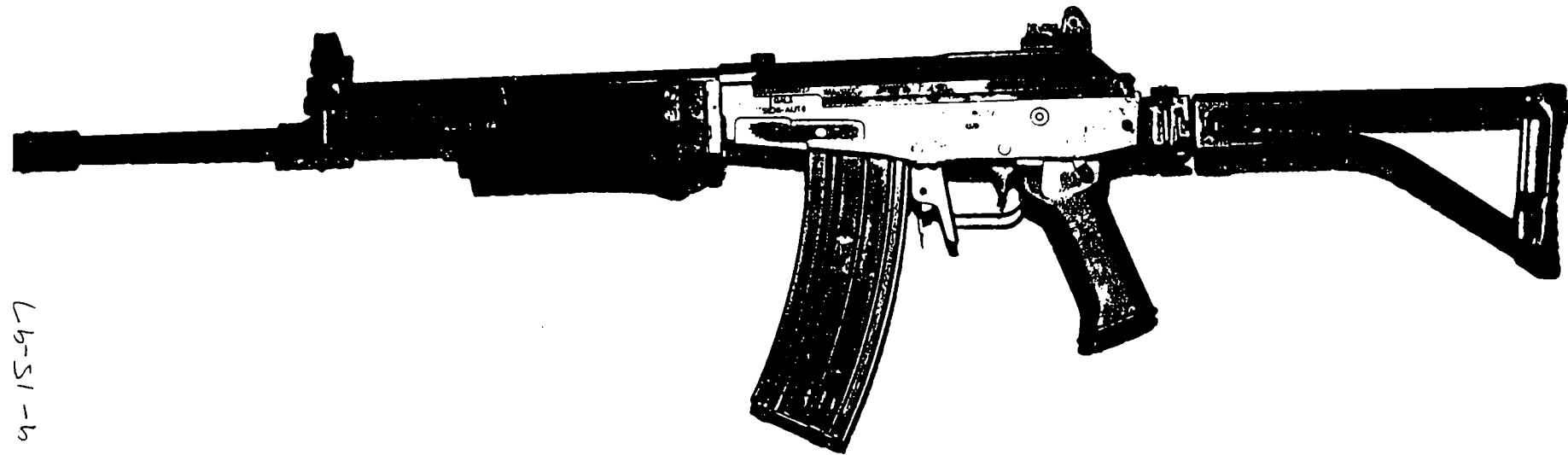
■ NO REGULATION OF AMMUNITION MAGAZINE INDUSTRY

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. The ATF does not even know how many manufacturers are operating in the United States.

Pre Ban Galil

Features:

1. Pistol Grip that extends conspicuously beneath the action of the weapon
2. Folding stock
3. Bayonet Mount
4. Flash Suppressor



Pre ban Galil

*Copied
REED
COS
ZK*

9-15-97

Blue



United States Senate
WASHINGTON, DC 20510-0504

JOSE / EK / CR

September 17, 1997

Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Thank you for meeting with me on Monday to discuss the issues of assault weapons, the continued circulation of high-capacity ammunition clips, and the ability of the Bureau of Alcohol, Tobacco and Firearms to enforce our nation's Federal firearms laws. In addition, I appreciate your willingness to try to look into the issue of California and other states facing the possible loss of billions of dollars in Federal funds due to a delay in development of a child support enforcement system as required under the 1988 Family Support Act and Welfare Reform.

As a follow up to our meeting, let me reiterate what it is I am hoping we can each do to further our common goals.

Legislative on high-capacity ammunition magazines (HCMs) or imported HCMs.

I intend to introduce legislation that replaces the grandfather clause on high-capacity ammunition magazines in the 1994 Crime Bill with a prohibition on the commercial sale of HCMs manufactured prior to the ban. If passed by Congress, this will have the added effect of prohibiting the importation of high capacity clips as well. I am asking that you and your Administration support this effort and commit to use the power of your office to help bring this issue to the American people, in addition to helping me weigh in with key legislators for passage of this amendment. The legislation was drafted by Wilke Green of my staff, and he is prepared to brief your staff on the details of the legislation and the strategy for introduction.

Administrative Action on Imported HCMs

As we move forward on legislation addressing the issue of pre-ban large-capacity clips, I believe there is action you can take to suspend the importation pre-ban clips. I urge you to issue a directive to the BATF to determine the manufacture date of imported clips prior to approval of any applications for import permits. If BATF is unable to determine with certainty the date of manufacture, the import permit should be denied.

?

President William J. Clinton
September 17, 1997
Page Two

Understanding that this directive will likely be challenged in court, I will help build the case in the Senate that the continued importation of these large-capacity clips violates both the spirit of the law and the intent of Congress, and will encourage my counterparts in the House of Representatives to do the same as I work toward passage of legislation to address this issue permanently.

Bureau of Alcohol, Tobacco and Firearms - Enforcement and Staffing

It is clear to me that however committed the BATF is to carry out our nation's gun laws, their enforcement ability has been hampered by inadequate staffing, statutory limits on their inspection authority, and internal policies that discourage inspections not relative to an on-going criminal investigation.

I am asking you to consider, in your FY 1999 Budget to Congress, an increase in funding for the BATF for the purpose of adding additional field inspectors. I am also requesting that you issue a directive to the BATF to change current internal policies prohibiting field inspectors from attending gun shows without their attendance being relative to a criminal investigation. Further, in your order, direct the BATF to proactively send field inspectors to gun shows for the purpose of enforcing Federal firearms laws and to serve as a deterrent to those who would violate the law. I pledge to work in the Senate to build support for your efforts to address both of these issues.

yes

Importation of Israeli Galils and Uzis

As we discussed, I sent a letter to Prime Minister Binyamin Netanyahu urging him to intervene in the planned export to the United States tens of thousands of modified Uzis and Galils by a government-owned munitions manufacturer, Israel Military Industries, Ltd. I am asking that you issue a directive to the Department of Treasury to suspend pending permits of these weapons until such time as a clarification can be made as to the suitability of these weapons for sporting purposes. This order would be modeled after a similar directive issued by the Treasury Department and supported by President Bush in 1989. In that order, President Bush suspended the pending import permits of 24 types of assault weapons in order to determine whether or not the weapons were suitable for sporting purposes under 18USC 925(d)3. I believe you have an opportunity to take the same action in this case.

?

Further, I am requesting that you use diplomatic channels to persuade Israel, in the interest of public safety, not to export these weapons to the United States.

President William J. Clinton
September 17, 1997
Page Three

Child Support Enforcement System Automation

Finally, as we discussed, I am heartened by your willingness to do what you can to prevent California and other states from losing billions of dollars in federal funds, which include all of the states' Temporary Assistance for Needy Families (TANF) funds and the Child Support Enforcement System funds because these states will not meet the October 1, 1997 deadline as required under welfare reform.

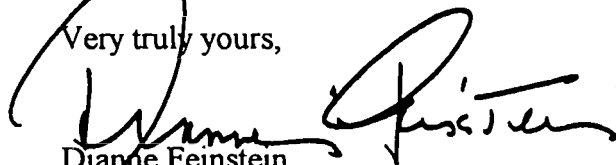
Without your intervention, California could lose \$3.7 billion in TANF funds and \$300 million in child support system funding. I am asking you to impose a temporary 6 month moratorium on the penalties for failure to meet the October 1st deadline in order to give California and other States the ability to implement their TANF programs and to improve their child support systems. California's state and local officials are making every effort to comply with the law as expeditiously as possible.

Mr. President, I know these issues are as important to you as they are to me. I understand the difficulty in addressing some of these firearms issues in a Republican Congress, but I am willing to do everything in my power to try, and I hope you will do the same.

I stand ready to assist you in every way, and I look forward to working with you, the Vice President, and others in your Administration to get the job done. The public stands behind you on this issue; of that I have no doubt. The rest is up to us.

If you would like to discuss this further, or if there are any questions you have, please do not hesitate to call me or have your staff contact Wilke Green of my staff at (202) 224-1227. Thank you again for taking the time to meet with me, and for your willingness to help.

Very truly yours,



Dianne Feinstein
United States Senator

cc: Vice President Al Gore
Thomas F. "Mack" McLarty, Counselor to the President
Erskine Bowles, White House Chief of Staff
Bruce Reed, Assistant to the President for Policy Development
Kay Casstevens, Office of the Vice President
Tracey Thornton, Special Assistant to the President for Legislative Affairs

U.S. Department of Justice
Office of Justice Programs

EMBARGOED
for release Wednesday, November 19, 1997, 4:30 p.m. EST



Bureau of Justice Statistics National Crime Victimization Survey

November 1997, NCJ-165812

Criminal Victimization 1996 Changes 1995-96 with Trends 1993-96

By Cheryl Ringel
BJS Statistician

In 1996 U.S. residents age 12 or older experienced nearly 37 million criminal victimizations, according to data collected from the National Crime Victimization Survey (NCVS). Of these victimizations, 27.3 million involved property crimes against households, 9.1 million involved the violent crimes of rape, robbery, and assault, and 0.3 million involved personal thefts such as purse snatching.

Translated into the number of violent and property crimes per 1,000 persons or households, crime rates for 1996 show 42 violent victimizations per 1,000 persons and 266 property crimes per 1,000 households. The victimization rates declined from 1995, and are the lowest recorded by the NCVS since its inception in 1973.*

From 1995 to 1996 the violent crime rate overall, as measured by the NCVS, decreased about 10%, and the rate of property crime went down 8%. These declines followed a general downward trend of criminal victimization rates over the past 3 years.

The trends reported in this Bulletin encompass 1993 through 1996. The redesigned NCVS first used a full

sample of households in 1993; therefore, the trends presented begin with that year.

Compared to 1993 rates, the 1996 victimization rates for all property crimes,

for personal theft, and for the measured violent crimes except robbery showed a significant decrease. Between 1993 and 1996, the violent crime rate fell 16%, and property crime rates dropped 17%.

Highlights

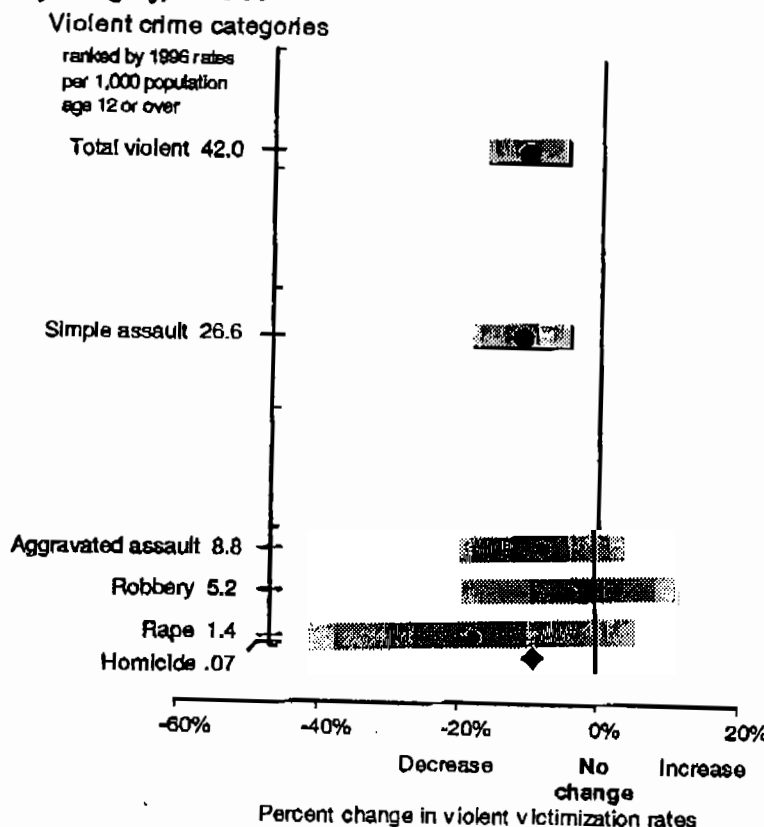
- The 1994-95 general downward trend in criminal victimizations continued in 1996.
- The NCVS property and violent crime rates for 1996 are the lowest recorded since the survey's inception in 1973.*
- The murder rate dropped 10% between 1995 and 1996 — the largest decrease in the past 4 years.
- Though overall violent crime rates decreased significantly from 1995 to 1996, the decline in the rates for robbery and aggravated assault were not statistically significant.
- In 1996 males experienced significantly higher victimization rates than females for all violent crimes except rape/sexual assault. Males were 2 times more likely than females to experience robbery and aggravated assault.
- In 48% of violent victimizations in 1996, the victim knew the offender.
- In 1996, 4 in 10 violent crimes and 3 in 10 property crimes were reported to the police. Females and blacks were more likely to report a crime to police than were males and whites.
- In 1996 violent crime rates were 16% lower and property crime rates 17% lower than they were in 1993.
- Between no two consecutive years from 1993 to 1996 did a violent, personal, or property crime rate increase a statistically significant amount.
- The decreasing victimization trends during 1993-96 were experienced about equally by both males and females and by the racial and income groups.
- Between 1993 and 1996 Hispanic households experienced a greater decrease than non-Hispanic households in the rate of property crime victimization.

*After rates were adjusted following the 1992 NCVS redesign.

*After rates were adjusted following the 1992 NCVS redesign.

The figure shows the estimated annual percentage change in victimization rates from 1995 to 1996 for the categories that comprise violent crime: homicide, rape and sexual assault, aggravated assault, simple assault, and robbery. The crime categories are displayed vertically according to their 1996 rates per 1,000 population age 12 or over. Total violent (the sum of all types) is first with the highest rate and murder is last with the lowest rate.

Change in violent victimization by category, 1995-96



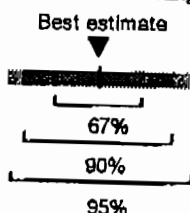
Because the National Crime Victimization Survey (NCVS) relies on a sample of households, the rates and numbers from it are estimates and are not exact. Each bar shows the range within which the true percent change in rates from year to year is likely to fall. If a bar is clear of the "No change" line, we are reasonably certain a change occurred. If a bar crosses the "No change" line, there is a possibility that there was no change. The degree of certainty depends on where the bar crosses the line. The bars representing the crime categories where a statistically significant year-to-year change occurred are outlined.

The length of the range bars varies considerably from crime to crime, dependent on sample

Note: The rape category includes sexual assaults. The change in murder rates is presented as a point since the source of the data, the Uniform Crime Reports, is not a sample survey. Source: BJS, National Crime Victimization Survey, and FBI, Uniform Crime Reports.

size and rarity of the event. The value for the change in homicide rates is given as a point and not a range of estimates, because homicide rates are derived from nonsample data. The murder rates have no variance, but some discrepancies exist between UCR rates and *Vital Statistics* of the National Center for Health Statistics.

Probability that the year-to-year change in violent victimization occurred within the range



Probability that a change occurred

- Greater than 95%
- Greater than 90%
- Less than 90%

For further explanation of this graph see the forthcoming BJS Technical Report, *Displaying Violent Crime Trends Using Estimates from the National Crime Victimization Survey*, NCJ 167881.

Criminal victimization, 1995-96

Violent crime

The Uniform Crime Reports (UCR) program of the FBI collects data on murder and non-negligent manslaughter. The NCVS collects information about rape and sexual assault, robbery, and simple and aggravated assault.

From 1995 to 1996 both the murder rate and the rate of violent crime in the aggregate declined about 10% (figure 1). This decrease in the NCVS estimate was statistically significant. Of the four types of violent offenses measured by the NCVS only simple assault showed a significant decline from 1995. For aggravated assault, robbery, and rape or sexual assault, the apparent declines in rates from 1995 to 1996 were not statistically significant.

Murder and nonnegligent manslaughter

The murder rate for 1996 was 7.4 per 100,000 inhabitants, with a total of 19,645 murders. The 10% decrease in the murder rate for 1995-96 was the largest such decrease in 4 years. The decrease was apparent across all sizes of cities and regions of the country. (See the box on page 6.)

Violent crime measured by the NCVS

The decrease in overall violent crimes between 1995 and 1996 included completed rape, assault, and simple assault (table 1). For aggravated assault and robbery, apparent declines in rates from 1995 to 1996 were not statistically significant. The rate of sexual assault did not change from 1995 to 1996.

The category of assault (an aggregate measure of aggravated and simple assault) showed a significant decrease from 1995 to 1996 — just over 10%. However, this is a reflection of the significant 11% decline in simple assault from 1995 to 1996. Aggravated assault continued its downward trend, but the 7% decrease was not statistically significant.

The category of rape (which represents completed rapes) exhibited a significant decline from 1995 to 1996. However, because there were no declines in attempted rape or sexual assault over the same period, this decrease is not apparent in the aggregate category of rape/sexual assault.

Though personal theft was down 21% from 1995-96, the change was only somewhat significant.

Among demographic characteristics ethnicity was the only factor associated with a greater rate of decline in violent crime. Between 1995 and 1996 individuals of Hispanic origin experienced a significantly greater decline than those of non-Hispanic origin in the rate of violent crime. The 1995-96 rate of decrease in violent crime was not different for males compared to females or whites compared to blacks.

Property crime

The crimes of motor vehicle theft, household burglary and theft make up the NCVS property crimes. In the aggregate, property crime showed just over an 8% decrease from 1995 to 1996. Household burglary decreased (but not significantly) from 1995. This was true for both forcible entry and unforced entry.

Motor vehicle theft, down 20%, showed the largest percent change from 1995. Both completed and attempted motor vehicle thefts decreased significantly. The significant 8% decrease in theft included a 13% decrease in thefts with a loss of under \$50. Thefts of greater economic loss

Table 1. Criminal victimization, 1995-96

Type of crime	Number of victimizations (1,000's)		Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)		Percent change, 1995-96
	1995	1996	1995	1996	
All crimes	39,926	36,796	...	...	
Personal crimes*	10,436	9,443	48.5	43.5	-10.3*
Crimes of violence	10,022	9,125	46.6	42.0	-9.9*
Completed violence	2,980	2,700	13.8	12.4	-10.1*
Attempted/threatened violence	7,061	6,425	32.8	29.6	-9.8*
Rape/Sexual assault	363	307	1.7	1.4	-17.6
Rape/attempted rape	252	197	1.2	.9	-25.0**
Rape	153	98	.7	.4	-42.9*
Attempted rape	99	99	.5	.5	0
Sexual assault	112	110	.5	.5	0
Robbery	1,171	1,134	5.4	5.2	-3.7
Completed/property taken	753	757	3.5	3.5	0
With injury	224	250	1.0	1.1	10.0
Without injury	529	508	2.5	2.3	-8.0
Attempted to take property	418	377	1.9	1.7	-10.5
With injury	84	79	.4	.4	0
Without injury	335	298	1.6	1.4	-12.5
Assault	8,487	7,683	39.5	35.4	-10.4*
Aggravated	2,050	1,910	9.5	8.8	-7.4
With injury	533	513	2.5	2.4	-4.0
Threatened with weapon	1,517	1,397	7.1	6.4	-9.9
Simple	6,437	5,773	29.9	26.6	-11.0*
With minor injury	1,426	1,240	6.6	5.7	-13.6*
Without injury	5,012	4,533	23.3	20.9	-10.3*
Personal theft*	414	318	1.9	1.5	-21.1**
Property crimes	29,490	27,353	290.5	266.3	-8.3*
Household burglary	5,004	4,845	49.3	47.2	-4.3
Completed	4,232	4,056	41.7	39.5	-5.3
Forcible entry	1,570	1,511	15.5	14.7	-5.2
Unlawful entry without force	2,662	2,545	26.2	24.8	-5.3
Attempted forcible entry	773	789	7.6	7.7	1.3
Motor vehicle theft	1,717	1,387	16.9	13.5	-20.1*
Completed	1,163	938	11.5	9.1	-20.9*
Attempted	554	449	5.5	4.4	-20.0*
Theft	22,769	21,120	224.3	205.7	-8.3*
Completed*	21,857	20,303	215.3	197.7	-8.2*
Less than \$50	8,652	7,580	85.2	73.8	-13.4*
\$50-\$249	7,712	7,374	76.0	71.8	-5.5**
\$250 or more	4,270	4,216	42.1	41.1	-2.4**
Attempted	911	818	9.0	8.0	-11.1

Note: The number of victimizations may differ from those reported previously because the estimates are now based on data collected in each calendar year rather than data about events within a calendar year. See *Survey methodology* on page 9. Completed violent crimes include rape, sexual assault, robbery with or without injury, aggravated assault with injury, and simple assault with minor injury. In 1993 the total population age 12 or older was 210,906,900; in 1994, 213,135,890; in 1995, 215,080,690; and in 1996, 217,234,280. The total number of households in 1993 was 99,746,020; in 1994, 100,568,060; in 1995, 101,504,820 and in 1996, 102,697,490.

*The difference is significant at the 95% confidence level.

**The difference is significant at the 90% confidence level.

*The NCVS is based on interviews with victims and therefore cannot measure murder.

*Includes pocket picking, purse snatching, and attempted purse snatching not shown separately.

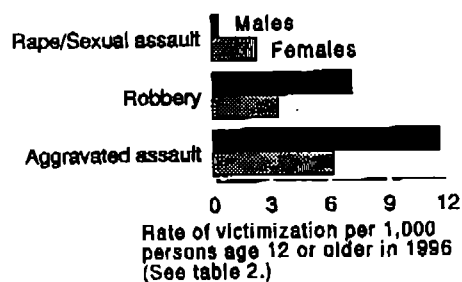
(\$50-\$249 and \$250 or more) did decrease somewhat between 1995 and 1996.

Characteristics of victims of violent crime, 1996

The rate of violent victimization in 1996 varied across demographic characteristics such as sex, race, and ethnicity (table 2).

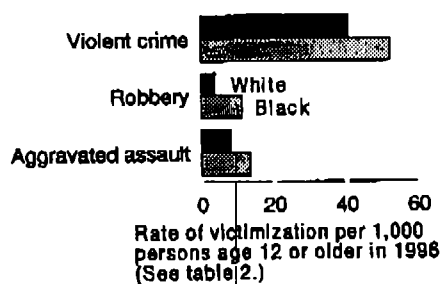
Sex of victim

Except for rape and sexual assault, males were more likely than females to be victims of violent crime. Men were twice as likely as women to experience aggravated assault and robbery. Women, however, were 10 times more likely than men to be a victim of rape or sexual assault.



Race of victim

Blacks were more likely than whites to be victims of violent crime. Robbery — for which blacks are victimized at 3 times the rate for whites — shows the greatest difference. While there was no statistically significant difference between the rates for blacks and whites for the overall assault category or for simple assault, there was a difference for aggravated assault, the more serious specific category. Blacks were nearly twice as likely as whites to experience aggravated assault.



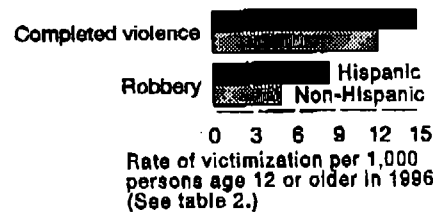
Note: The crime survey includes as violent crime rape, robbery, and assault.

Ethnicity of victim

Hispanics were twice as likely as non-Hispanics to fall victim to robbery and personal theft. While the rates of violent crime overall and attempted violent crime did not differ significantly between Hispanics and non-Hispanics, Hispanics were victims of completed violent crimes at a rate somewhat higher than that of non-Hispanics.

	Number of victimizations per 1,000 persons age 12 or older	
	Hispanic	Non-Hispanic
All violence	44.0	41.6
Attempted	29.1	29.6
Completed	14.9*	12.0*

Note: The National Crime Victimization Survey excludes murder and manslaughter.
*Difference is significant at 90-percent level of confidence.



Note: The crime survey includes as violent crime rape, robbery, and assault.

Table 2. Rates of violent crime and personal theft, by sex, age, race, and Hispanic origin, 1996

Characteristics of victims	Population	Victimizations per 1,000 persons age 12 or older						
		Violent crimes						Personal theft
		All crimes of violence*	Rape/ Sexual assault	Robbery	Total	Assault		
						Aggra- vated	Simple	
Sex								
Male	105,054,160	49.9	.4	7.2	42.3	11.6	30.8	1.3
Female	112,180,110	34.6	2.3	3.4	28.9	6.2	22.7	1.6
Age								
12-15	15,587,620	95.0	2.6	10.0	82.3	15.6	66.8	3.3
16-19	14,866,000	102.7	4.9	12.0	85.7	25.3	60.4	2.5
20-24	17,533,290	74.3	2.1	10.0	62.2	15.9	46.4	2.9
25-34	40,876,720	51.1	1.8	7.1	42.2	9.8	32.4	1.2
35-49	61,741,430	32.8	1.3	3.8	27.7	7.4	20.3	1.0
50-64	34,889,360	15.7	.1	1.8	13.8	3.8	10.0	1.2
65 or older	31,739,850	4.9	0	1.1	3.8	.8	3.0	.7
Race								
White	182,853,380	40.9	1.3	4.2	35.3	8.2	27.2	1.4
Black	26,274,270	52.3	1.8	11.4	39.1	13.4	25.6	1.9
Other	8,106,620	33.2	2.1	7.4	23.8	7.2	16.6	1.3
Hispanic origin								
Hispanic	20,502,470	44.0	1.2	8.4	34.5	10.6	23.9	2.7
Non-Hispanic	194,729,590	41.6	1.4	4.9	35.3	8.5	26.8	1.3

*The National Crime Victimization Survey includes as violent crime rape/sexual assault, robbery, and assault but not murder or manslaughter.

Age of victim

Persons between ages 12 and 15 and between 16 and 19 had higher rates of violent crime victimization than those 25 or older. Persons age 12 to 19 were twice as likely as those age 25-34 and 3 times as likely as those age 35-49 to be victims of violent crimes. Persons age 12 to 19 had a violent crime victimization rate 20 times higher than those age 65 or older. For the crime of aggravated assault, individuals between ages 16 and 19 had a significantly higher rate of victimization than any other age group.

Age of victim
of rape, robbery, or assault



Table 3. Rates of violent crime and personal theft, by household income, marital status, region, and location of residence of victims, 1996

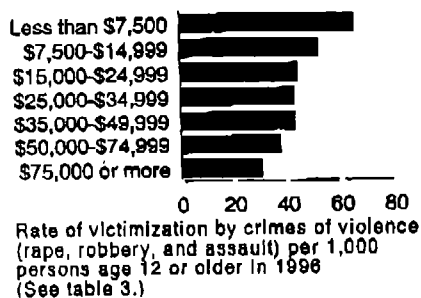
Victimizations per 1,000 persons age 12 or older								
Characteristics of victims	Population	Violent crimes						Personal theft
		All crimes of violence*	Rape/Sexual assault	Robbery	Assault			
					Total	Aggravated	Simple	
Household income								
Less than \$7,500	14,774,050	65.3	2.9	9.9	52.5	17.3	35.2	2.6
\$7,500 - 14,999	24,184,130	52.1	1.8	8.5	41.9	11.9	30.0	1.1
\$15,000 - 24,999	31,709,970	44.1	1.4	5.4	37.3	10.3	26.9	1.5
\$25,000 - 34,999	29,229,150	43.0	1.9	5.5	35.6	6.8	28.8	.9
\$35,000 - 49,999	34,958,450	43.0	1.4	4.5	37.1	8.6	28.5	1.5
\$50,000 - 74,999	31,007,900	37.5	.8	3.3	33.3	7.9	25.4	1.8
\$75,000 or more	23,924,850	30.5	1.0	2.0	27.5	5.5	22.0	1.5
Marital status								
Never married	66,576,940	79.1	2.8	10.4	65.9	16.0	49.9	2.5
Married	113,157,450	20.5	.3	2.0	18.2	4.6	13.6	.8
Divorced/separated	22,925,490	62.5	3.5	8.8	50.2	12.8	37.4	2.2
Widowed	13,724,460	7.2	.3	1.1	5.8	2.2	3.6	.9
Region								
Northeast	42,545,610	37.7	1.4	5.4	30.9	7.0	23.9	1.9
Midwest	51,833,600	43.7	1.7	5.2	36.8	7.9	28.9	1.5
South	76,436,860	37.5	1.0	4.4	32.1	8.6	23.5	1.2
West	46,418,200	51.5	1.8	6.3	43.4	11.8	31.5	1.5
Residence								
Urban	63,137,110	55.1	2.0	10.4	42.7	11.7	31.1	2.4
Suburban	104,794,740	38.9	1.3	3.3	34.2	7.8	26.4	1.4
Rural	49,302,420	31.9	.9	2.6	28.3	7.2	21.1	.5

*The National Crime Victimization Survey includes as violent crime rape/sexual assault, robbery, and assault but not murder or manslaughter.

Income

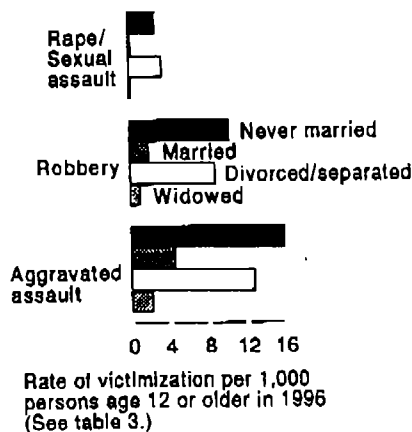
In general, as household income levels decrease, rates of violent crime increase (table 3). Persons in households with an annual income of less than \$7,500 experienced significantly more violent crime than persons in households at any other income level, while persons in households with incomes of \$75,000 or more experienced significantly less than any others. Persons in households in the middle range of income (\$15,000-\$49,000) had similar rates of victimization in comparison to one another but significantly different rates from the lowest and highest income groups.

Annual household income



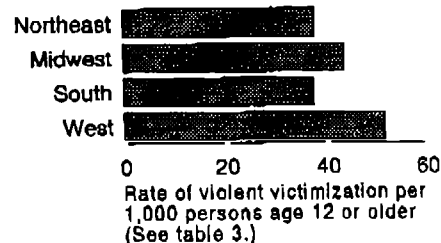
Marital status

Individuals who had never married or who had separated or divorced had higher rates of violent crime and personal theft than those who were married or widowed. For overall violent crimes, those who had never married were 4 times more likely than married persons to be victimized.



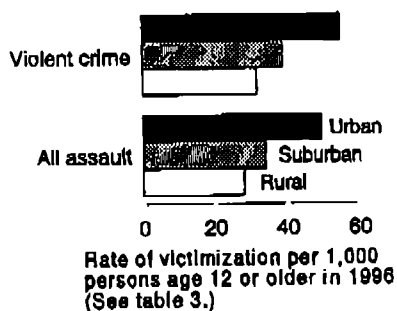
Region

Considered by region, Western residents were the most likely in the United States to be victims of violent crime. The South and the Northeast were indistinguishable from each other in victimization rates for overall violent crime, rape/sexual assault, robbery, and assault. The Midwest had generally higher rates of violent victimization than the South and Northeast but lower rates than the West.



Urbanization

City dwellers had a significantly greater likelihood than suburbanites and rural residents to be victims of all types of violent crime and of personal theft. Except for robbery and rape/sexual assault, for which differences were negligible, individuals in suburban areas were more likely than those in rural areas to experience violent crime.



Note: The crime survey includes as violent crime rape, robbery, and assault.

Victim-offender relationship

Half of the victims of nonfatal violent victimizations knew the offender. If the victim knew the offender, a violent crime was more likely to be completed rather than left as a threat or attempt. Among categories of violent crime included in the NCVS, the greatest likelihood of the victim's knowing the offender occurred with rape — 68% of the rape victims. The least likelihood was with robbery; 23% of robbery victims knew the offender.

	Percent of violent crime victimizations, 1996	
	Stranger	Nonstranger
NCVS violent crime	47.5%	48.2%
Attempted	48.9	48.7
Completed	44.1*	51.3*
Rape/sexual assault	29.1%*	67.5%*
Robbery	71.1*	23.3*
Assault	44.7*	50.8*
Aggravated	48.5	45.2
Simple	43.5*	52.9*

Note: The National Crime Victimization Survey includes as violent crime rape, robbery, and assault but not murder or manslaughter.

*Significant at 95-percent level of confidence.

Murder and nonnegligent manslaughter, by characteristics of victims and location, 1993-96

Characteristic of victim or location	Percent of murders and nonnegligent manslaughters			
	1993	1994	1995	1996
Race of victim	100.0%	100.0%	100.0%	100.0%
White	46.0	46.2	48.0	48.3
Black	50.7	50.8	48.4	48.2
Other	2.4	2.3	2.7	2.7
Not reported	.9	.8	1.0	.9
Sex of victim	100.0%	100.0%	100.0%	100.0%
Male	77.1	78.4	76.6	76.9
Female	22.7	21.5	23.2	22.9
Not reported	.2	.1	.2	.2
Age of victim	100.0%	100.0%	100.0%	100.0%
Under 18	11.6	11.4	12.1	12.4
18 or over	87.0	86.8	86.2	86.3
Unknown	1.4	1.8	1.7	1.3
Type of weapon used	100.0%	100.0%	100.0%	100.0%
Firearm	69.6	70.0	68.2	67.8
Knife	12.7	12.7	12.7	13.5
Blunt object	4.4	4.1	4.5	4.6
Personal weapon	5.0	5.3	5.9	5.9
Other	8.2	7.8	8.7	8.2
Murder rate per 100,000 residents				
Overall U.S. rate	9.5	9.0	8.2	7.4
Region				
Northeast	8.2	7.1	6.2	5.4
Midwest	7.6	7.5	6.9	6.4
South	11.3	10.7	9.8	9.0
West	9.9	9.4	9.0	7.7
Urban character				
Metropolitan cities*	10.6	10.0	9.1	8.1
Smaller cities*	5.3	4.8	4.7	4.5
Rural counties	5.4	5.0	5.0	4.7
Number of murders and nonnegligent manslaughters	24,630	23,330	21,610	19,850

*Metropolitan cities are those in Metropolitan Statistical Areas (MSA), and smaller cities are those outside an MSA.

Source: FBI Uniform Crime Reports.

Murder in the United States, 1996

Statistics on murder are compiled from over 16,000 city, county and State law enforcement agencies as part of the FBI's Uniform Crime Reporting program (UCR). For 1996 the UCR showed 19,645 murders — a rate of 7.4 murders per 100,000 persons. The number of murders per 100,000 U.S. population in 1996 is 10% lower than in 1995.

The FBI defines murder in its annual report *Crime in the United States* as the willful (nonnegligent) killing of one human being by another. The incidence of murder varies across different victim characteristics.

- 77% of the victims were male.

- 13% of murder victims were under age 18; 28% were under age 23. Individuals age 18-22 represent 15% of murder victims but only 7% of the U.S. population.

- Whites and blacks each made up 48% of murder victims.

- Firearms were the weapons used in about 7 of every 10 murders.

- The number of murders declined from 1995 to 1996 for all regions, with the largest decrease — 13% — occurring in both the Northeast and West.

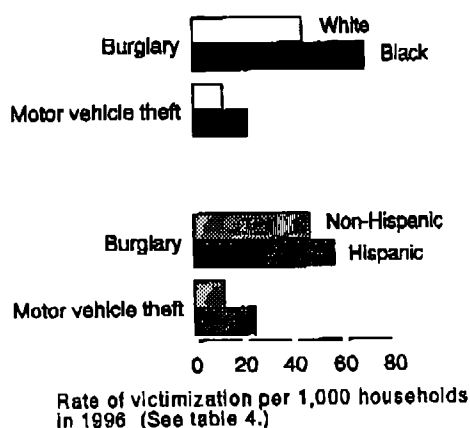
- In 1993-96 the murder rate dropped 22%. During this period the Northeast experienced a 34% decrease and city dwellers a 24% decrease.

Characteristics of victims of property crime, 1996

Race/ethnicity of head of household

There were significant differences in property crime rates for black versus white households and Hispanic versus non-Hispanic households (table 4). For overall property crime, household burglary, motor vehicle theft and theft, black and Hispanic households were more likely to experience property crimes than white or non-Hispanic households, respectively.

Black households were twice as likely as white households, and Hispanic households twice as likely as non-Hispanic households to be victimized by motor vehicle theft.



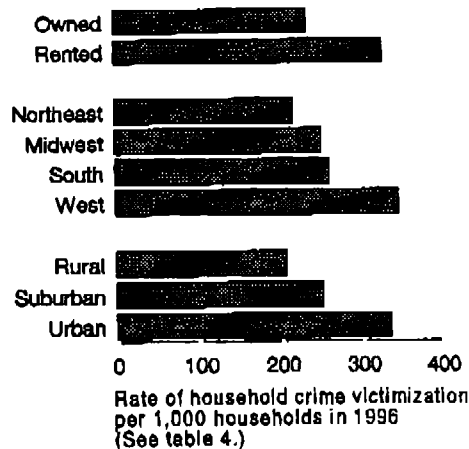
Region, urbanization, and home ownership

Rates of property crime victimization were often different according to level of urbanization, place of residence, and home ownership. For each type of property crime, people living in rented homes or apartments had a significantly higher rate of victimization than those living in their own homes. Renters were 1½ times as likely as home owners to be victims of burglary and theft.

Households in the West had the greatest risk of property crime. For overall property crimes, motor vehicle theft,

and theft, households in the West had significantly higher victimization rates than the households in the Northeast, Midwest, and South. For burglary, the South joined the West in having higher victimization rates than other regions.

Households in urban, suburban, and rural areas had significantly different rates of victimization. Compared to suburban and rural households, households in urban areas were the most likely to be victims of property crimes. Except for burglary, urban households had the highest rates of property crime, followed by suburban households and then rural households. For burglary, suburban households experienced the lowest rate, while urban households had the highest.



Income

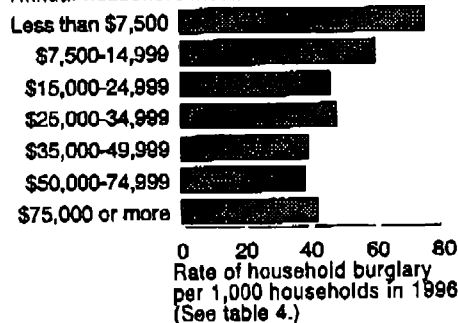
The most noticeable differences in rate of victimization for households of different income levels were for burglary and theft. Households with incomes under \$7,500 and those between

Table 4. Household property crime victimization, by race, Hispanic origin, household income, region, and home ownership of households victimized, 1996

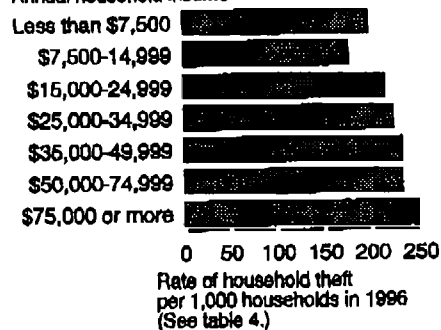
Characteristic of household or head of household	Number of households, 1996	Victimizations per 1,000 households			
		Total	Burglary	Motor vehicle theft	Theft
Race					
White	86,828,970	269.9	44.3	12.1	203.5
Black	12,610,740	310.0	69.3	22.2	218.5
Other	3,257,780	268.4	39.4	16.5	212.5
Hispanic origin					
Hispanic	8,029,100	328.1	56.2	24.6	247.3
Non-Hispanic	94,046,690	261.2	46.4	12.5	202.3
Household income					
Less than \$7,500	9,169,350	282.7	74.5	11.8	196.5
\$7,500 - 14,999	13,196,430	247.5	59.5	11.5	176.5
\$15,000 - 24,999	15,715,240	273.1	45.9	14.1	213.1
\$25,000 - 34,999	13,529,800	285.1	47.8	14.5	222.8
\$35,000 - 49,999	14,894,950	287.6	39.3	16.1	232.1
\$50,000 - 74,999	12,444,620	284.0	38.1	14.4	231.6
\$75,000 or more	9,471,690	304.6	41.8	14.4	248.3
Region					
Northeast	20,287,590	215.2	35.5	12.0	167.8
Midwest	24,933,490	249.6	44.4	10.0	195.1
South	36,181,470	259.9	51.0	13.2	195.7
West	21,294,940	345.6	55.0	19.6	271.0
Residence					
Urban	31,501,620	334.5	64.2	20.3	250.0
Suburban	48,322,180	250.5	37.8	12.9	199.8
Rural	22,873,690	206.0	43.7	5.4	156.9
Home ownership					
Owned	66,798,710	233.7	38.9	10.7	184.1
Rented	35,896,780	327.1	62.6	18.8	245.8

\$7,500 and \$14,999 were more likely to be victims of household burglary than those with household incomes of \$15,000 or higher, but less likely to be victims of theft.

Annual household income



Annual household income



Reporting to the police

The percentage of victimizations that were reported to law enforcement authorities varied by type of crime and victim characteristic. Of all types of victimizations, motor vehicle theft had the highest rate of being reported to the police — 76%, compared to 35% of property crime overall. The victim or someone else reported 43% of all violent crimes to authorities. Thirty-one percent of the rapes or sexual assaults were reported to police.

	Percent of crime reported to the police
All victimizations	36.8%
Violent crime	42.8%
Rape /Sexual assault	30.7
Robbery	53.9
Assault	41.6
Simple	37.3
Aggravated	54.6
Household crime	34.8%
Burglary	50.6
Motor vehicle theft	76.5
Theft	28.4

Victim characteristic	Percent of violent victimizations reported to the police
All	42.8%
Male	39.0
Female	47.9
White	41.4
Black	50.4
Hispanic	44.1
Non-Hispanic	42.5

Females were more likely than males, and blacks more likely than whites, to report a crime to the police.

Victimization trends, 1993-96

While not all year-to-year changes were statistically significant for the detailed victimization categories, there

Table 5. Rates of criminal victimization and percent change, 1993-96

Type of crime	Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)							
					Percent change			
	1993	1994	1995	1996	1993-96	1994-96	1995-96	
Personal crimes^a	52.2	54.1	48.5	43.5	-16.7*	-19.6*	-10.3*	
Crimes of violence	49.9	51.8	46.6	42.0	-15.8*	-18.9*	-9.9*	
Completed violence	15.0	15.4	13.8	12.4	-17.3*	-19.5*	-10.1*	
Attempted/threatened violence	34.9	36.4	32.8	29.6	-15.2*	-18.7*	-9.8*	
Rape/Sexual assault	2.5	2.1	1.7	1.4	-44.0*	-33.3*	-17.6	
Rape/attempted rape	1.6	1.4	1.2	.9	-43.8*	-35.7*	-25.0**	
Rape	1.0	.7	.7	.4	-60.0*	-42.9*	-42.9*	
Attempted rape	.7	.7	.5	.5	-28.6	-28.6**	0	
Sexual assault	.8	.6	.5	.5	-37.5*	-16.7	0	
Robbery	6.0	6.3	5.4	5.2	-13.3	-17.5*	-3.7	
Completed/property taken	3.8	4.0	3.5	3.5	-7.9	-12.5	0	
With injury	1.3	1.4	1.0	1.1	-15.4	-21.4	10.0	
Without injury	2.5	2.6	2.5	2.3	-8.0	-11.5	-8.0	
Attempted to take property	2.2	2.3	1.9	1.7	-22.7 ¹	-26.1*	-10.5	
With injury	.4	.6	.4	.4	0	-33.3*	0	
Without injury	1.8	1.7	1.6	1.4	-22.2	-17.6	-12.5	
Assault	41.4	43.3	39.5	35.4	-14.5*	-18.2*	-10.4*	
Aggravated	12.0	11.9	9.5	8.8	-26.7*	-26.0*	-7.4	
With injury	3.4	3.3	2.5	2.4	-29.4*	-27.3*	-4.0	
Threatened with weapon	8.6	8.6	7.1	6.4	-25.6*	-25.6*	-9.9	
Simple	29.4	31.5	29.9	26.6	-9.5*	-15.6*	-11.0*	
With minor injury	6.1	6.8	6.6	5.7	-6.6	-16.2*	-13.6*	
Without injury	23.3	24.7	23.3	20.9	-10.3*	-15.4*	-10.3*	
Personal theft ^b	2.3	2.4	1.9	1.5	-34.8*	-37.5*	-21.1**	
Property crimes	318.9	310.2	290.5	266.3	-16.5*	-14.2*	-8.3*	
Household burglary	58.2	56.3	49.3	47.2	-18.9*	-16.2*	-4.3	
Completed	47.2	46.1	41.7	39.5	-16.3*	-14.3*	-5.3	
Forcible entry	18.1	16.9	15.5	14.7	-18.8*	-13.0*	-5.2	
Unlawful entry without force	29.1	29.2	26.2	24.8	-14.8*	-15.1*	-5.3	
Attempted forcible entry	10.9	10.2	7.6	7.7	-29.4*	-24.5*	1.3	
Motor vehicle theft	19.0	18.8	16.9	13.5	-28.9*	-28.2*	-20.1*	
Completed	12.4	12.5	11.5	9.1	-26.6*	-27.2*	-20.9*	
Attempted	6.6	6.3	5.5	4.4	-33.3*	-30.2*	-20.0*	
Theft	241.7	235.1	224.3	205.7	-14.9*	-12.5*	-8.3*	
Completed ^c	230.1	224.3	215.3	197.7	-14.1*	-11.9*	-8.2*	
Less than \$50	98.7	93.5	85.2	73.8	-25.2*	-21.1*	-13.4*	
\$50-\$249	76.1	77.0	76.0	71.8	-5.7	-6.7*	-5.5**	
\$250 or more	41.6	41.8	42.1	41.1	-1.2	-1.7	-2.4**	
Attempted	11.6	10.8	9.0	8.0	-31.0*	-25.9*	-11.1	

Note: Victimization rates may differ from those reported previously because the estimates are now based on data collected in each calendar year rather than data about events within a calendar year. (See *Survey Methodology* on page 9.) Completed violent crimes include rape, sexual assault, robbery with or without injury, aggravated assault with injury, and simple assault with minor injury.

...Not applicable.

*The difference is significant at the 95% confidence level.

**The difference is significant at the 90% confidence level.

¹The victimization survey cannot measure murder because of the inability to question the victim.

²Includes pocket picking, purse snatching, and attempted purse snatching not shown separately.

³Includes thefts with unknown losses.

was a statistically significant decline in the overall rates between 1993 and 1996 for violent and property crimes (table 5).

Murder/nonnegligent manslaughter

The number and rate of murder in all regions of the United States have declined steadily since 1993. (See the box on page 6.) The characteristics of murder victims have remained relatively stable during that time.

Violent crime

The general pattern among violent crimes measured by the NCVS was a nonsignificant increase in both the number and rate of victimization between 1993 and 1994 and then a decline through 1996. While some year-to-year changes in victimization rates for violent crime in the aggregate, for rape and sexual assault and assault (both aggravated and simple) were not significant, the declines for these crimes over the whole period were statistically significant.

Personal theft

Personal theft includes pocket picking and attempted and completed purse snatching. The personal theft rate decreased significantly from 1993 to 1996.

Property crime

When broken into its component rates of household burglary, motor vehicle theft, and theft, property crime shows a different pattern than violent offenses. There was a slight, steady decline for all property crimes from 1993 to 1996. However, as was the case with violent offenses, not every year-to-year decrease was significant, though the rate in 1996 was significantly lower than the rate in 1993 for each type of property crime.

Characteristics of victims

The general downward trend in criminal victimization can be seen across demographic characteristics such as sex, race, and income. Males and females, blacks and whites, and those at different income levels experienced similar rates of decline for overall violent and property crime victimizations from 1993 to 1996.

The one characteristic associated with a more rapid decline in victimization was ethnicity. Between 1993 and 1996 the decrease in the rate of property crime was greater for Hispanic households than for non-Hispanic households.

For some segments of the population the rate of specific crimes did not decline significantly between 1993 and 1996. For example, blacks did not experience a significant decrease in the rate of aggravated assault, and Hispanics did not experience a decline in the rate of robbery, 1993-96.

Survey methodology

Except for homicide data obtained from the FBI's Uniform Crime Reporting program, this report presents data from the National Crime Victimization Survey (NCVS). The NCVS obtains information about crimes from an ongoing, nationally representative sample of households in the United States. NCVS data include both those incidents reported and those not reported to the police. In 1996 approximately 45,400 households and 94,000 people age 12 or older were interviewed. For the 1996 NCVS data presented here, the response rates were 93% of eligible households and 91% of eligible individuals.

Calendar year estimates

Previous reports in this series have presented data on incidents occurring during a given calendar year. Because of the 6-month retrospective nature of the survey, 17 months of interviews, culminating in June of the year following the year being estimated, were required to produce these annual estimates.

Beginning with this report, annual NCVS estimates are based on data collected in interviews conducted during the calendar year being estimated. For example, 1996 data represent incidents reported during interviews conducted January through December 1996. This change is being made to expedite reporting of NCVS data. The 1993-95 data presented in the tables were recalculated to represent the data collected during those respective calendar years.

Analyses have compared the victimization information collected in a calendar year to that collected about victimizations experienced in the same calendar year. The results of the analyses show that the impact of the change on annual estimates is small. For example, the violent crime rate for 1995 based on the old method was 44.5 per 1,000 persons age 12 or older, compared to 46.6 based on the new method. The differences will be greater during periods of changing crime rates and less during periods of stable rates.

Computation of standard errors

The comparisons made in this report were tested to determine whether the observed differences between groups or over time were statistically significant. Comparisons mentioned in the report passed a hypothesis test at the .05 level of statistical significance (or the 95% confidence level). This means that the estimated difference between comparisons was greater than twice the standard error of that difference. For comparisons that were found to be statistically significant at the 90% confidence level, the term *somewhat* is used.

Caution should be used when comparing estimates not discussed in the text. Seemingly large differences may not be statistically significant at the 95% or even the 90% confidence level.

This report and additional data, analyses, and graphs about criminal victimization in the United States are available on the Internet at <http://www.ojp.usdoj.gov/bjs/>

Data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The archive may also be accessed through the BJS Web site. When at the archive site, search for data set ICPSR 6406.

Calculations were conducted with statistical programs developed specifically for the NCVS by the U.S. Bureau of the Census. These programs take into account the complex NCVS sample design when calculating generalized variance estimates.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

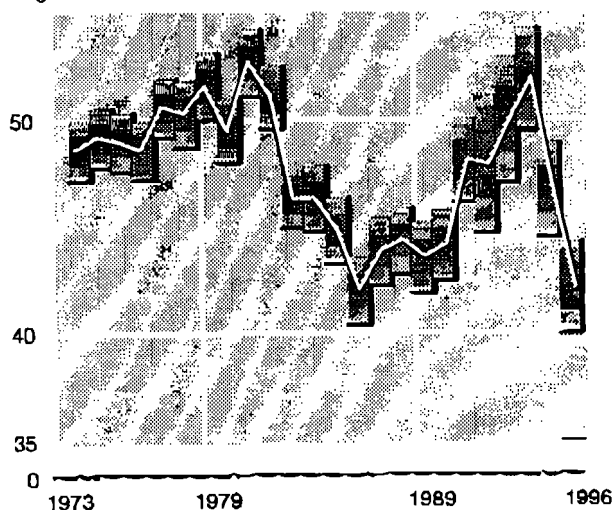
This report continues the BJS Bulletin series of *Criminal Victimization*. BJS Bulletins present the first release of findings from permanent data collection programs such as the National Crime Victimization Survey.

Cheryl Ringel, BJS, wrote this report. Marianne Zawitz, BJS Statistician, and Michael Maltz, BJS Fellow, produced figure 1 and the figure on this page. Cathy Maston and Greg Warhol provided statistical review. Tom Hester edited and produced the report. Marilyn Marbrook, assisted by Jayne Robinson and Yvonne Boston, administered final production.

November 1997, NCJ-165812

The best estimate and range of estimates

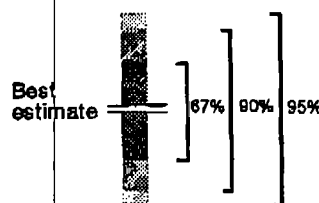
Violent victimizations
per 1,000 population
age 12 or over



Note: Because of changes made to the victimization survey, data prior to 1992 are adjusted to make them comparable to data collected under the redesigned methodology.

Source: National Crime Victimization Survey, 1973-96.

Probability that the violent
victimization estimate
occurred within the range



Because the National Crime Victimization Survey (NCVS) relies on a sample of households, the rates and numbers from it are estimates and are not exact.

The figure shows trends in the violent victimization rate: each bar shows the range within which the true victimization rate is likely to fall for the indicated year and the line represents the best estimate, the most likely value for the rate in each year which is the published number. There is a greater likelihood that the true rate will fall near the best estimate, and the bars reflect that likelihood: the darker the bar segment the greater the likelihood.

The difference between two estimates is considered significant when their range bars do not overlap. The precision in the estimate depends almost entirely on the sample size. For more explanation of this graph see the forthcoming BJS Technical Report, *Displaying Violent Crime Trends Using Estimates from the National Crime Victimization Survey*, NCJ 167881.

NOV. 13. 1997 11:16AM

SEN DIANNE FEINSTEIN

NO. 923 P. 2/2

10/28/97 WED 17:04 FAX

→→→ PUBLIC DC FAX

002

10/28/97 20:05

EMBASSY OF ISRAEL

FAX NO. 2023845480

P. 02

OCT-28-97 TUE 13:48

AMBASSADOR OF ISRAEL
WASHINGTON, D.C.



שגרירות ישראל
בניינים

October 28, 1997

The Honorable Dianne Feinstein
The United States Senate

Dear Senator Feinstein:

Further to the previous exchange on the sale of Uzi and Galil weapons to the American Market, I wish to convey to you that the Government of Israel is aware of your concerns on this issue and is sensitive to them. We are prepared to work with you to resolve the matter.

We assume that you would not advocate anything that would unfairly single out Israel. You have our assurances that Israel has not done nor will Israel do anything which in any manner violates United States law. Furthermore, in light of the misperception generated through the media coverage of this matter, we wish to stress that no Israeli weapons of this kind have been sold in the United States since the relevant legislation was passed in 1994.

I wish to assure you that no sales will take place for a period of three months. If during that time the other parties decide to suspend their sales or such restraint is imposed either through United States legislation or an executive directive, the Israeli exporter will act accordingly.

Sincerely,

E. Ben Elissar

Elishu Ben-Elissar
Ambassador

514 INTERNATIONAL DRIVE N.W. • WASHINGTON, D.C. 20008 • TEL: (202) 361-5500 • FAX: (202) 361-5500



United States Senate

WASHINGTON, DC 20510-0504

September 11, 1997

His Excellency Binyamin Netanyahu
Prime Minister
Jerusalem, Israel

Dear Mr. Prime Minister:

I write to bring to your attention a deeply disturbing issue, and to seek your direct intervention on a matter of great importance to me. It has come to my attention that a company owned by the State of Israel, Israel Military Industries Ltd., has been granted permission to export to the United States for commercial sale tens of thousands of military-style assault weapons modeled after the Uzi and Galil used by the Israeli military. The import permit was approved by the U.S. Bureau of Alcohol, Tobacco and Firearms based on certification that the weapons were modified just enough from their original design to fall outside the technical definition of weapons banned for sale under U.S. Federal law.

Mr. Prime Minister, I authored the legislation passed by Congress in 1994 that bans the manufacture, sale and possession of many semi-automatic assault weapons in the United States. The intent of this law was to keep weapons designed for war off American streets. The weapons planned for export to the United States by a government-owned Israeli gun manufacturer may comport with the technicalities of U.S. law, but they are functionally no different than the military-style weapons Congress intentionally banned: they are capable of firing bullets as fast as the operator can pull the trigger, the pistol grip is designed to allow the weapon to be fired from the hip as opposed to target shooting, with slight alterations they are able to be made fully-automatic, and they are capable of accepting magazines that hold 30, 50 or even 100 bullets. In short, these are exactly the kind of weapons many Americans are trying to keep off our streets and out of the hands of criminals.

A police officer by the name of James Guelff was on duty in my home town of San Francisco, California a few years ago, the night a call came in about a sniper firing at civilians on a busy city street. The man was armed with several assault rifles and pistols, including a 9mm Uzi semi-automatic pistol and more than 1000 rounds of ammunition. He had more firepower than the entire complement of 104 police officers on the scene to apprehend him. Officer Guelff, a highly-decorated, 10-year police veteran was killed by the suspect while reloading his police-issue revolver. Several others were shot and injured.

His Excellency Binyamin Netanyahu
September 11, 1997
Page Two

Earlier that year a police officer in Winslow Township, New Jersey was killed by a suspect in a stalking case carrying an Uzi concealed in a small pack around his waist. He had two children. The Galil is very similar to the AK-47, a weapon now banned in this country that was used to kill three law enforcement officials in one month in April of 1995.

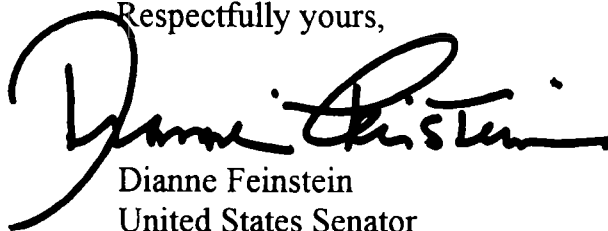
This year alone, there have been nine incidents involving assault weapons used in bank robberies, drive-by shootings and revenge killings. Another police officer was killed by an assault weapon just last month.

Mr. Prime Minister, I have been and remain a strong supporter of United States' assistance to Israel, including our extensive military program. I am proud that the United States has played such a central role in helping Israel protect its citizens and maintain its security. I find it sadly ironic that even as American military equipment and assistance travels to Israel intended to preserve peace and save lives, an Israeli weapons manufacturer is preparing to sell military-style assault weapons in the United States that are designed not to protect, but to kill.

As a United States Senator from the largest state in this Nation and a Member of the Senate Foreign Relations Committee, I respectfully urge your personal intervention to stop this transfer of arms to the streets of America.

I thank you for your attention to this important matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dianne Feinstein
United States Senator

cc: B'nai B'rith
American Jewish Congress
American Jewish Committee
American-Israel Public Action Committee

His Excellency Binyamin Netanyahu

September 11, 1997

Page Three

cc: Council of Jewish Federations
Women's League for Conservative Judaism
Hadassah
National Jewish Democratic Council
Anti-Defamation League
National Council of Jewish Women
Hillel International
National Jewish Community Relations Advisory Council
Union of American Hebrew Congregations
Women of Reform Judaism
National Jewish Coalition
United Synagogue of Conservative Judaism
Union of Orthodox Jewish Congregations of America
Conference of Presidents of Major American Jewish Organizations

DF: spk



FAX from . . .

Senator Dianne Feinstein

of California

331 Hart Senate Office Building
Washington, DC 20510
(202) 224-3841

DATE: 9/29/97

TIME: 4:30PM

TO: Bruce Reed

FROM: Senator Dianne Feinstein

COMMENTS:

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): _____

NOTE: The information contained in this facsimile is confidential. If you receive this transmission in error, please notify the sender immediately.

DIANNE FEINSTEIN
CALIFORNIA



United States Senate
WASHINGTON, DC 20510-0604

September 17, 1997

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We the Members of the U.S. Senate urge you to use your executive authority to declare a temporary suspension of the importation of semi-automatic assault weapons that are now coming into this country.

We have learned that the state-owned Israel Military Industries, Ltd., has been granted permission to export to the United States for commercial sale tens of thousands of military-style assault weapons. They have taken the Uzi and Galil used by the military and made physical modifications to them, which do not affect their rapid-fire use. These weapons violate the 1968 Gun Control Act, in that they are not "suitable for, or readily adaptable to sporting purposes" [18 USC 925(d)3]. The Bureau of Alcohol, Tobacco and Firearms approved the importation permit because they did not believe that the modified weapons were in technical violation of the 1994 assault weapons law. However, that law applied generally to the transfer of these weapons, and was enacted independently of, and did not override, the 1968 Gun Control Act, which is addressed specifically to imports. The ATF has been requested to provide a list of all importation permits granted over the past two years, and that they indicate whether the weapons are manufactured by a private or government-owned company. According to ATF, this information will not be available for one month.

As Members of the Senate, we wish to state clearly that the intent of the Federal assault weapons legislation was to keep weapons such as these off the streets of America. The weapons planned for export to the United States by a government-owned Israeli gun manufacturer are functionally no different than the military-style weapons Congress intentionally banned and those weapons prohibited from import by the Presidential Directive of 1989: they are capable of firing bullets as fast as the operator can pull the trigger, the pistol grip is designed to allow the weapon to be fired from the hip as opposed to target shooting, with slight alterations they are able to be made fully-automatic, and they are capable of accepting magazines that hold 30, 50 or even 100 bullets. In short, these weapons have the same capacity as those that many Americans are trying to keep off our streets and out of the hands of criminals.

Jose -
What's our
response?
BR

President William J. Clinton
September 17, 1997
Page Two

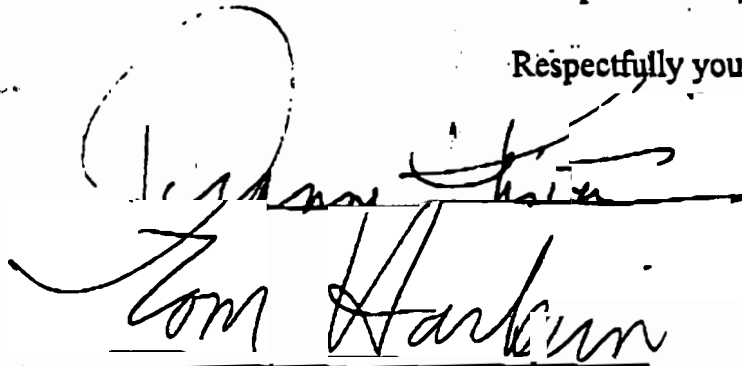
These weapons are not designed for hunting. Rather, they have become the weapon of choice for grievance killers, gangs, and those who use them against police. They are designed to kill large numbers in close combat, and as such have no place on the streets of a civilized society.

Mr. President, the 1994 Crime Bill included legislation that banned 19 specific types of semi-automatic assault weapons, including the Uzi and Galil. The Department of Justice reported that, from January, 1992 through May, 1995, 20 police officers were murdered with assault weapons. After implementation of the Crime Bill, since May of 1995, there has been only one killing of a police officer with an assault weapon, and the number of banned weapons traced to crimes has dropped precipitously.

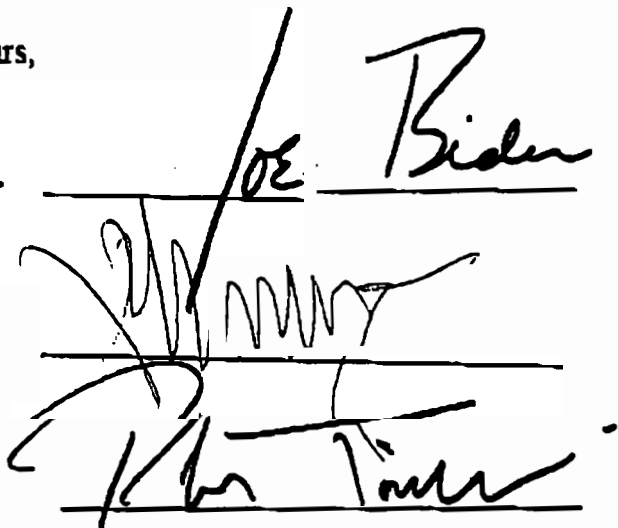
Practically every other day there is another news report of incidents involving assault weapons used in bank robberies, drive-by shootings and revenge killings. A police officer in Tacoma, Washington was killed by an assault weapon just last month. We all saw on the CBS program *48 Hours* last week, the chilling footage of two bank robbers in Los Angeles who, dressed in full body armor and carrying assault weapons with thousands of rounds of ammunition, fearlessly took on more than 100 Los Angeles police officers. Outgunned officers were forced to borrow weapons from a nearby gun store to protect themselves.

Mr. President, we do not need more assault weapons on the streets of America. We urge you to use your executive authority as President to prevent this transfer of arms to American streets on behalf of public safety.

Respectfully yours,


Tom Harkin


Daniel J. Flaherty


Joe Biden

President William J. Clinton
 September 16, 1997
 Page Three

Don Imus

Paul Wellstone

Rendell Torso

Frank Reed

John H. Chayer

Dale Dingemans

Bob Corcoran

Jim Roney

Larry Keil

Jim Jeffords

Jim Varchler

Carl Luni

Christopher Dodd

John H. Chayer

Frank R. Lautenberg

L. Blum

Mark O'Hara

John Glenn

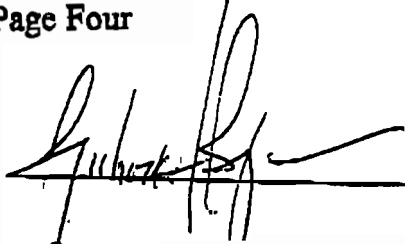
Herb Kohl

Bob D'Amico

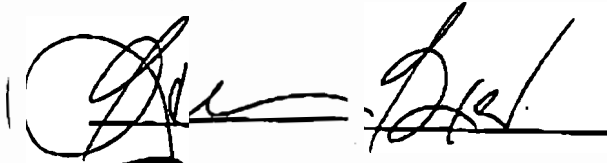
President William J. Clinton

September 17, 1997

Page Four



Chuck Robb



Patty Murray

List of senators signed on to letter to President Clinton on importation of assault weapons:

1. Dianne Feinstein (D-CA)
2. Joseph Biden (D-DE)
3. Tom Harkin (D-IA)
4. Daniel Inouye (D-HI)
5. Daniel Akaka (D-HI)
6. Robert Torricelli (D-NJ)
7. Richard Durbin (D-IL)
8. Tom Daschle (D-SD)
9. Paul Wellstone (D-MN)
10. Carl Levin (D-MI)
11. Wendell Ford (KY)
12. Christopher Dodd(D-CT)
13. Jack Reed (D-RJ)
14. John Chafee (R-RJ)
15. John Kerry (D-MA)
16. Frank Lautenberg (D-NJ)
17. Dale Bumpers (D-AR)
18. Ted Kennedy (D-MA)
19. Bob Graham (D-FL)
20. Max Cleland (D-AL)
21. Jay Rockefeller (D-WV)
22. John Glenn (D-OH)
23. Harry Reid (D-NV)
24. Herb Kohl (D-WI)
25. James Jeffords (R-VT)
26. Bob Kerrey (D-NE)
27. Richard Bryan (D-NV)
28. Chuck Robb (D-VA)
29. Barbara Boxer (D-CA)
30. Patty Murray (D-WA)



Department of Justice

ADVANCE FOR RELEASE AT 9 A.M., EST
SATURDAY, NOVEMBER 15, 1997

BJS
202/307-0784

VIOLENT VICTIMIZATIONS FELL 10 PERCENT LAST YEAR

Property Crimes Declined 8 Percent

WASHINGTON -- The nation's violent crime rate fell 10 percent last year and was 16 percent lower than in 1993, the Department's Bureau of Justice Statistics (BJS) announced today. Property crime was down more than 8 percent last year and was 17 percent lower than in 1993.

Certain personal crimes were down dramatically during the 1993-1996 period: rape, including attempted rape, fell 44 percent, other sexual assaults dropped 37 percent and aggravated assault declined 27 percent. Some property crimes also fell substantially during the 1993-1996 period: household burglary down 19 percent, motor vehicle theft 29 percent and personal theft (pocket picking, purse snatching and attempted purse snatching), down 35 percent.

"The victimization rates in 1996 are the lowest recorded by the National Crime Victimization Survey since its inception in 1973," commented BJS Director Jan M. Chaiken.

There were an estimated 2.7 million completed violent crimes in 1996 (a rate of 12.4 per 1,000 U.S. residents 12 years old and

(MORE)

- 2 -

older), compared to 3 million such crimes in 1995 (a rate of 13.8 per 1,000 residents 12 and older). There were an estimated 27.4 million completed or attempted household property crimes during 1996 (a rate of 266 per 1,000 households), compared to 29.5 million during 1995 (a rate of 291 such crimes per 1,000 households).

The data are from the Bureau's National Crime Victimization Survey, which BJS revised in 1993 to gather additional information about victimization. The 1996 statistics, which reflect both reported crime and offenses not reported to law enforcement agencies, are in general agreement with those in the FBI's Uniform Crime Reports released in early October.

Forty-eight percent of all victims of violence in 1996 knew the offender. Assault, rape and sexual assault victims were especially likely to have known their attackers.

About 43 percent of the violent crimes and 35 percent of the property crimes were reported to law enforcement agencies during 1996. Females were more likely than males and blacks more likely than whites to report a victimization to police.

Rape, robbery, assault, personal and household theft, household burglary and motor vehicle theft did not increase by a

(MORE)

- 3 -

statistically significant amount in any year between 1993 and 1996, and the rates decreased during those years about equally for all gender, racial and income groups. Hispanic households experienced a greater decrease in property crimes than did non-Hispanic households.

The survey interviews approximately 100,000 people 12 years old and older in a representative sample of the national population and measures both crimes reported to police and those that are unreported.

Single copies of the report, "Criminal Victimization 1996--Changes 1995-96 with Trends 1993-96" (NCJ-165812), by BJS statistician Cheryl Ringel, may be obtained by clicking on BJS's homepage on the Internet at:

<http://www.ojp.usdoj.gov/bjs/>

Single copies may also be obtained from the BJS fax-on-demand system by dialing 301/519-5550, listening to the complete menu and selecting document number 85 for the full report or document number 86 for the news release or by calling the BJS Clearinghouse number 1-800-732-3277. Fax orders for mail delivery to 410/792-4358.

Additional criminal justice materials can be obtained from the Office of Justice Programs homepage at:

<http://www.ojp.usdoj.gov>

BJ98005

After hours contact: Stu Smith at 301/983-9354

U.S. Department of Justice
Office of Justice Programs

EMBARGOED

for release Saturday, November 15, 1997, 9:00 a.m. EST



Bureau of Justice Statistics National Crime Victimization Survey

November 1997, NCJ-165812

Criminal Victimization 1996 Changes 1995-96 with Trends 1993-96

By Cheryl Ringel
BJS Statistician

In 1996 U.S. residents age 12 or older experienced nearly 37 million criminal victimizations, according to data collected from the National Crime Victimization Survey (NCVS). Of these victimizations, 27.3 million involved property crimes against households, 9.1 million involved the violent crimes of rape, robbery, and assault, and 0.3 million involved personal thefts such as purse snatching.

Translated into the number of violent and property crimes per 1,000 persons or households, crime rates for 1996 show 42 violent victimizations per 1,000 persons and 266 property crimes per 1,000 households. The victimization rates declined from 1995, and are the lowest recorded by the NCVS since its inception in 1973.*

From 1995 to 1996 the violent crime rate overall, as measured by the NCVS, decreased about 10%, and the rate of property crime went down 8%. These declines followed a general downward trend of criminal victimization rates over the past 3 years.

The trends reported in this Bulletin encompass 1993 through 1996. The redesigned NCVS first used a full

sample of households in 1993; therefore, the trends presented begin with that year.

Compared to 1993 rates, the 1996 victimization rates for all property crimes,

for personal theft, and for the measured violent crimes except robbery showed a significant decrease. Between 1993 and 1996, the violent crime rate fell 16%, and property crime rates dropped 17%.

Highlights

- The 1994-95 general downward trend in criminal victimizations continued in 1996.
- The NCVS property and violent crime rates for 1996 are the lowest recorded since the survey's inception in 1973.*
- The murder rate dropped 10% between 1995 and 1996 — the largest decrease in the past 4 years.
- Though overall violent crime rates decreased significantly from 1995 to 1996, the decline in the rates for robbery and aggravated assault were not statistically significant.
- In 1996 males experienced significantly higher victimization rates than females for all violent crimes except rape/sexual assault. Males were 2 times more likely than females to experience robbery and aggravated assault.
- In 48% of violent victimizations in 1996, the victim knew the offender.
- In 1996, 4 in 10 violent crimes and 3 in 10 property crimes were reported to the police. Females and blacks were more likely to report a crime to police than were males and whites.
- In 1996 violent crime rates were 16% lower and property crime rates 17% lower than they were in 1993.
- Between no two consecutive years from 1993 to 1996 did a violent, personal, or property crime rate increase a statistically significant amount.
- The decreasing victimization trends during 1993-96 were experienced about equally by both males and females and by the racial and income groups.
- Between 1993 and 1996 Hispanic households experienced a greater decrease than non-Hispanic households in the rate of property crime victimization.

*After rates were adjusted following the 1992 NCVS redesign.

*After rates were adjusted following the 1992 NCVS redesign.

Criminal victimization, 1995-96

Violent crime

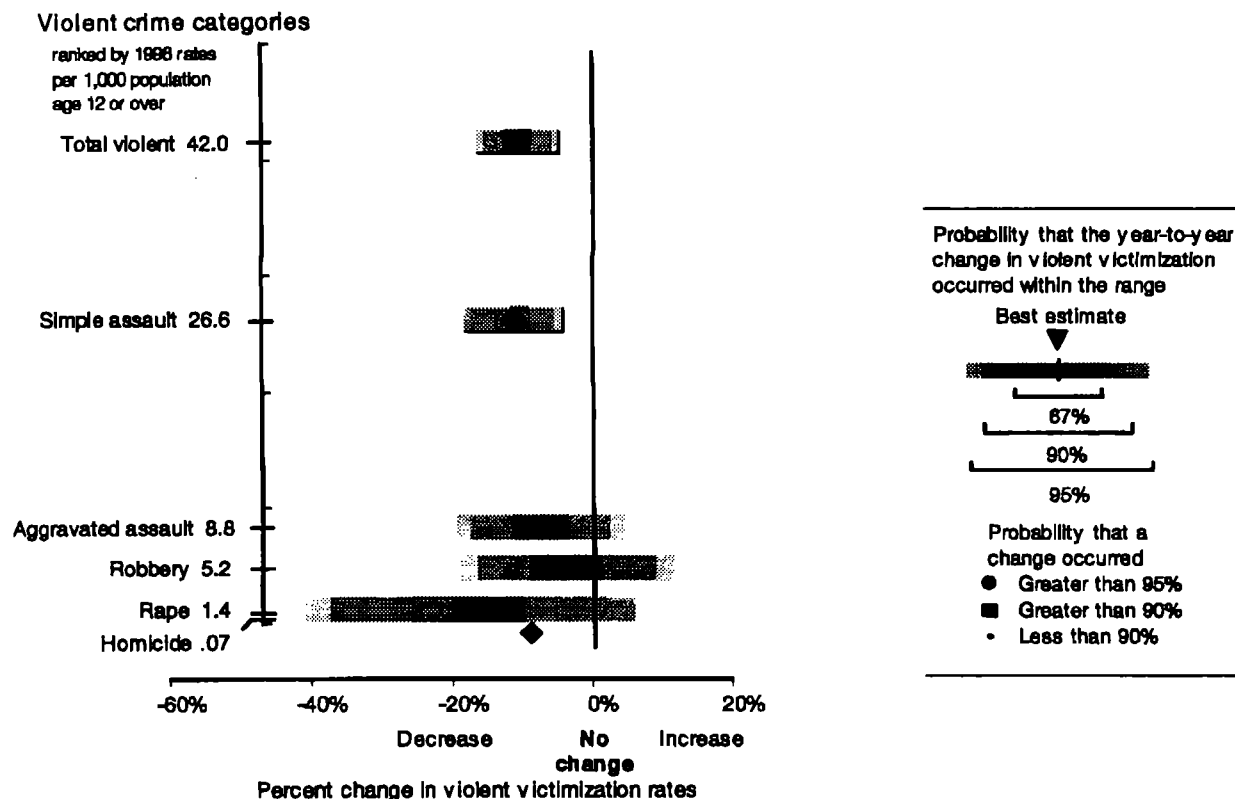
The Uniform Crime Reports (UCR) program of the FBI collects data on murder and nonnegligent manslaughter. The NCVS collects information

about rape and sexual assault, robbery, and simple and aggravated assault.

From 1995 to 1996 both the murder rate and the rate of violent crime in the aggregate declined about 10% (figure 1). This decrease in the NCVS esti-

mate was statistically significant. Of the four types of violent offenses measured by the NCVS only simple assault showed a significant decline from 1995. For aggravated assault, robbery, and rape or sexual assault, the apparent declines in rates from

Change in violent victimization by category, 1995-96



Note: The rape category includes sexual assaults. The change in murder rates is presented as a point since the source of the data, the Uniform Crime Reports, is not a sample survey. Source: BJS, National Crime Victimization Survey, and FBI, Uniform Crime Reports.

For further explanation of the graph see the forthcoming BJS Technical Report, *Displaying Violent Crime Trends Using Estimates from the National Crime Victimization Survey*, NCJ 167881.

The figure shows the estimated annual percentage change in victimization rates from 1995 to 1996 for the categories that comprise violent crime: homicide, rape and sexual assault, aggravated assault, simple assault, and robbery. The crime categories are displayed vertically according to their 1996 rates per 1,000 population age 12 or over. Total violent (the sum of all types) is first with

the highest rate and murder is last with the lowest rate.

Because the National Crime Victimization Survey (NCVS) relies on a sample of households, the rates and numbers from it are estimates and are not exact. Each bar shows the range within which the true percent change in rates from year to year is likely to fall. If a bar is clear of the "No change" line, we are

reasonably certain a change occurred. If a bar crosses the "No change" line, there is a possibility that there was no change. The degree of certainty depends on where the bar crosses the line. The bars representing the crime categories where a statistically significant year-to-year change occurred are outlined.

The length of the range bars varies considerably from

crime to crime, dependent on sample size and rarity of the event. The value for the change in homicide rates is given as a point and not a range of estimates, because homicide rates are derived from nonsample data. The murder rates have no variance, but some discrepancies exist between UCR rates and *Vital Statistics* of the National Center for Health Statistics.

Figure 1

1995 to 1996 were not statistically significant.

Murder and nonnegligent manslaughter

The murder rate for 1996 was 7.4 per 100,000 inhabitants, with a total of 19,645 murders. The 10% decrease in the murder rate for 1995-96 was the largest such decrease in 4 years. The decrease was apparent across all sizes of cities and regions of the country. (See the box on page 6.)

Violent crime measured by the NCVS

The decrease in overall violent crimes between 1995 and 1996 included completed rape, assault, and simple assault (table 1). For aggravated assault and robbery, apparent declines in rates from 1995 to 1996 were not statistically significant. The rate of sexual assault did not change from 1995 to 1996.

The category of assault (an aggregate measure of aggravated and simple assault) showed a significant decrease from 1995 to 1996 — just over 10%. However, this is a reflection of the significant 11% decline in simple assault from 1995 to 1996. Aggravated assault continued its downward trend, but the 7% decrease was not statistically significant.

The category of rape (which represents completed rapes) exhibited a significant decline from 1995 to 1996. However, because there were no declines in attempted rape or sexual assault over the same period, this decrease is not apparent in the aggregate category of rape/sexual assault.

Though personal theft was down 21% from 1995-96, the change was only somewhat significant.

Among demographic characteristics ethnicity was the only factor associated with a greater rate of decline in violent crime. Between 1995 and 1996 individuals of Hispanic origin experienced

Table 1. Criminal victimization, 1995-96

Type of crime	Number of victimizations (1,000's)		Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)		Percent change, 1995-96
	1995	1996	1995	1996	
All crimes	39,926	36,796	...	...	
Personal crimes^a	10,438	9,443	48.5	43.5	-10.3*
Crimes of violence	10,022	9,125	48.6	42.0	-9.9*
Completed violence	2,960	2,700	13.8	12.4	-10.1*
Attempted/threatened violence	7,061	6,425	32.8	29.6	-9.8*
Rape/Sexual assault	363	307	1.7	1.4	-17.6
Rape/attempted rape	252	197	1.2	.9	-25.0**
Rape	153	98	.7	.4	-42.9*
Attempted rape	99	99	.5	.5	0
Sexual assault	112	110	.5	.5	0
Robbery	1,171	1,134	5.4	5.2	-3.7
Completed/property taken	753	757	3.5	3.5	0
With injury	224	250	1.0	1.1	10.0
Without injury	529	508	2.5	2.3	-8.0
Attempted to take property	418	377	1.9	1.7	-10.5
With injury	84	79	.4	.4	0
Without injury	335	298	1.6	1.4	-12.5
Assault	8,487	7,683	39.5	35.4	-10.4*
Aggravated	2,050	1,910	9.5	8.8	-7.4
With injury	533	513	2.5	2.4	-4.0
Threatened with weapon	1,517	1,397	7.1	6.4	-9.9
Simple	6,437	5,773	29.9	26.6	-11.0*
With minor injury	1,428	1,240	6.6	5.7	-13.6*
Without injury	5,012	4,533	23.3	20.9	-10.3*
Personal theft ^b	414	318	1.9	1.5	-21.1**
Property crimes	29,490	27,353	290.5	266.3	-8.3*
Household burglary	5,004	4,845	49.3	47.2	-4.3
Completed	4,232	4,056	41.7	39.5	-5.3
Forcible entry	1,570	1,511	15.5	14.7	-5.2
Unlawful entry without force	2,682	2,545	26.2	24.8	-5.3
Attempted forcible entry	773	789	7.6	7.7	1.3
Motor vehicle theft	1,717	1,387	16.9	13.5	-20.1*
Completed	1,163	938	11.5	9.1	-20.9*
Attempted	554	449	5.5	4.4	-20.0*
Theft	22,769	21,120	224.3	205.7	-8.3*
Completed ^c	21,857	20,303	215.3	197.7	-8.2*
Less than \$50	8,652	7,580	85.2	73.8	-13.4*
\$50-\$249	7,712	7,374	76.0	71.8	-5.5**
\$250 or more	4,270	4,216	42.1	41.1	-2.4**
Attempted	911	818	9.0	8.0	-11.1

Note: The number of victimizations may differ from those reported previously because the estimates are now based on data collected in each calendar year rather than data about events within a calendar year. See *Survey methodology* on page 9. Completed violent crimes include rape, sexual assault, robbery with or without injury, aggravated assault with injury, and simple assault with minor injury. In 1993 the total population age 12 or older was 210,906,900; in 1994, 213,135,890; in 1995, 215,080,690; and in 1996, 217,234,280. The total number of households in 1993 was 99,746,020; in 1994, 100,568,060; in 1995, 101,504,820 and in 1996, 102,697,490.

*The difference is significant at the 95% confidence level.

**The difference is significant at the 90% confidence level.

^aThe NCVS is based on interviews with victims and therefore cannot measure murder.

^bIncludes pocket picking, purse snatching, and attempted purse snatching not shown separately.

a significantly greater decline than those of non-Hispanic origin in the rate of violent crime. The 1995-96 rate of decrease in violent crime was not different for males compared to females or whites compared to blacks.

Property crime

The crimes of motor vehicle theft, household burglary and theft make up the NCVS property crimes. In the aggregate, property crime showed just

over an 8% decrease from 1995 to 1996. Household burglary decreased (but not significantly) from 1995. This was true for both forcible entry and unforced entry.

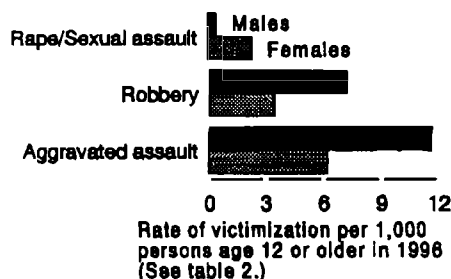
Motor vehicle theft, down 20%, showed the largest percent change from 1995. Both completed and attempted motor vehicle thefts decreased significantly. The significant 8% decrease in theft included a 13% decrease in thefts with a loss of under \$50. Thefts of greater economic loss (\$50-\$249 and \$250 or more) did decrease somewhat between 1995 and 1996.

Characteristics of victims of violent crime, 1996

The rate of violent victimization in 1996 varied across demographic characteristics such as sex, race, and ethnicity (table 2).

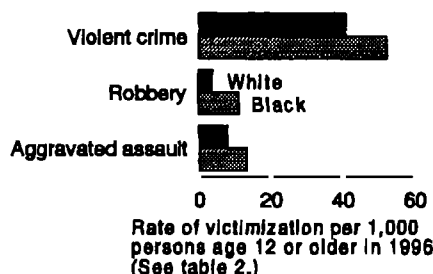
Sex of victim

Except for rape and sexual assault, males were more likely than females to be victims of violent crime. Men were twice as likely as women to experience aggravated assault and robbery. Women, however, were 10 times more likely than men to be a victim of rape or sexual assault.



Race of victim

Blacks were more likely than whites to be victims of violent crime. Robbery — for which blacks are victimized at 3 times the rate for whites — shows the greatest difference. While there was no statistically significant difference between the rates for blacks and whites for the overall assault category or for simple assault, there was a difference for aggravated assault, the more serious specific category. Blacks were nearly twice as likely as whites to experience aggravated assault.



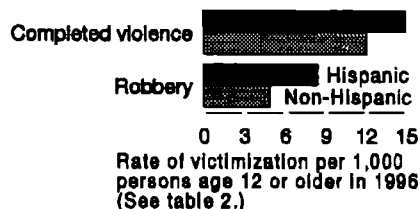
Note: The crime survey includes as violent crime rape, robbery, and assault.

Ethnicity of victim

Hispanics were twice as likely as non-Hispanics to fall victim to robbery and personal theft. While the rates of violent crime overall and attempted violent crime did not differ significantly between Hispanics and non-Hispanics, Hispanics were victims of completed violent crimes at a rate somewhat higher than that of non-Hispanics.

	Number of victimizations per 1,000 persons age 12 or older	
	Hispanic	Non-Hispanic
All violence	44.0	41.6
Attempted	29.1	29.6
Completed	14.9*	12.0*

Note: The National Crime Victimization Survey excludes murder and manslaughter. *Difference is significant at 90-percent level of confidence.



Note: The crime survey includes as violent crime rape, robbery, and assault.

Table 2. Rates of violent crime and personal theft, by sex, age, race, and Hispanic origin, 1996

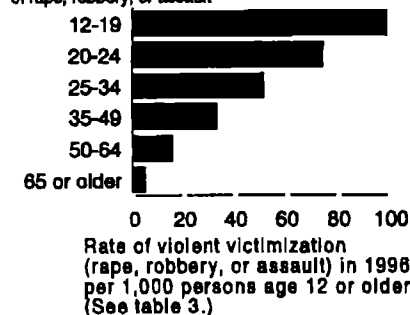
		Victimizations per 1,000 persons age 12 or older						
		Violent crimes						
Characteristics of victims	Population	All crimes of violence*	Rape/ Sexual assault	Robbery	Assault			Personal theft
					Total	Aggra- vated	Simple	
Sex								
Male	105,054,160	49.9	.4	7.2	42.3	11.6	30.8	1.3
Female	112,180,110	34.6	2.3	3.4	28.9	6.2	22.7	1.6
Age								
12-15	15,587,620	95.0	2.6	10.0	82.3	15.6	66.8	3.3
16-19	14,866,000	102.7	4.9	12.0	85.7	25.3	60.4	2.5
20-24	17,533,290	74.3	2.1	10.0	62.2	15.9	46.4	2.9
25-34	40,876,720	51.1	1.8	7.1	42.2	9.8	32.4	1.2
35-49	61,741,430	32.8	1.3	3.8	27.7	7.4	20.3	1.0
50-64	34,889,360	15.7	.1	1.8	13.8	3.8	10.0	1.2
65 or older	31,739,850	4.9	0	1.1	3.8	.8	3.0	.7
Race								
White	182,853,380	40.9	1.3	4.2	35.3	8.2	27.2	1.4
Black	26,274,270	52.3	1.8	11.4	39.1	13.4	25.6	1.9
Other	8,106,620	33.2	2.1	7.4	23.8	7.2	16.6	1.3
Hispanic origin								
Hispanic	20,502,470	44.0	1.2	8.4	34.5	10.6	23.9	2.7
Non-Hispanic	194,729,590	41.6	1.4	4.9	35.3	8.5	26.8	1.3

*The National Crime Victimization Survey includes as violent crime rape/sexual assault, robbery, and assault but not murder or manslaughter.

Age of victim

Persons between ages 12 and 15 and between 16 and 19 had higher rates of violent crime victimization than those 25 or older. Persons age 12 to 19 were twice as likely as those age 25-34 and 3 times as likely as those age 35-49 to be victims of violent crimes. Persons age 12 to 19 had a violent crime victimization rate 20 times higher than those age 65 or older. For the crime of aggravated assault, individuals between ages 16 and 19 had a significantly higher rate of victimization than any other age group.

Age of victim
of rape, robbery, or assault



Income

In general, as household income levels decrease, rates of violent crime increase (table 3). Persons in households with an annual income of less than \$7,500 experienced significantly more violent crime than persons in households at any other income level, while persons in households with incomes of \$75,000 or more experienced significantly less than any others. Persons in households in the middle range of income (\$15,000-\$49,000) had similar rates of victimization in comparison to one another but significantly different rates from the lowest and highest income groups.

Annual household income

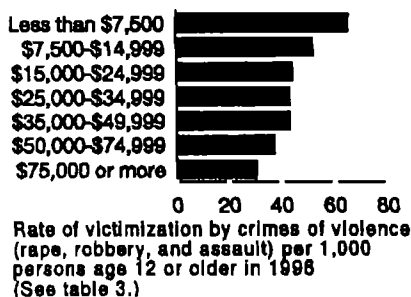


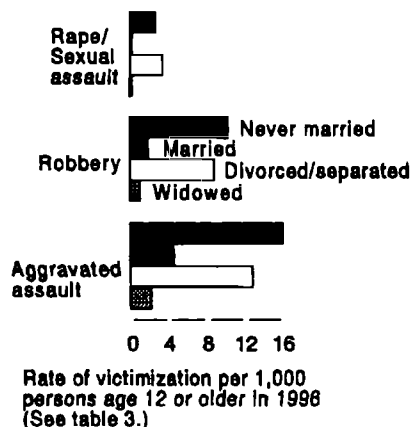
Table 3. Rates of violent crime and personal theft, by household income, marital status, region, and location of residence of victims, 1996

		Victimizations per 1,000 persons age 12 or older						
		Violent crimes						Personal theft
Characteristics of victims	Population	All crimes of violence*	Rape/ Sexual assault	Robbery	Assault			
					Total	Aggra- vated	Simple	
Household income								
Less than \$7,500	14,774,050	65.3	2.9	9.9	52.5	17.3	35.2	2.6
\$7,500 - 14,999	24,184,130	52.1	1.8	8.5	41.9	11.9	30.0	1.1
\$15,000 - 24,999	31,709,970	44.1	1.4	5.4	37.3	10.3	26.9	1.5
\$25,000 - 34,999	29,229,150	43.0	1.9	5.5	35.6	6.8	28.8	.9
\$35,000 - 49,999	34,958,450	43.0	1.4	4.5	37.1	8.6	28.5	1.5
\$50,000 - 74,999	31,007,900	37.5	.8	3.3	33.3	7.9	25.4	1.8
\$75,000 or more	23,924,850	30.5	1.0	2.0	27.5	5.5	22.0	1.5
Marital status								
Never married	66,576,940	79.1	2.8	10.4	65.9	16.0	49.9	2.5
Married	113,157,450	20.5	.3	2.0	18.2	4.6	13.6	.8
Divorced/separated	22,925,490	62.5	3.5	8.8	50.2	12.8	37.4	2.2
Widowed	13,724,480	7.2	.3	1.1	5.8	2.2	3.6	.9
Region								
Northeast	42,545,610	37.7	1.4	5.4	30.9	7.0	23.9	1.9
Midwest	51,833,600	43.7	1.7	5.2	36.8	7.9	28.9	1.5
South	76,436,860	37.5	1.0	4.4	32.1	8.6	23.5	1.2
West	46,418,200	51.5	1.8	6.3	43.4	11.8	31.5	1.5
Residence								
Urban	63,137,110	55.1	2.0	10.4	42.7	11.7	31.1	2.4
Suburban	104,794,740	38.9	1.3	3.3	34.2	7.8	26.4	1.4
Rural	49,302,420	31.9	.9	2.8	28.3	7.2	21.1	.5

*The National Crime Victimization Survey includes as violent crime rape/sexual assault, robbery, and assault but not murder or manslaughter.

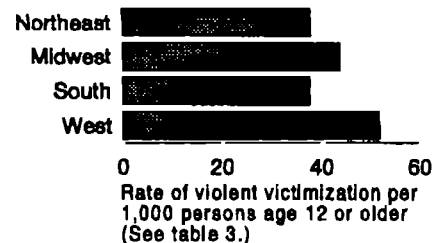
Marital status

Individuals who had never married or who had separated or divorced had higher rates of violent crime and personal theft than those who were married or widowed. For overall violent crimes, those who had never married were 4 times more likely than married persons to be victimized.



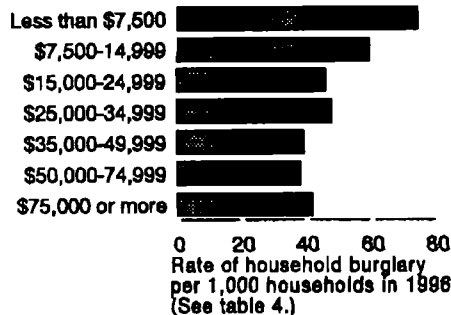
Region

Considered by region, Western residents were the most likely in the United States to be victims of violent crime. The South and the Northeast were indistinguishable from each other in victimization rates for overall violent crime, rape/sexual assault, robbery, and assault. The Midwest had generally higher rates of violent victimization than the South and Northeast but lower rates than the West.

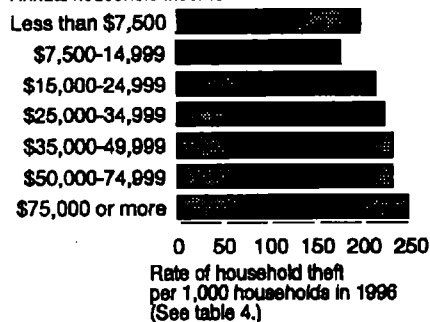


\$7,500 and \$14,999 were more likely to be victims of household burglary than those with household incomes of \$15,000 or higher, but less likely to be victims of theft.

Annual household income



Annual household income



Reporting to the police

The percentage of victimizations that were reported to law enforcement authorities varied by type of crime and victim characteristic. Of all types of victimizations, motor vehicle theft had the highest rate of being reported to the police — 76%, compared to 35% of property crime overall. The victim or someone else reported 43% of all violent crimes to authorities. Thirty-one percent of the rapes or sexual assaults were reported to police.

	Percent of crime reported to the police
All victimizations	36.8%
Violent crime	42.8%
Rape /Sexual assault	30.7
Robbery	53.9
Assault	41.6
Simple	37.3
Aggravated	54.8
Household crime	34.8%
Burglary	50.6
Motor vehicle theft	76.5
Theft	28.4

Victim characteristic	Percent of violent victimizations reported to the police
All	42.8%
Male	39.0
Female	47.9
White	41.4
Black	50.4
Hispanic	44.1
Non-Hispanic	42.5

Females were more likely than males, and blacks more likely than whites, to report a crime to the police.

Victimization trends, 1993-96

While not all year-to-year changes were statistically significant for the detailed victimization categories, there

Table 5. Rates of criminal victimization and percent change, 1993-96

Type of crime	Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)				Percent change		
	1993	1994	1995	1996	1993-96	1994-96	1995-96
Personal crimes*	52.2	54.1	48.5	43.5	-16.7*	-19.6*	-10.3*
Crimes of violence	49.9	51.8	46.8	42.0	-15.8*	-18.9*	-9.9*
Completed violence	15.0	15.4	13.8	12.4	-17.3*	-19.5*	-10.1*
Attempted/threatened violence	34.9	36.4	32.8	29.6	-15.2*	-18.7*	-9.8*
Rape/Sexual assault	2.5	2.1	1.7	1.4	-44.0*	-33.3*	-17.6
Rape/attempted rape	1.8	1.4	1.2	.9	-43.8*	-35.7*	-25.0**
Rape	1.0	.7	.7	.4	-60.0*	-42.9*	-42.9*
Attempted rape	.7	.7	.5	.5	-28.6*	-28.6**	0
Sexual assault	.8	.8	.5	.5	-37.5*	-16.7	0
Robbery	6.0	6.3	5.4	5.2	-13.3	-17.5*	-3.7
Completed/property taken	3.8	4.0	3.5	3.5	-7.9	-12.5	0
With injury	1.3	1.4	1.0	1.1	-15.4	-21.4	10.0
Without injury	2.5	2.6	2.5	2.3	-8.0	-11.5	-8.0
Attempted to take property	2.2	2.3	1.9	1.7	-22.7**	-21.1*	-10.5
With injury	.4	.6	.4	.4	0	-33.3*	0
Without injury	1.8	1.7	1.6	1.4	-22.2	-17.6	-12.5
Assault	41.4	43.3	39.5	35.4	-14.5*	-18.2*	-10.4*
Aggravated	12.0	11.9	9.5	8.8	-26.7*	-26.0*	-7.4
With injury	3.4	3.3	2.5	2.4	-29.4*	-27.3*	-4.0
Threatened with weapon	8.6	8.6	7.1	6.4	-25.6*	-25.6*	-9.9
Simple	29.4	31.5	29.9	26.6	-9.5*	-15.6*	-11.0*
With minor injury	6.1	6.8	6.6	5.7	-6.6	-16.2*	-13.6*
Without injury	23.3	24.7	23.3	20.9	-10.3*	-15.4*	-10.3*
Personal theft*	2.3	2.4	1.9	1.5	-34.8*	-37.5*	-21.1**
Property crimes	318.9	310.2	290.5	266.3	-16.5*	-14.2*	-8.3*
Household burglary	58.2	56.3	49.3	47.2	-18.9*	-16.2*	-4.3
Completed	47.2	46.1	41.7	39.5	-16.3*	-14.3*	-5.3
Forcible entry	18.1	16.9	15.5	14.7	-18.8*	-13.0*	-5.2
Unlawful entry without force	29.1	29.2	26.2	24.8	-14.8*	-15.1*	-5.3
Attempted forcible entry	10.9	10.2	7.6	7.7	-29.4*	-24.5*	1.3
Motor vehicle theft	19.0	18.8	16.9	13.5	-28.9*	-28.2*	-20.1*
Completed	12.4	12.5	11.5	9.1	-26.6*	-27.2*	-20.9*
Attempted	6.6	6.3	5.5	4.4	-33.3*	-30.2*	-20.0*
Theft	241.7	235.1	224.3	205.7	-14.9*	-12.5*	-8.3*
Completed*	230.1	224.3	215.3	187.7	-14.1*	-11.9*	-8.2*
Less than \$50	98.7	93.5	85.2	73.8	-25.2*	-21.1*	-13.4*
\$50-\$249	76.1	77.0	76.0	71.8	-6.7	-6.7*	-5.5**
\$250 or more	41.6	41.8	42.1	41.1	-1.2	-1.7	-2.4**
Attempted	11.6	10.8	9.0	8.0	-31.0*	-25.9*	-11.1

Note: Victimization rates may differ from those reported previously because the estimates are now based on data collected in each calendar year rather than data about events within a calendar year. (See *Survey Methodology* on page 9.) Completed violent crimes include rape, sexual assault, robbery with or without injury, aggravated assault with injury, and simple assault with minor injury. See the note on table 1, page 3, for the population counts, 1993-96.

*The difference is significant at the 95% confidence level.

**The difference is significant at the 90% confidence level.

*The victimization survey cannot measure murder because of the inability to question the victim.

*Includes pocket picking, purse snatching, and attempted purse snatching not shown separately.

*Includes thefts with unknown losses.

Violence Policy Center

1350 Connecticut Avenue, NW
Suite 825
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

November 12, 1997

The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

The Violence Policy Center (VPC) is an organization dedicated to reducing firearms violence in America. The VPC strongly supports the issuance of a Presidential directive to immediately halt the pending importation of foreign-made assault weapons which have been slightly altered to evade the technical definition of "assault weapon" as articulated in the "Public Safety and Recreational Firearms Use Protection Act of 1994." The VPC believes that these weapons can and should be denied importation into the United States as they are not "particularly suitable for or readily adaptable to sporting purposes," a prerequisite for the importation of any firearm.

The VPC is aware that several Members of Congress have expressed the opinion that the design characteristics unique to assault weapons are only "cosmetic" and bear "no relevance to the firearms' capability, availability, or relevance to actual criminal misuse of firearms."

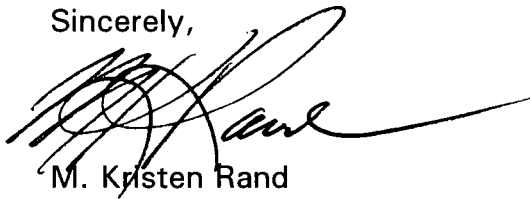
This is simply not true. Contrary to the representations made today by those seeking to weaken or eliminate the ban, gun aficionados and the pro-gun lobby recognized "assault weapons" as a distinct class of firearm and as having a special utility for killing human beings at least a decade before the public debate over the weapons' availability began. The VPC has compiled commentary from gun writers and the gun lobby into the attached study, *That Was Then, This is Now: The NRA and the Gun Industry Talk About Assault Weapons—From Both Sides of Their Mouths*.

As this document demonstrates, what the gun lobby has said historically about assault weapons is in direct conflict with what it is now telling the public and policymakers.

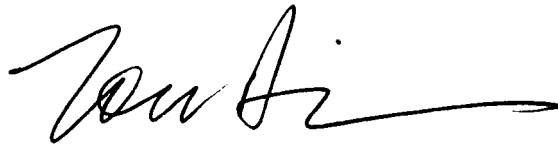
It is indisputable that the threat posed to public safety by assault weapons justifies the use of executive authority to the maximum extent possible to keep a new wave of deadly assault weapons from flooding America's streets. The VPC strongly urges you to prevent the importation of any weapon that has been modified to evade the federal assault weapons ban.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Rand", with a large, stylized flourish extending to the right.

M. Kristen Rand
Director of Federal Policy

A handwritten signature in black ink, appearing to read "Tom Diaz", with a long, horizontal flourish extending to the right.

Tom Diaz
Senior Policy Analyst



Violence Policy Center

1350 Connecticut Avenue, NW
Suite 825
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

That Was Then, This is Now

**The NRA and the Gun Industry Talk About
Assault Weapons—From Both Sides of Their Mouths**

**Tom Diaz
Senior Policy Analyst**

© November 1997

Introduction

Semi-automatic assault weapons are civilian versions of military assault rifles (like the AK-47, UZI, and M-16) and pistols (like the MAC-10). Military assault weapons were designed so that soldiers could "spray-fire" a large number of bullets over a broad killing zone, without having to aim at each individual target. Their increased firepower is the result of their ability to accept high-capacity ammunition magazines (also known as "clips") which can hold up to 100 rounds. When one clip is emptied, it can be ejected and replaced by the shooter with a fresh clip in seconds. Their ability to be spray-fired from the hip is the result of a set of features that allow a "point-and-shoot" grip and help control recoil so the shooter can "hose down" a wide area. Civilian assault guns maintain the key design features that make this deadly spray firing easy. These features include:

- pistol grips (including so-called "thumb-hole stocks" and magazines that function like pistol grips); and,
- barrel shrouds, vented tubes surrounding barrels (which can become too hot to hold during rapid fire), which remain cool enough to be directly grasped by the shooter.

Some assault guns also feature folding stocks, which make the gun more concealable and easier to hold in a from-the-hip firing position, grenade launchers, bayonet mounts, and threaded barrels for adding silencers and flash suppressors (to reduce flash from the muzzle at night).

The ability to quickly lay down a high volume of fire makes semi-automatic assault weapons particularly dangerous in civilian use, and explains why terrorists, mass killers, and violent criminals favor them. It also distinguishes them from true hunting or target weapons.

In its efforts to stop restrictions on the production and sale of semi-automatic assault rifles, pistols, and shotguns, the National Rifle Association (NRA) has worked with members of America's gun industry to deceive the American public as to the special threat posed by assault weapons. In this battle, four myths have been posited by the NRA and the industry:

- Gun experts say there is no such thing as a civilian assault weapon.
- Assault weapons merely "look different" than traditional semi-automatic rifles and shotguns and have been singled out for their cosmetic differences.

- A "true" assault weapon is a selective-fire military weapon, capable of full-auto fire.
- Assault weapons pose no threat to America's police.

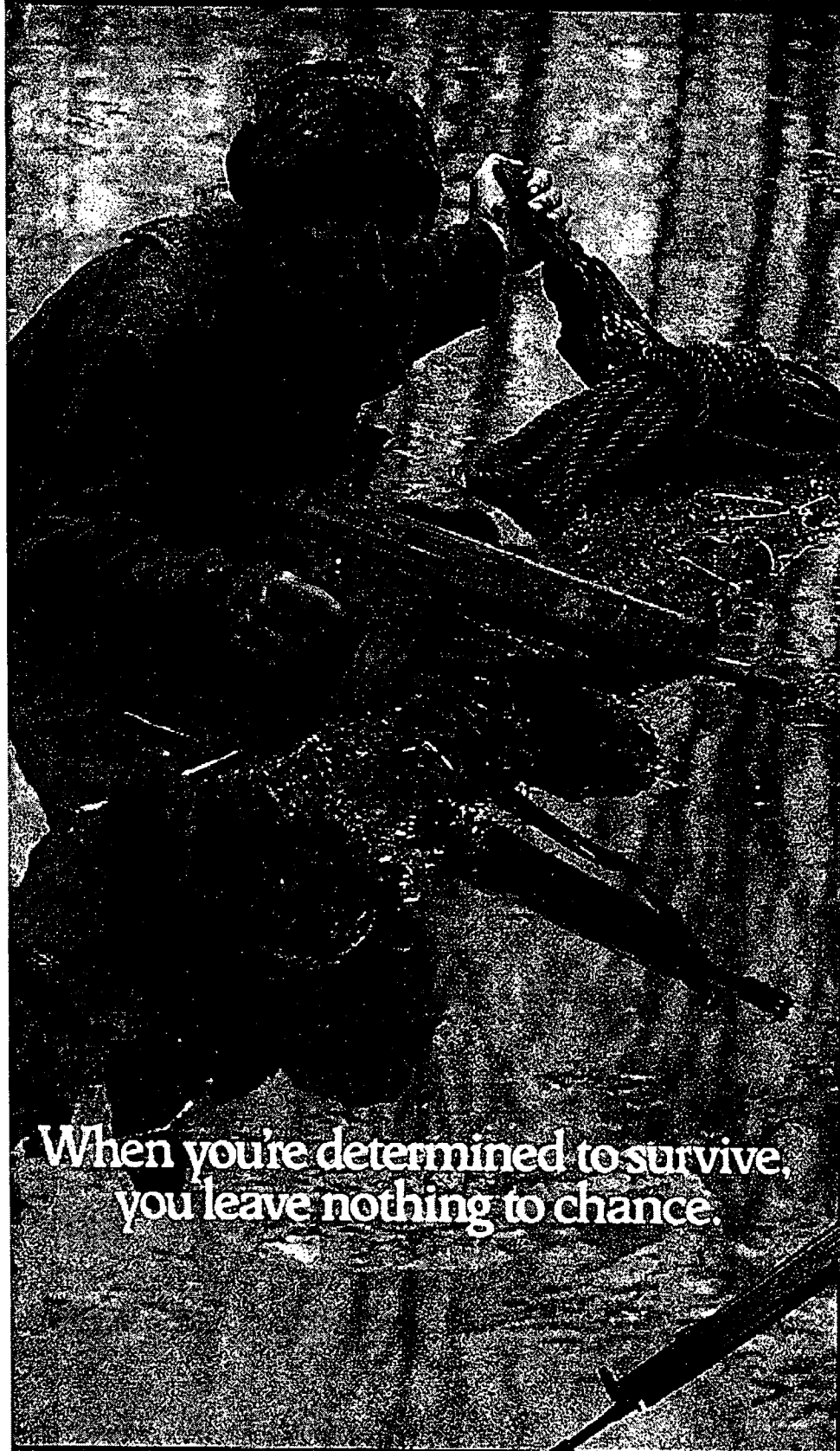
These four myths are easily refuted by the facts surrounding semi-automatic assault weapons and *much of the information debunking these false claims actually comes from the NRA and the gun industry*. Throughout the 1980s, the NRA, the firearms industry, and the gun press talked enthusiastically about "assault rifles" and "assault pistols" and openly acknowledged the guns' differences from traditional sporting weapons. This changed in 1989 when legislative efforts to restrict assault weapons began in the wake of Patrick Purdy's Stockton, California schoolyard massacre. Purdy, armed with a semi-automatic AK-47 assault rifle, killed five schoolchildren. Twenty-nine others, including a schoolteacher, were wounded. Writers and industry members who had proudly pointed to the guns' military heritage and applications now reversed themselves and began portraying these weapons of war as misunderstood ugly ducklings. The reality is that assault weapons are treated differently than other semi-automatic firearms for a simple reason: they are different.

Myth One

Gun Experts Say There is No Such Thing as a Civilian Assault Weapon

The NRA, the gun industry, the gun press, and other pro-gun "experts" today claim that there is no such thing as a civilian assault weapon. But before the guns came under fire, these same experts enthusiastically described these civilian versions of military weapons as "assault rifles," "assault pistols," and "military assault" weapons. For example:

- In 1982, *Guns & Ammo* published a book titled *Assault Rifles*, advertising "Complete Data On The Best Semi-Automatics."¹ In 1988 *Guns & Ammo* handgun expert Jan Libourel defined an "assault pistol" simply as, "A high-capacity semi-automatic firearm styled like a submachine gun but having a pistol-length barrel and lacking a buttstock."²
- Gun magazines also specifically praised the spray fire features of civilian assault weapons. For example, a 1989 *Guns & Ammo* review of the "Partisan Avenger .45 Assault Pistol" noted that when the gun "is fired rapidly from the hip, its swivelling front grip makes for easy and comfortable control of the recoil," and that the "forward pistol grip extension of this powerful assault pistol not only helps point it instinctively at the target but goes a long way to controlling the effects of recoil...."³ *Guns & Ammo* also found point shooting from the hip to be "surprisingly easy" with the HK 94 9mm Carbine.⁴ A 1990 review in the NRA's *American Rifleman* of the Sites Spectre HC Pistol said, "A gun like the Spectre is primarily intended for hip-firing...."⁵ The same magazine's 1993 review of the Steyr Mannlicher SPP Pistol reported, "Where the SPP really shines is in firing from the hip...."⁶
- A cottage industry of accessory suppliers sprang up, all of which targeted ads soliciting owners of civilian "assault weapons."⁷
- The gun industry deliberately used the military character of semi-automatic "assault weapons" and the lethality-enhancing utility of their distinctive characteristics as selling points. The German company Heckler & Koch, for example, published ads in 1984 calling their civilian guns "assault rifles" and stressing their military lineage. "The HK 91 Semi-Automatic Assault Rifle from Heckler & Koch...was derived directly from the G3," a German army weapon, said one ad.⁸ Another ad that year described the HK 94 Carbine as "a direct offspring of HK's renowned family of MP5 submachine guns."⁹ A 1989 Intratec ad said the company's TEC-9 "clearly stands out among high capacity assault-type pistols."¹⁰ And in 1982 Magnum Research advertised that the Galil rifle system to which it had import rights "outperformed every other assault rifle."¹¹



When you're determined to survive,
you leave nothing to chance.

In a survival situation, you want the most uncompromising weapon that money can buy. The HK 91 Semi-Automatic Assault Rifle from Heckler & Koch.

The HK 91 was derived directly from the G3. Its delayed roller-locked bolt system reduces recoil to keep the gun on target. It exceeds the most stringent NATO accuracy requirements—right out of the box. And HK's revolutionary scope mounting system guarantees that you're still zeroed-in every time you mount your scope.

Easy to maintain and take apart, the HK 91 in cal. 308 and the HK 93 in cal. 223 were both designed as parts of an integrated gun system. The HK system of interchangeable parts and accessories enables these precision firearms to adapt quickly to changing tactical situations.

Leading military operations and law enforcement agencies around the world rely on firearms that bear the H&K name. Your choice is equally clear. You can carry an ordinary weapon. Or own the most uncompromising firearm in the world.

For our 24-page
color brochure,
send \$3 to:
Heckler & Koch, Inc.
14601 Lee Road
Chantilly, Virginia 22021
Tel. 703-631-2800

In a world of compromise, some men don't.

Myth Two

Assault Weapons Merely "Look Different"

While it is true that the "actions" or internal mechanisms of all semi-automatic guns are similar, the actions of assault weapons are part of a total design package that promotes "spray fire"—unlike true sporting guns. Assault weapons look different because they are different—*their looks reflect the fact that they are designed to kill people efficiently.*

And while the NRA and the gun industry today put themselves through tortured gyrations in their attempts to justify the "sporting use" of assault guns, early reviews of these weapons noted their limited sporting value:

- In 1987 the NRA's *American Rifleman* magazine reviewed the Calico M-100 rifle and concluded, "The M-100 is certainly not a competition gun, hardly a hunting gun, and is difficult to visualize as a personal defense gun."¹²
- In 1983, *Guns & Ammo* reviewed the Heckler & Koch HK 94 rifle and reported, "You certainly aren't going to enter any serious, formal matches with it...."¹³

During this period, the gun industry also actively promoted the intimidating looks of assault weapons as a sales booster:

- A 1989 *Guns & Ammo* review of the A.A. Arms AP9 praised the appeal of the gun's "wicked looks" to **teenagers**, noting "it is one mean-looking dude, considered cool and Ramboish by the teenage crowd.... Take a look at one. And let your teen-age son tag along. Ask him what *he* thinks. And be sure to carry your checkbook."¹⁴ [emphasis in original]
- In 1985 *Guns & Ammo* expert Garry James noted in his review of Colt's 9mm AR-15 rifle that "the intimidation factor of a black, martial-looking carbine pointing in one's direction cannot be underestimated."¹⁵
- In 1983 *Guns & Ammo* writer Howard French said of the HK 94 9 mm Para Carbine that "you would not get much static from an intruder eyeballing its rather lethal appearance."¹⁶
- 1981 C.A. Inc. advertisements for the Mark 45 and Mark 9 "Tommy-Gun" style carbines explicitly made the point that a "show of force can be stopping power worth having."¹⁷

Notice the big barrel on this carbine. Forty-five caliber to be exact, a size considered ideal for sheer stopping power. Or blowing a can away.

As a sporting rifle, the CA Mark 45 semi-automatic carbine makes a lot of sense. It's light handling, fires with great accuracy, little recoil and little noise. But without the danger

of long range ammo. For plinking, it's a blast.

The Mark 45 was engineered with military practicality for toughness and reliability at low cost. So its appearance is somewhat formidable, an advantageous deterrent if you also need a gun for protection. A show of force can be stopping power worth having.

Write for free brochure CA with details on 45 cal. or 9mm models, grips, cases, clips, sights and slings.

Stopping power

\$195⁰⁰

Horizontal or vertical front grip models.

Legal for private ownership.

MARK 9

9 MM SEMI-AUTOMATIC CARBINE

MARK 45

45 CAL. SEMI-AUTOMATIC CARBINE

Manufactured in U.S.A.
Nickel plate optional, add \$30.00 to above price.

CA Inc.
Distributed by:
C.A. Inc.
P.O. Box 10214
Knoxville, TN 37919
615/523-3393

92 GUNS & AMMO/MARCH 1981

Myth Three

A "True" Assault Weapon is a Selective-Fire Military Weapon

The full-auto "issue" is a red herring that was raised by the NRA and the gun industry only *after* public attention began to focus on the increasing death and violence associated with semi-automatic versions of these weapons.

The NRA and the gun industry are correct that military assault weapons often have a "selective fire" feature. This allows the shooter to switch between full-auto fire (fires repeatedly as long as the trigger is held back) or semi-automatic fire (the trigger must be pulled for each round fired). It is also true that civilian assault weapons do *not* have automatic fire capability (federal law severely restricts the sale and possession of machineguns by civilians). But semi-automatic assault weapons are *still* unacceptably dangerous because:

- *They keep the generic features that make them ideal for rapidly laying down a withering field of fire. As the leading pro-assault weapons expert Duncan Long wrote in his 1986 book, **Assault Pistols, Rifles and Submachine Guns**:*

The next problem arises if you make a semiauto-only model of one of these selective-fire rifles. According to the purists, an assault rifle has to be selective fire. Yet, if you think about it, it's a little hard to accept the idea that firearms with extended magazines, pistol grip stock, etc., cease to be assault rifles by changing a bit of metal.¹⁸

- *Military and civilian experts agree that semi-automatic fire is actually more—not less—likely to hit the target than is automatic fire, and is thus more deadly.¹⁹ Regardless, a person of moderate skill can fire a semi-automatic assault weapon at an extremely fast rate of fire.²⁰*
- *Many semi-automatic assault weapons can easily be converted to automatic fire with home tools and modest skill.*

DUNCAN LONG

ASSAULT PISTOLS, RIFLES AND SUBMACHINE GUNS



QUADE PRESS

The next problem arises if you make a semiauto-only model of one of these selective-fire rifles. According to the purists, an assault rifle has to be selective fire. Yet; if you think about it, it's a little hard to accept the idea that firearms with extended magazines, pistol grip stock, etc., cease to be assault rifles by changing a bit of metal.

Myth Four

Assault Weapons Pose No Threat to America's Police

A favorite argument made by the NRA and the gun industry in attempting to overturn the federal ban on assault weapons is that such weapons pose little or no threat to our nation's police officers.

In fact, in 1995, one in 10 law enforcement officers killed in the line of duty was felled by an assault weapon as defined in the "Public Safety and Recreational Firearms Use Protection Act of 1994."²¹ This grim statistic is consistent with the real-world experience of cops on the beat. As Baltimore City Drug Enforcement Officer Gerald Hensley testified in 1995 before the House Judiciary Committee's Crime Subcommittee:

Since joining the Police Department, I have seen the firepower of criminals, particularly drug dealers, grow from small caliber revolvers to military-style weapons which can shoot 30 bullets in less than ten seconds. In my years of service I have personally encountered assault weapons on several occasions....I participated in the service of a search and seizure warrant at a drug house where we found and confiscated a semi-automatic TEC-9. The weapon, which was fully loaded with 30 rounds, was on the bottom shelf of a closet in a bedroom occupied by children. In May of 1991, I myself was threatened by a semi-automatic TEC-9. While on a routine patrol of a suspected drug area, my two partners and I noticed suspicious activity. While my two partners went in the back way, I went in the front. As I entered the house I noticed a gunman lying in wait for my partners with the TEC-9. I shouted to him and he turned and prepared to shoot me. Before he could, I shot and killed him.²²

Furthermore, The Urban Institute's 1997 evaluation of the federal assault weapons ban found that the number of murders of police officers perpetrated with assault weapons is higher than that for civilian gun murders.²³ When they are available, assault weapons are the preferred weapons of cop killers.

Conclusion

In conclusion, assault weapons constitute a specific class of firearm incorporating design characteristics intended to enhance their utility as killing machines. The veil of obstinance and false argument the NRA and the gun industry attempt to hide behind today is pierced not only by the real-world testimony of law-enforcement personnel, but by their own enthusiastic words as recorded in pro-gun publications since the early 1980s. Nothing about the weapons has changed, only the politics.

Endnotes

1. Advertisement, *Guns & Ammo* (July 1982), p. 20.
2. "Handgunner's Glossary," *Guns & Ammo* (August 1988), p. 42.
3. "Partisan Avenger .45 Assault Pistol," *Guns & Ammo Handgun Annual* (1989), pp. 26-30.
4. "H&K's 9 mm Para Carbine," *Guns & Ammo* (November 1983), p. 44.
5. "Sites Spectre HC Pistol," *American Rifleman* (December 1990), p. 58.
6. "Steyr Mannlicher SPP Pistol," *American Rifleman* (August 1993), p. 72; see also, "Colt's 9mm AR-15," *Guns & Ammo* (July 1985), p. 76 ("fired from the hip.... about as natural a pointer as you can get.").
7. See, e.g., Assault Systems advertisements in *Guns & Ammo* (July 1981), p. 90 ("assault rifle case"), 92 ("lightweight assault bipod"); (November 1983), p. 101 ("assault rifle cases" and "padded assault rifle sling"); Beeman advertisement in *Guns & Ammo* (December 1982), p. 14 ("Beeman Short Scopes...New for Assault Rifles to Airguns...Use on assault rifles...."); Ventech Inc. advertisement for "Assault Weapon Accessories" in *Guns & Ammo* (February 1991), p. 96 ("Mini-14...10/22...AR-7....").
8. Heckler & Koch advertisement, *Guns & Ammo* (July 1984), p. 9.
9. Heckler & Koch advertisement, *Guns & Ammo* (June 1984), back cover.
10. Intratec advertisement, *Guns & Ammo* (January 1989), p. 77.
11. Magnum Research advertisement, *Guns & Ammo* (November 1982), p. 59. See also, e.g., advertisement by Paragon S&S Inc. for AR 10, *Guns & Ammo* (July 1981), p. 90 ("Used world wide by military and LAW ENFORCEMENT officers. This famous assault rifle is now available in a semi-auto form!").
12. "Calico M-100 rifle," *American Rifleman* (January 1987), p. 61.
13. "H&K's 9 mm Para Carbine," *Guns & Ammo* (November 1983), p. 44.
14. "A.A. Arms AP9 Assault Pistol," *Guns & Ammo Handgun Annual* (1989), p. 51.
15. "Colt's 9mm AR-15," *Guns & Ammo* (July 1985), p. 76.
16. "H&K's 9 mm Para Carbine," *Guns & Ammo* (November 1983), p. 42.
17. CA Inc. advertisement, *Guns & Ammo* (March 1981), p. 92.

18. Duncan Long, *Assault Pistols, Rifles and Submachine Guns* (Secaucus, NJ: Citadel Press 1986), p. 1.
19. See, "How Effective is Automatic Fire?," *American Rifleman* (May 1980), pp. 30-31, 80.
20. See, e.g., "Calico M-100 rifle," *American Rifleman* (January 1987), p. 61 ("the full 100 rounds were sent downrange in 14 seconds by one flicker-fingered tester.")
21. Jeffrey A. Roth and Christopher S. Koper, et al., *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report* (Washington, DC: The Urban Institute 1997), p. 107.
22. Kristen Rand, *Cop Killers: Assault Weapon Attacks on America's Police* (Washington, DC: Violence Policy Center 1995), p. 7-8.
23. Jeffrey A. Roth and Christopher S. Koper, et al., *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report* (Washington, DC: The Urban Institute 1997), p. 108.

11/13/97



1 of 5

President Bill Clinton
1600 Pennsylvania Ave. NW
Washington, DC 20500
Fax 202-456-2530

Re: Permits for Importation of Assault Weapons. **Past, Present and Future.**

Dear President Clinton:

Three years ago on this very night, the gun battle had already begun. My brother, Officer James Guelff of the San Francisco Police Department, lay in the street with both legs shot out from beneath him. He returned fire but nothing penetrated the assailant's body armor. In the process of reloading, he was hit in the head with a burst of rounds from the Uzi. For thirty minutes, downtown San Francisco was held hostage by a single gunman firing hundreds of rounds from an assortment of assault weapons. The shooter had no mile long rap sheet, no felony convictions, just one prior misdemeanor weapons charge. For nine hours that night, I sat next to my brother in the blood soaked hospital bed staring into his almost unrecognizable face. I felt his arm and hand grow cold...and watched as he breathed his last.

I signed organ donor papers just after midnight. At 3:03 on the morning of the 14th, he was declared legally dead. For the next two hours his fellow officers, most of whom had come from the shooting, filed into the hospital room to pay their last respects. Two at a time for what seemed an eternity. His partner, Officer John Payne, lay in the next room with a bullet lodged in his liver; it had just missed his heart. He almost didn't make it. One week later he hobbled to my brother's funeral.

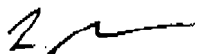
I want to express to you in the strongest possible terms that it is time to put an end to this senseless carnage. I want every proponent of the Second Amendment to take that next 911 call. I want every gun advocate to take their turn in the street with my brother's fellow officers; to know what it is like to return fire to no effect; to be heavily outgunned; to run out of ammunition and to pray in terror that they are not next in line to join my brother Jim as he lay dying in the street. Nobody could get to him for thirty minutes. The firepower was overwhelming.

I spoke at the memorial for Rep. Walter Capps in San Luis Obispo last

Monday night. We had worked together on the assault weapons issue as well as H.R. 959, "The James Guelff Body Armor Act of 1997". We both understood the basic tenets of the Second Amendment but agreed that the line needed to be drawn in the sand when it came to assault weapons. It is past time to take a hard look at the liberal interpretation given to the amendment by the gun lobby.

I want you to know that I appreciate all you have done in the past on the weapons issue but please give consideration to the above. At the 1995 Police Memorial Ceremony in Washington, I spoke with you about being on the right side of history concerning the assault weapons ban. I hope that you will go forward and deny all permits issued for importation of assault weapons; past, present and future. We have an assault weapons ban which is already being flouted by both domestic and foreign gun manufacturers. It is time for us to take a strong and determined stand to prevent other gun battles as deadly serious as the ones which took place in Los Angeles and San Francisco. After all, none of us would have liked to have been in my brother's shoes this night three years ago, nor those of the responding officers or the innocent bystanders caught in the crossfire. I believe that if those weapons are allowed in (see LA Times article), someone else is going to die a violent death, and that someone could be another officer whose job is to protect you and I.

Sincerely,



Lee Guelff
P.O. Box 814
Atascadero, CA
93423

(805) 544-8711 466-4482

brief

three
invited

3 of 5

Sunday, Oct. 12, with the
o Quota Club's invitation-
ay Tea for the community's

Atascadero Historical Society
ll host the '97 Royalty to a
ception on the evening of
Oct. 17 in the Museum.

The parade marches
northward up El
Camino Real
starting right
at 10 a.m. on
Saturday, Oct.
18.

"We know we'll
have more than 100 en-
tries in this year's parade
and we look forward to
of them," Allan says.

with parade forms, entry
ve been mailed to those who
to have a food, crafts, bev-
game booth in the Sunken
on Oct. 18 and 19. Anyone
ld like to have a crafts booth
otact Barbie Butz at 461-

will also be special groups
g in the park during the day,
h the annual concert by the
ro Community Band and a

entry forms are available at
ber of commerce offices in
les and Atascadero.

Atascadero man working with Rep. Capps to stop sale of assault weapons

By Alice Milham
Staff Writer/Photographer

Soon after his younger brother was
shot down in a San Francisco shoot-
out with an Uzi-packing gunman in a

bulletproof vest and helmet, Atascad-
ero resident Lee Guelff began a mis-
sion.

Since his brother's death, Guelff
has dedicated himself to ensuring that
no other police officer has to face the
same impossible odds his brother

faced when he was struck down in the
line of duty in downtown San Fran-
cisco.

Now Guelff has taken his crusade
all the way to the Middle East with a
letter this week to Israel's Prime Min-
ister asking him to stop a deal that

would import tens of thousands of
assault weapons to be sold on U.S.
streets.

James Guelff was a 38-year-old,
highly decorated, San Francisco po-
lice officer, a member of the SWAT
team and father of two young children.

On Nov. 14, 1994, he was the first
officer to respond to a call of "a man
with a gun" at the intersection of
Franklin and Pine in downtown San
Francisco.

There, Guelff confronted Vic Lee
Boutwell standing in the street and
firing wildly. His arsenal included
five assault rifles and semi-automatic
pistols including an Uzi, thousands of
rounds of ammunition, body armor
and a bulletproof Kevlar helmet.

"He had more rounds than the
entire San Francisco Police Depart-
ment on duty had that day," Guelff
said. "We believe he was on a suicide
mission."

With backup officers arriving
seconds after him, Guelff, armed with
his service revolver, a .357 Magnum,
was first to get out of his patrol car and
was quickly pinned down by Boutwell.

"The gunfire erupted immedi-
ately," Guelff said. "Jim just happened
to be the first guy out of the car."

He was shot in both legs several
times and once in the abdomen before
he went down. "He fell to the street
unable to reach cover." With these injuries, doctors later told
his brother, Guelff would have sur-
vived.



Lee Guelff holds a copy of a letter that he has sent to the prime minister of Israel asking for his help in
preventing automatic weapons from being sold to the United States. News Photo by Alice Milham.

CIRCULATION:
1,066,112 DAILY / 1,561,988 SUNDAY

WEDNESDAY, NOVEMBER 12, 1997
COPYRIGHT 1997 / THE TIMES IN ROCK COMPANY / C7 / 106 PAGES

Los Angeles Times

Flood of Assault Guns Aimed at U.S.

By JEFF BRAZIL
and STEVE BERRY
TIMES STAFF WRITERS

President Clinton's effort to block the flow into the country of military-style assault weapons modified to skirt U.S. law has become complicated by the revelation that federal regulators have already approved the importation of up to 600,000 of the high-powered guns. The 600,000 figure, which is significantly higher than most observers anticipated, is certain to complicate a heated debate at the White House over whether to broaden the administration's recently proposed restrictions on future import permits for foreign assault weapons.

A16

WEDNESDAY, NOVEMBER 12, 1997 *

GUNS: Flood Aimed at U.S. Ports

Continued from A1
assault weapons.

If the White House doesn't widen its 3-week-old proposed directive—which has been criticized as a lukewarm response to the problem of redesigned assault weapons—the 600,000 guns would be allowed into the country.

"We all were more than a little surprised" at the figure, said a knowledgeable source in the Treasury Department, which has been researching the arms importation issue at the request of the White House.

Tuesday's developments come three weeks after a senior White House official confirmed that Clinton planned to sign a directive to limit the influx of foreign-made assault weapons. At the time, the administration was committed to temporarily suspending the issuance of new import permits. Almost immediately, however, the administration's proposed plan was criticized because it would not prohibit the importation of weapons that had already been granted permits by the U.S. Bureau of Alcohol, Tobacco and Firearms.

It was unclear, then, exactly how many weapons had been granted permits. But in recent days, researchers at the Treasury Department have discovered that, in the last 12 months alone, ATF has approved import licenses for up to 600,000 modified assault weapons.

That discovery is sure to fan the internal debate at the White House, where lawyers are concerned that any action against import licenses that have already been granted may prompt lawsuits from gun importers.

Thirty U.S. senators, led by California's Dianne Feinstein, have implored Clinton in a letter to use his executive authority to prevent the entrance into the country of foreign-made weapons that have come to symbolize the substantial shortcomings of the nation's laws on assault weapons and weapons that don't meet the legal definition of "sporting" guns.

Feinstein's push came after a series in The Times revealed that gun makers have eluded restrictions on such weapons by making slight modifications that leave intact the lethal ability to accept high-capacity ammunition magazines of up to 100 rounds.

"What this clearly shows is that these weapons are coming into the country in the hundreds of thousands," said Feinstein. "This country will be flooded with these weapons, which means that the president's executive order is more important than ever."

"It's pretty clear," Feinstein added, "that two-thirds to four-fifths of the American people believe that we have no need for semiautomatic assault weapons in the United States of America. The people draw the line there."

Josh Sugarman, head of the Violence Policy Center in Washington, D.C., reacted strongly to the news that more than 500,000 modified assault weapons have been approved for import. "This shows that it is essential that these weapons be stopped," Sugarman said.

A White House official contacted Tuesday would not comment. Until the president's directive on foreign-made weapons is finalized and signed—an action expected to be completed more than a week ago—the ATF has suspended action on any import licenses, a move that has drawn the ire of some in the firearms industry.

Tanya K. Metaksa, chief lobbyist for the National Rifle Assn., criticized ATF for refusing to act on new applications for import permits.

"That's clearly illegal for them to do under the procedures of the federal government," Metaksa said.

Metaksa also argued that the foreign-made guns at the center of the discussion have a legitimate "sporting purpose" as is required by law and, perhaps more important, are not unlike domestically-produced weapons that are also legal under current law. She blamed Feinstein and other lawmakers for creating the loopholes that allow for cosmetically altered weapons to be made legal. "What the gun manufacturers have done has been to adhere to the law," Metaksa said. "Now the government is saying we didn't really mean what the law says."

Gun-control advocates, however, urged President Clinton to do as President Bush did in 1989 when he suspended importation of 43 models of semiautomatic assault weapons, including some that had already been approved for importation by the ATF.

"We call on the president to stand as firm as President Bush did," said Luis Tolley, western director of Handgun Control Inc. "And we urge our allies who have a special relationship with the U.S. to be sensitive to America's concern about the deadly carnage these weapons cause on our streets."

"The Uzis and other weapons have a clear record of destruction and mass murder," Tolley added, "and just because the manufacturers have made a couple of cosmetic changes doesn't legitimize them."

Times staff writer Elizabeth Shogren in Washington contributed to this story.

GUNS: AFT Rush on Imports Alleged

Continued from A1

his hands around the neck of an ATF agent, according to two administration officials who were in the room.

Officials at the Treasury Department, which has jurisdiction over the ATF, confirmed Wednesday that permits allowing dealers to import scores of copycat weapons had been approved last month. The approvals were brought to the attention of the department by a high-ranking ATF official, a Treasury official said.

"We are concerned about this matter," a senior Treasury Department official said on condition that his name not be used. "We have a review taking place to look at why these permits were approved. The concern comes from the fact that there was clearly a policy review taking place that should not have been a secret to anyone."

Foreign-made, rapid-fire weapons—altered to get around legal restrictions on imports of assault rifles—are circulating in the United States by the thousands.

The guns that were hurriedly approved last month include 50,000 Romanian-made WUM-1s and 100,000 Egyptian-made MISTRs. Both weapons are knockoffs of the Kalashnikov AK-47 assault rifle, an administration official said.

The White House confirmed three weeks ago that the president was planning to issue a directive temporarily banning new import permits for about 30 versions of the modified assault weapons while the government studies whether they should be permanently barred on grounds that they are unsuitable for sporting purposes. By the time the president's plan was made public, White House and ATF officials had been working on the matter for weeks, administration officials said Wednesday.

"We are trying to wait for a definitive course of action before we continue our application process," he said.

Those weapons approved before Oct. 22 were all approved legally, he stressed.

Administration officials, who do not dispute the legality of the action, emphasize that the expedited permits were approved long after agency officials were aware of the president's intentions.

The president, who has been focused on other issues—such as his failed effort to win congressional approval of "fast-track" trade legislation—has not yet made

his final decision on the scope of the temporary ban, administration officials said.

The officials added, however, that Clinton's advisors now are leaning toward expanding the ban to include not only new applications for permits but also weapons that already have been approved for importation.

Complicating the president's decision-making process is the fervent opposition of the gun lobby, led by the National Rifle Assn. The president's ban, although based on the 1968 Gun Control Act, almost certainly would be challenged in court.

Rush Approval of Assault Gun Imports Alleged

By ELIZABETH SHOGREN
TIMES STAFF WRITER

WASHINGTON — A "rogue operation" within the Bureau of Alcohol, Tobacco and Firearms has accelerated approval of import permits for 150,000 modified assault weapons, despite President Clinton's clear intent to keep such guns out of the country, administration sources said Wednesday.

The permits were approved "in an expedited manner" by a group of ATF agents who "knew full well that the weapons were all but banned by the president," said one senior administration official. The official noted that Clinton is on the verge of issuing an executive order barring imports of the rapid-fire arms. The order is being drafted with the ATF's help.

White House officials are "livid" about the permit approvals, which have complicated the already-difficult process of developing a policy to stem the influx of the so-called copycat assault weapons. One White House official was so irate about the matter that he put

Please see GUNS, A17

In part because of pressure from Congress, the White House has been studying the possibility of expanding the temporary ban to prevent imports of weapons that already have been issued permits, administration officials said.

Sen. Dianne Feinstein (D-Calif.), who originally focused the president's attention on imported copycat assault weapons, said she was alarmed to hear that the ATF was issuing permits when the president's plans were so well known.

"This makes the directive from the president that much more important," Feinstein said. "It demonstrates the need for the president to move forcefully. It makes a clear case for the suspension to include permits that have already been approved."

An ATF spokesman said Wednesday that his agency is aware of the Treasury Department and White House concerns but disputed that some agents had accelerated approvals.

"At no time did we expedite any application process," said the ATF's Brian Burns.

On Oct. 22, the bureau decided to refrain from approving any new permits while the White House directive was pending and, since then, no permits for modified assault weapons have been granted, the spokesman said.

The 1968 law makes it illegal to import any firearm unless it is "generally recognized as particularly suitable for or readily adaptable to sporting purposes."

When President Bush used the same law to suspend the importation of several makes of assault-type rifles—including from dealers who already had been given permits—his action was challenged in court but the ban was sustained.

Administration officials cautioned that their main concern is the long-term policy goal of keeping such weapons off the nation's streets, saying that they do not want any short-term actions to jeopardize that. They stressed that the initial directive is only a temporary solution and that the real

focus should be banning inappropriate weapons permanently.

Over the last year, the ATF has issued permits for about 600,000 weapons. However, the influx of weapons, while disturbing, is not as extensive as the permit numbers imply, officials cautioned. The permits are given for the maximum number of allowable weapons; actual imports usually fall far short of that, a Treasury official said. As of Monday there was no report that any of those 600,000 weapons had arrived. Importers have 15 days to report actually bringing the weapons into the country.

As for the 150,000 recently approved imports, Treasury officials said they would not specify the American or foreign dealers in-

997

A17

volved or the countries of origin because of proprietary concerns.

The WUM-1, for instance, can be ordered from gun magazines for \$210.

Administration officials refused to speculate on a possible motive for ATF agents to have approved the import permits.

"I'd like to stay away from speculating on what might have been their reason," the senior Treasury official said. He added that, until the outcome of the internal review, he would also refrain from specifying whether one or several officials were responsible.

Times Washington Bureau Chief Doyle McManus contributed to this story.

THE WHITE HOUSE

WASHINGTON

September 13, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: RAHM EMANUEL
BRUCE REED

RE: MEETING WITH SENATOR FEINSTEIN ON FIREARMS ISSUES

Senator Feinstein wants to discuss 3 firearms issues with you that were recently featured in an LA Times series criticizing the California and federal laws banning assault weapons. These include: (1) the importation of large capacity ammunition feeding devices; (2) "copycat" or "sporterized" assault weapons; and (3) enforcing federal firearms laws at gun shows. This memorandum summarizes these issues and provides some suggested talking points for your meeting.

I. LARGE CAPACITY AMMUNITION FEEDING DEVICES

The assault weapons ban generally prohibited the possession of ammunition clips with a capacity of more than 10 rounds, but specifically grandfathered clips manufactured on or before September 13, 1994. Initially, The Bureau of Alcohol, Tobacco and Firearms (ATF), with guidance from the Domestic Policy Council (DPC), interpreted this prohibition to include the continued importation of all large capacity clips -- no matter when they were manufactured. This interpretation was based on the fact that clips not in the country before the effective date could not have been lawfully possessed at that time and, thus, were banned from importation.

Several importers, however, brought suit challenging this narrow interpretation of the law, and the Department of Justice advised that the ATF/DPC position was not likely to hold up in court and should be reversed. As a result, in July of 1996, ATF reinterpreted the clip provision acknowledging that pre-ban clips could be imported, but requiring importers to present reasonable evidence that clips to be imported were manufactured on or before the ban's enactment. Thus, as of March 1, 1997, approximately 160,000 large capacity clips had entered the country under 21 approved permits; another 20 permits had been denied for lack of evidence; and a total of 83 approved permits seeking to import more than 2 million large clips remained outstanding. (NB: There are no definitive numbers about how many domestically produced clips have been grandfathered, but it is estimated that there are many millions of existing -- and reusable -- clips that will last a lifetime.)

Senator Feinstein opposed the language in the assault weapons ban grandfathering large clips and supports repealing it. This language, however, was inserted during the crime bill conference by Representative John Dingell, and Administration officials and Members of Congress involved in the negotiations have been reluctant to seek its repeal.

The Senator has also suggested that the Administration can, by executive order, further restrict the number of large clips imported or increase the number of ATF agents investigating the production of clips overseas. We are not optimistic about either of these options. First, as previously mentioned, the Department of Justice has already overturned the ATF/ DPC initial policy to ban the importation of all large clips. And second, ATF agents have no overseas jurisdiction to conduct investigations and can only do so by convention or through mutual assistance treaties with other countries.

II. "COPYCAT" OR "SPORTERIZED" ASSAULT WEAPONS

The assault weapons ban prohibits 19 specific firearms, duplicates of those 19 and other semiautomatic weapons that meet various criteria (i.e., those that accept a detachable magazine and possess characteristics such as folding stocks, bayonet lugs and flash suppressors). Since passage of the assault weapons ban, some gun manufacturers have adapted or "sporterized" their assault weapons to meet the law's criteria. As a result, there are guns on the market today with either similar names or certain similar features as assault weapons, but that otherwise comply with the terms of the ban. In fact, despite their appearance, some of these firearms -- such as the Israeli Military Industries Galil -- have been re-engineered and are considerably more difficult to convert to fully automatic than their previous versions. Nonetheless, a lucrative market still exists for "assault-type" weapons, and some manufacturers -- either through brand names or appearances -- continue to target this segment of the market.

Senator Feinstein believes that we can do more to crack down on these new "copycat" versions of assault weapons. We do not think this is possible without additional authority from Congress. This was a limitation of the assault weapons ban that the Administration and Congress accepted when they decided to endorse the Feinstein/DeConcini approach over Representative Schumer's. The Schumer ban granted the Treasury Department the authority to add or delete firearms from the prohibited list.

III. ENFORCING FEDERAL FIREARMS LAWS AT GUN SHOWS

Gun shows and flea markets are the last bastion of unregulated and undocumented firearms transfers. Most participants are private gun owners who do not sell firearms for a living and are generally there to buy and sell from each others' private collections. As such, these secondary sales are generally exempt from most state and federal firearms laws, including the 1968 Gun Control Act that gives the Treasury Department the authority to license and regulate federal firearms dealers. However, anecdotal evidence repeatedly has shown that violations of state and federal firearms laws often do take place at these shows. Senator Feinstein believes that ATF should amend its internal policies and police these shows more aggressively.

As of March 16, 1994, ATF's policy on gun shows provides that agents must get authorization from their local Special Agent in Charge (SAC) and have an intended subject or target before they can attend a gun show. Prior to this date -- and in response to congressional hearings on ATF's policies -- ATF had an even more restrictive policy that required approval from the Washington headquarters before an agent could attend a gun show. This is no longer

the case, and ATF agents do attend gun shows in the course of investigations and to follow-up on tips from legitimate gun dealers. Additionally, ATF inspectors do attend and sponsor booths at all of the major gun shows -- those attended by manufacturers and gun dealers, not just private collectors -- and disseminate information on federal gun laws.

IV. SUGGESTED TALKING POINTS

- Senator, I share your concerns with respect to the assault weapons ban and am willing to use the full authority of the executive branch to make sure that we do our best to enforce the ban's provisions.
- In fact, on 3 separate occasions I have taken executive action to crack down on assault weapons and gun dealers. In August of 1993, I banned the importation of assault pistols and toughened requirements for federal gun dealers. And in May of 1994, for foreign policy reasons, I banned the importation of firearms from China -- including millions of assault-type weapons and large capacity clips.
- Equally important, we have tried to interpret the provisions of the ban on large capacity clips as strictly as possible, but litigation forced us to change our position.
- So, unfortunately, I think we will need to pass new legislation that expands Treasury's authority if we want to include more guns and more clips -- and you know that will not be easy. But I am pleased to ask Rahm Emanuel, Bruce Reed and our attorneys to take one more look at the law and your suggestions, and to see if there is anything more we can do short of legislation.
- With respect to gun shows, I think you have hit on an important issue. We have had much success through the Brady Bill, assault weapons ban and reforms to the federal firearms licensing system, and gun shows should not be allowed to undermine these efforts.
- Still, it seems that we have little authority in this area, and that Congress has a history of restricting ATF's ability to aggressively enforce our gun laws. But I agree with you that there must be more we can do. Again, I would like to ask Rahm and Bruce to do some research on this and see what administrative options are available to us -- to see what more we might be able to do in terms of federal enforcement at these shows.

FOCUS - 5 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

August 25, 1997, Monday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 4046 words

SERIES: **OUTGUNNED.** The Holes in America's Assault Weapon Laws. Second in a series .

HEADLINE: A QUESTION OF COMMITMENT; WEAPONS: ATTORNEY GENERAL SAYS HE HAS ENFORCED '89 BAN ON SALES.; BUT ASSAULT GUNS CONTINUE TO FLOOD STATE.

BYLINE: STEVE BERRY and JEFF BRAZIL, TIMES STAFF WRITERS

BODY:

California Atty. Gen. Dan Lungren says he is fully committed to enforcing the state's assault weapons law. Others think not, and here is why:

* When Colt Manufacturing Co. challenged the statute's constitutionality in 1991, Lungren agreed to put on hold a crucial provision aimed at restricting newly marketed assault weapons--a delay now in its sixth year. During that span, arms manufacturers have flooded the state with thousands of assault weapons that lawmakers anticipated would now be banned.

* When the Legislature-mandated deadline for people to register their assault weapons expired in 1992, subjecting violators to possible criminal penalties, Lungren quietly waived the provision. Since then, his office has allowed assault weapon owners to register their guns without requiring proof that they were bought before the law's implementation--and without receiving the Legislature's authorization.

* After Santa Clara County authorities prosecuted a man arrested in a motel room with an assault weapon and 550 rounds of ammunition, Lungren argued in court papers that the gun was not specifically covered by the state law and thus should be returned to the defendant. A judge in the case called the attorney general "all wet."

* When Kings County officials refused to release a seized assault rifle to a lawyer who said it was being offered as payment from a client, Lungren's office sided with the National Rifle Assn.--and against the state's police chiefs and sheriffs. A top Lungren official testified that the gun was almost identical to an AK47 but was legal because it was not specifically named in the law--"clearly an erroneous assumption," a lower court judge ruled.

Lungren, who has positioned himself as a moderate on gun control issues, contends that these moves and others undertaken by his office have been aimed not at weakening the law but at preserving it. A former congressman touted as the leading Republican candidate in next year's gubernatorial race, Lungren says he has enforced the Assault Weapons Control Act "in good faith," doing his best



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

with a statute he calls "complex," "difficult" and full of "holes." "If anybody thinks this law is a slam-dunk," Lungren says, "they're wrong."

Lungren told The Times, however, that he will reconsider his decision to waive the Legislature's deadline for registering assault weapons.

"At the time, I thought it was the right decision," Lungren says. "I'm going to sit down with my people and see whether at this point in time it makes any sense."

Explaining other controversial decisions made by his office, the attorney general says he relied on the advice of his deputies.

Lungren, who owns two .22-caliber rifles, says he has fired an assault weapon at a police range. How did it feel? "Pretty powerful," he says.

Although weakened by compromises with gun interests, the law was the nation's first to attempt to control the spread of assault weapons, with their fearsome firepower and large ammunition capacity.

Rather than describe the characteristics of an assault weapon, the law restricted several dozen named models, with the important caveat that additional assault weapons would be included by the attorney general as they came onto the market, even if arms makers sued the state in each case.

Lungren, however, has not succeeded in adding a single gun to the list. What's more, he has stunned police, prosecutors, judges and victims across the state by refusing to restrict weapons virtually identical to those named in the law.

Dennis Henigan, legal director for the Center to Prevent Handgun Violence, says that Lungren, as the state's top law enforcement officer, "should resolve all disputes in favor of public safety. Instead, he bends over backwards to compromise the assault weapon statute."

Particularly outraged is former Assemblyman Mike Roos, co-author of the assault weapon measure.

"The fact that the law is being stalled out is extremely frustrating," Roos says. "It is thwarting the will of courageous legislators who went against their own political inclinations and for once did the right thing. Dan Lungren will never get in line with the spirit of the law."

Concessions Undermine Measure

In drafting California's assault weapon restrictions, legislators built in a stern warning to gun makers: If you try to sell high-powered firearms like those already restricted, expect the attorney general to wage a vigorous fight to outlaw them.

So far, that hasn't happened.

Since taking office in January 1991, Lungren has tried to include just one gun on the list--the Colt Sporter, a copycat of the restricted Colt AR-15



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

assault rifle.

When Colt filed a constitutional challenge, Lungren entered into a series of concessions that have raised questions about his willingness to assume the watchdog role the Legislature envisioned.

First, in a pretrial arrangement with Colt, the attorney general agreed to waive a provision in the law authorizing a sales suspension of up to 30 days for a challenged gun.

The Legislature crafted the 30-day rule to prevent gun makers from cranking up sales before the gun's potential removal from the market--until a court hearing could be held on whether to restrict the weapon.

"We spent a lot of time on those procedures," recalls Donne Brownsey, chief legislative consultant for the law's co-author, former state Sen. David A. Roberti. "The presumption is that if the attorney general determines this is an assault weapon, then it is not to be disseminated."

The attorney general also entered into an agreement that has had even more profound ramifications for the law, effectively undermining one of its most important components.

When the Colt case first reached court, Lungren agreed to an injunction that not only allowed the company to continue selling the Sporter but went far beyond, blocking any new guns from being restricted until resolution of the Colt case. The impact: California has been awash in newly marketed assault weapons, some of which have repeatedly surfaced in horrific shootings.

Lungren has said in court documents that he signed off on the sweeping moratorium because, at the time, the Legislature was correcting technical flaws in the law and he was awaiting the outcome of a federal court challenge to the statute before pressing ahead.

But by the fall of 1992, both of those issues had been resolved, including a ruling by the federal court upholding the constitutional authority of the attorney general to ban new weapons.

Still, in an act that puzzled some and infuriated others, Lungren did not move to have the court overseeing the Colt case lift the broad injunction, which would have allowed him to start banning weapons as the Legislature intended.

In December 1993, Colt lost its case when a Superior Court judge ruled that the Sporter fit the bill of an assault weapon and that the attorney general could add it to the list of restricted guns. The company promptly appealed, requesting yet another moratorium so it could continue selling the gun until a decision was rendered.

This time, Lungren argued that such an injunction should not be granted, but he lost.

More than three years have passed, and the state appeals court has yet to set a court date on Colt's appeal. Nor has Lungren pushed the court to act, despite the fact that the case has languished three times longer than normal for the 3rd



LEXIS·NEXIS[™]

A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

A member of the Reed Elsevier plc group

District Court of Appeal.

The court's presiding justice, Robert Puglia, declined to comment on why the weapons case has not been set for oral arguments.

Richard Iglehart was chief assistant to former Atty. Gen. John K. Van de Kamp and served for three months in Lungren's administration. Now chief assistant district attorney in San Francisco County, Iglehart says: "It is unheard of for a case to sit that long and for the attorney general not to ask the court to speed it up."

"The attorney general's office has done that in a number of criminal cases, and this is a quasi-criminal matter because you are dealing with guns that would be banned under the criminal code."

Although such a long delay is unusual, anyone involved in the suit can ask the court to set a date for arguments, says Gerald Uelman, former dean of Santa Clara University School of Law.

"Lawyers are always worried that might predispose a court against their side," he says, "but ordinarily that is not going to be a problem, especially if you are just trying to get the case calendared."

Roberti, the Van Nuys Democrat who co-wrote the law, mostly blames the court for the delay. Nonetheless, he agrees that Lungren should have moved more aggressively.

"We never envisioned one suit tying it all up," he says. "We never envisioned the attorney general stipulating to an injunction" that has blocked the addition of new weapons to the law.

Former Assemblyman Roos, a Democrat, accuses Lungren of, at best, a level of complacency that has placed the public--the attorney general's clients--at risk.

"If you took his issue, which is abortion, he would never have signed a stipulation to delay implementation. He'd be out there filing lawsuits."

Lungren says he knows what the lawmakers envisioned.

"That's one of the luxuries of being a legislator. . . . There are a lot of people out there not in my shoes, not required to enforce the law, who can take potshots."

Lungren says he's "very frustrated" with the Colt case and insists that tactical decisions made at the time were believed to be the quickest way to resolve the issue in the state's favor. He says he is "at a loss" to explain the delay and talks of his office's usual willingness to press courts to act swiftly. Asked, however, whether his office has filed a single motion or letter asking the court to act on the Colt case, he replies: "I don't know."

The Deadline That Wasn't

In crafting the assault weapon law, the Legislature knew not to even hint at the possibility of forcing people to surrender their high-capacity firearms.



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

Lawmakers did, however, pass a requirement that anyone owning a restricted weapon before the law's passage must register it with the state. Failure to do so could lead to imprisonment.

The registration provision was enacted, in part, at the request of law enforcement officials, who said it would make it easier for them to trace weapons involved in crimes.

It was no mere exercise in bureaucracy. Legislators and law enforcement officials say the deadline also was intended as a way to keep a lid on the number of weapons in circulation--and thus reduce the risk that they could end up in violent hands through theft or under-the-table transactions.

After one extension in the hopes of getting more people to register their weapons, the Legislature, at Lungren's urging, set March 31, 1992, as the "drop-dead deadline."

But, thanks to Lungren, the registrations continue.

Without input or consent from the Legislature, he has, to this day, allowed thousands of guns to be registered as assault weapons after the deadline, according to Department of Justice documents obtained under the state public records act.

Lungren says he does not make gun registrants prove that they bought their weapons before the restrictions because "someone might not have that" information. Moreover, he says, gun owners sign papers with the state attesting to the lawful registration of their firearms. This, the attorney general says, is done under the penalty of perjury.

Lungren also makes no apologies for not informing the Legislature.

"I am the attorney general of the state of California, elected by the people," he says.

He argues that, from a public safety perspective, it's better to register late than never. Lungren does acknowledge, however, that when he approved the policy, he expected that late registrations "would peter out after a month." Instead, registrants kept coming. "That is not what I expected," he said.

But just hours after Lungren's interview with The Times, Deputy Atty. Gen. Paul Bishop said his boss was "mistaken" about the events surrounding the deadline extension and had forgotten a "legal theory" explained to him six years ago, justifying continued registration of assault weapons.

According to Bishop, that view is supported by a provision in the law that allows someone charged with illegally possessing an assault weapon to get their punishment reduced by registering the weapon. That means the Legislature actually set no hard and fast registration deadline, Bishop argues.

Roberti, the measure's co-writer, doesn't buy it.

"Nice try, but that's not right," he says.



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group

He says Lungren "should be called to task" for not enforcing the deadline.

"It violates the whole provision of the law. People caught without registering should be prosecuted," he says. "We agreed on a firewall separation once the deadline had passed."

Critics say, moreover, that Lungren's failure to require purchase-date information at the time of registration makes evading the assault weapons law dangerously simple--"an invitation for gun dealers to wink and say it's OK to buy an illegal weapon," says the statute's co-author, Roos.

"This is making up the law the way you want it to be," Roos says, "not the way the Legislature intended it to be."

And the word is out.

At a gun show in Nevada, where many weapons restricted in California are legal, one seller after another says the registration law is easy to skirt.

"I can put any date you want on the receipt," says a man trying to sell an assault rifle to a Californian.

A dealer hawking a California-restricted AK47 offers this advice: "You would be able to register it, but you'd have to tell them you owned it before 1989 and just hadn't registered it yet."

Julian Campbell of San Diego emerges from the Las Vegas gun show with a fully-equipped Colt AR-15 rifle, which is illegal to purchase in California. The weapon, which can be fitted with a 100-round ammunition drum, is equipped with scope and laser sight, collapsible stock for concealment and a Hellstorm 2000 trigger, making it fire faster than some fully automatic weapons.

"I could not buy one of these in California," he says. "No way."

Campbell says he will register the rifle when he gets home--and he anticipates no snags.

Lungren said the fact that such incidents are occurring is news to him.

"If they are doing that," he says, "they are breaking the law."

At Cross Purposes

Local prosecutors and the attorney general usually are on the same side.

Not, however, in the case of the People vs. Dingman.

In March 1993, responding to a disturbance complaint at the Vagabond Motel in Santa Clara, police knocked on the door of Room 127. Answering was James Dingman.

Initially, court records say, he told officers that, for six months, he had been hearing voices and was certain people were plotting his death--which he later denied. In his room was an SKS assault rifle with a 30-round clip



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group

attached, two pistols and hundreds of rounds of ammunition.

Lungren acknowledges that his office advised Santa Clara County prosecutors that, in the attorney general's opinion, the SKS was legal.

But prosecutors, who felt strongly about pursuing the case anyway, charged Dingman with possessing an illegal assault weapon, in violation of the state law. He pleaded no contest and received probation. But that was only the beginning.

A gun shop owner referred Dingman to the NRA. Before long, Dingman was back in court, withdrawing his plea and arguing that his SKS weapon was legal because it was not specifically covered by the Assault Weapons Identification Guide produced by the attorney general's office.

Judge Robert Schneider found the attorney general's guide "deceptive," saying it "doesn't comply with the law. The attorney general is, to put it in the vernacular, all wet and misleading citizens."

Dingman tried the same tack during his trial in Superior Court, but yet another judge considered the weapon illegal and found him guilty. Dingman was sentenced to three years probation and was given community service.

When Dingman went to the appeals court, the justices there didn't mince words either.

"We have no trouble reading the statute to mean what it says," they wrote. ". . . Nor do we think any ordinary person of reasonable intelligence, or anyone familiar with gun parlance, would doubt that the weapon is prohibited."

Next stop, the California Supreme Court. Enter Dan Lungren.

Despite stinging rebukes from three lower court judges, Lungren broke ranks with prosecutors and sided with the defendant, whose case is pending before the state's high court.

In legal papers, Lungren argued that the Legislature intended to restrict only SKS weapons manufactured to use detachable ammunition clips. He said Dingman's weapon was made with a fixed clip, which he later modified to be detachable.

Therefore, the attorney general argued, the weapon is legal under the law.

"I'm not taking on a D.A.; I'm defending the law," Lungren says. "And sometimes when you defend the law, you have to do uncomfortable things."

Lungren concedes he is also "uncomfortable" being put in a position of defending a heavily armed suspect who was holed up in a motel room. He says he was unaware of the circumstances surrounding Dingman's arrest or his alleged mental problems.

"We never discussed that," Lungren says. "The only thing presented to me were the legal facts."



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

Lungren's finely nuanced interpretation of the law--along with his decision to not back up prosecutors--has infuriated Santa Clara Deputy Dist. Atty. Stanley Voyles, who filed the original charges against Dingman.

"It was an appalling thing for him to do," he says of the attorney general.

What's in a Name?

Local authorities in Kings County also found themselves at odds with Lungren and his reading of the assault weapons law.

In May 1994, attorney J.W. Harrott filed a lawsuit against the county to obtain a number of guns seized from a client who had promised them as payment.

The county refused to release one of them--a Clayco, imported from China by Golden State Arms Distributors in Manhattan Beach. Deputy County Counsel Will Murphy argued that the weapon, a virtual duplicate of the AK47, was banned under the law.

"I defy anyone to find a single rivet that's different," says Murphy, who during the trial of the lawyer's suit called one of Lungren's senior criminalists, John Hamman, to compare the Clayco and the AK47.

Hamman testified that many of their parts are interchangeable and that any differences in their operation are negligible. Nonetheless, Hamman said he and his superiors in Lungren's office believed that the Clayco was legal because it was not specifically listed in the law.

The judge presiding over the case disagreed, saying: "That's clearly an erroneous assumption of what the law says." He deemed the Clayco a banned weapon.

The lawyer appealed, however, and this time he won. The appellate court ruled that only the attorney general has the authority to ban a weapon, not a judge.

Lungren, saying his office was again placed in a "difficult position" in the Harrott case, criticizes the law, saying weapons should not have been restricted based on the "way they looked."

Today, the Harrott ruling is under review by the California Supreme Court, where the NRA and the attorney general have filed briefs arguing in favor of the Clayco's legality.

Roberti says Lungren has completely misread the Legislature's intent.

"I used to give speeches after we passed the law where I explained that facsimiles are included in the ban over and above what the attorney general lists."

Kings County Counsel Denis Eymil says that if the appeals court decision stands, "the practical effect . . . will be the unregulated release to the streets of not only this weapon, but all other amorphous twins of AK series assault weapons."



LEXIS·NEXIS[™]

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

Ⓜ A member of the Reed Elsevier plc group

Lungren's stance also has drawn opposition from top law enforcement groups. A legal brief filed by the California Police Chiefs Assn., the California Sheriff's Assn. and the California Peace Officers Assn. and the Center to Prevent Handgun Violence states:

"Assault rifles that have been simply renamed from those on a list of banned weapons are every bit as deadly, and just as significant a threat to the health and well-being of California citizens."

*

Times staff photographer Carolyn Cole, researcher Janet Lundblad and staff writer Myron Levin contributed to this report.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

The Law

Here is an excerpt from the Assault Weapons Control Act:

The Legislature ... declares that the proliferation and use of assault weapons poses a threat to the health, safety and security of all citizens of this state. The Legislature has restricted the assault weapons specified . . . based upon finding that each firearm has such a high rate of fire that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

A Rifle by Any Other Name...

Gun manufacturers, seizing on loopholes in state and federal assault weapon laws, have succeeded in stocking shelves with thousands of "copycats"--legal weapons that are cosmetically different from those restricted by the law but pose the same hazard. As one Southern California gun dealer put it, "Virtually every gun that has been banned is available today in some form."

Colt

Colt, a gun manufacturer in Hartford, Conn., has produced several legal substitutes for the Colt AR-15, which is restricted under both state and federal laws.

*

Restricted: Colt AR-15. The civilian version of the military's M-16. Was restricted by California in 1989 and by the federal government in 1994.



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

*

Under legal challenge : Colt Sporter. Introduced in 1990.

How it was changed: The internal trigger area was altered to make it more difficult to convert to a fully automatic weapon. The bayonet lug was removed. And it comes with only a five-round ammunition clip, though it can accept higher-capacity clips. California sued Colt in 1991, saying it was too similar to the AR-15.

*

Legal: Colt Match Target. One of the latest generations of the AR-15/Sporter series.

How it was changed: It has no flash suppressor or bayonet lug and remains legal.

AR 1-5 Clones

Companies such as Eagle Arms, Olympic Arms and others have made their own AR-15 legal lookalikes. Among them:

*

Bushmaster DCM: Billed as "looking like a stock AR-15."

Eagle Arms M15A2: Introduced 1995.

Stoner SR-25: Introduced 1993.

Eagle Arms M15A3 Predator: Introduced 1995.

Olympic Arms PCR-1: Introduced 1994. Name stands for "Politically Correct Rifle."

Olympic Arms PCR-2

Source: Colt, Gun Digest, California attorney general

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

OUTGUNNED. The Holes in America's Assault Weapon Laws.

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Why, years after federal and state laws were passed to restrict these lethal semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast? Through documents obtained under public records laws and interviews with victims, gun makers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Sunday: How the arms industry has exploited flaws in the law, with tragic consequences.

* Today: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Tuesday: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Wednesday: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

GRAPHIC: GRAPHIC-CHART: A Rifle by Any Other Name.../ Los Angeles Times
GRAPHIC-DRAWING: Colt AR-15. GRAPHIC-DRAWING: Colt Sporter. GRAPHIC-DRAWING: Colt Match Target. GRAPHIC-DRAWING: Bushmaster DCM GRAPHIC-DRAWING: Eagle Arms M15A2 GRAPHIC-DRAWING: Stoner SR-25 GRAPHIC-DRAWING: Eagle Arms M15A3 Predator GRAPHIC-DRAWING: Olympic Arms PCR-1 GRAPHIC-DRAWING: Olympic Arms PCR-2 PHOTO: "If anybody thinks this law is a slam-dunk, they're wrong."--Atty. Gen. Dan Lungren PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: California resident Julian Campbell holds a Ruger Mini 14, one of two weapons he bought at a Las Vegas gun show. The other was a Colt AR-15. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: September 6, 1997



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

FOCUS - 6 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

* August 24, 1997, Sunday, Home Edition *

SECTION: Part A; Page 1; Metro Desk

LENGTH: 4659 words

SERIES: **OUTGUNNED.** The Holes in America's Assault Weapon Laws. First in a series

HEADLINE: COLUMN ONE;
CRACKDOWN ON ASSAULT WEAPONS HAS MISSED MARK;
CALIFORNIA AND THE FEDERAL GOVERNMENT RESTRICTED MILITARY-STYLE GUNS SEVERAL YEARS AGO. BUT THEY REMAIN WIDELY AVAILABLE BECAUSE OF LOOPHOLES, POLITICS AND INDUSTRY INGENUITY.

BYLINE: JEFF BRAZIL and STEVE BERRY, TIMES STAFF WRITERS

BODY:

They streak through the air at twice the speed of sound, a stream of menacing metal. Tearing through timber fences, stucco walls and steel-girded car doors, they tumble through body tissue and ricochet off bones like searing-hot pinballs, carving the kidneys, the heart, the lungs.

And when their destruction is complete, families must learn to go on without a child's grin. Or a brother's wit. Or a mother's love.

So fearsome is the size, speed and sheer number of slugs let loose from assault weapons that lawmakers cracked down on them.

Or so most people thought.

In fact, the popular laws--adopted in 1989 by California and five years later by the federal government--are in tatters. Today, thousands of assault weapons are changing hands because of gaping holes in the laws--the result of industry guile, spotty oversight and political neglect.

Born in controversy and compromise, the state and federal statutes did not actually ban assault rifles and pistols, despite the fanfare surrounding passage of the measures. Instead, the state restricted specific models and, along with the federal government, allowed countless others to legally remain in circulation.

The fallout:

* Gun manufacturers have flooded the country with so-called copycats--legal assault weapons that are cosmetically different from restricted firearms but that function with lethal similarity.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

* Previously undisclosed documents reveal that legislators, in a political compromise, exempted some assault weapons because they were considered too popular among gun owners to ban, even though they often had been traced to criminal activity. ?

* Federal lawmakers allowed the gun industry to continue selling assault weapons and high-capacity ammunition clips that were manufactured before the law's implementation. Given that opening, major gun makers doubled and even tripled production in the year before the restrictions took effect so they would have a stockpile of weapons and clips to sell, according to newly obtained production figures. That pool of weapons is deeper than gun opponents and lawmakers had anticipated. Under both the federal and state statutes, anyone who owned weapons manufactured before the restrictions took effect were allowed to keep them. *

* Assault weapon laws are so filled with vagaries and political undercurrents that police say they are often stymied in trying to crack down on the illegal gun trade. Among other things, they say, it often is impossible to distinguish between weapons that are lawful and those that are not. Moreover, some lawmakers and gun opponents accuse the U.S. Bureau of Alcohol, Tobacco and Firearms of being soft on the arms industry.

Virtually anyone can walk into a gun store or show, log onto the Internet or open up the classified section of Shotgun News and select one of dozens of copycat assault weapons or pick from among thousands of guns manufactured before the laws took effect.

They also can cross the border.

Listen to this conversation at a Nevada gun show in which a dealer offers a Poly Tec AK47 to a potential buyer from California, where the rifle is restricted.

"You could fit this under a coat," the dealer suggests to the customer, who actually is a reporter. "You could sling it over your shoulder and walk out of here and no one would know."

"Even though I'm from California?"

"This is a private party transaction. There's no wait."

"I could walk out of here with this today?"

"That's right."

"What do you do with a gun like this, hunt deer?"

"The only kind of hunting this is good for is the two-legged variety."

"Two legged? You mean . . ."

"Humans."



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

"I gather you're joking?"

"Yeah, I'm joking. I'm a big jokester."

Anguished victims are hard-pressed to find the humor.

From under his pillow, Samly Nakhonesy removes a framed portrait of his family. He points to his wife, his daughter, his son: "Dead. Dead. Dead."

They were gunned down with an assault rifle in April 1995--six years after the state restrictions--by one of his daughter's old boyfriends. Nakhonesy's wife of 27 years and their 20-year-old daughter died in the driveway. His 12-year-old boy was fatally wounded by a round that pierced the wall of his bedroom while he was doing homework. Nakhonesy now lives alone in a converted garage in Northern California. Alongside him in bed, where his wife once slept, a rifle rests for protection.

"Why," he asks repeatedly, "did this have to happen to my family?"

Cheerleader Sonya Woods, 17, was eating dinner with her family in their Compton home when she felt a vicious punch to her stomach. A bullet fired from an assault rifle and intended for a neighborhood gangbanger had passed through a stucco wall, two bags of groceries and a metal bucket before lodging in her abdomen, where it remains two years later.

"Nearly every day," the teenager says, "I go through the whole thing again."

The pain never ebbs for Eligio Reyes either. He recently lost his wife, Laura, and 3-year-old daughter, Celeste. A single bullet fired a block from his Lynwood home crashed through a fence and struck mother and child, both in the head.

"I don't know what this world is coming to," says Reyes. "When Celeste would go to sleep and she'd say, 'I'm scared,' I would say, 'Don't worry. Papa will take care of you.' That night, I failed."

Clearly, most assault weapon owners are law-abiding gun collectors or target-shooting enthusiasts who handle their firearms with caution and believe that the 2nd Amendment guarantees them the right to bear assault weapons. What's more, such high-powered weapons represent just a fragment of overall gun ownership in the United States--a fact that gun advocates say belies what they consider to be the overblown nature of the controversy.

"The whole assault thing is 99% hysterical," says Andrew Molchan, president of a national gun dealers association.

Not entirely.

Although handguns are far more prevalent in society, authorities say that assault weapons are proportionately more likely to be involved in crimes--and to injure more people in a single incident because of the velocity and number of bullets rocketing from the barrel.

According to a study released in February by the Urban Institute, assault



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

weapons constitute a mere 1% of the gun market. But they accounted for 8% of all requests made to the federal authorities for traces of guns found at crime scenes during a seven-year span. The report, prepared at Congress' request, found evidence that assault weapons are "disproportionately involved in murders with multiple victims, multiple wounds per victim and police officers as victims."

Although no government agency tracks individual assault weapon attacks, reports of such incidents routinely appear in newspapers across the country. In California during the last few years, assault weapon attacks have caused death or injury at a rate of once every three weeks. One of the most recent: A family of six was strafed three weeks ago by gang members while trying to retrieve their disabled car in South Los Angeles. Four were wounded, including two children, one of whom, a 9-year-old boy, died after being struck in the head and back.

U.S. Sen. Dianne Feinstein, who championed the federal assault weapon law, calls this situation intolerable. She says that when lawmakers passed the measure with some substantial compromises, they underestimated the industry's ingenuity.

"They'll get around any piece of legislation to ply their wares," she says of the makers of semiautomatic assault weapons, which can hold large-capacity ammunition clips and have folding stocks making them easily concealable and flash suppressors to hide barrel flame.

"Here we have the perfect weapon for someone who wants to go against the police, for the grievance killer, for the drug traffickers and for the drive-by shooters. That's what these weapons are designed for," says the California Democrat. "To me, their indiscriminate sale makes no sense at all in a civilized society."

Across State Line, Guns to Go

If you've got the inclination and cash, an assault weapon can be had with stunning ease, even in California, one of a handful of states with laws similar to the federal statute, which governs the rest of the nation. Prices range from \$ 150 for a no-frills model to thousands for a well-crafted number with laser sight and night scope.

Plenty of dealers are quick to offer encouragement and advice on how to smuggle guns from states with loose laws into those with tighter restrictions.

At the gun show in Nevada, where the federal rules apply, two reporters, appearing to be customers, are repeatedly solicited to make unlawful purchases.

At one booth, a man says he has a 32-round AP 9 assault pistol for sale--a copycat of the California-banned TEC-9.

"If you're from California, you need to buy this and get the hell out of here. You don't know me. I don't know you. It's a quick and easy transaction."

Yet another dealer offers a Colt AR-15 rifle, also restricted in California.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

"You can just walk away with it now," he says. "You may never know when you might need it to protect your block. . . . It can pierce body armor and knock down a cop if you have to."

And then there's the merchant who says \$ 500 buys a notorious AK47 rifle, no matter that it's restricted in the neighboring state.

"Just don't display it when you drive it back to California," he says, offering this final tip: "If they ask you about anything, just look them in the eye and lie about it. But no one will ask."

At the manufacturing level, top gun executives also don't hide their disdain for the law. Some seem to take pride in their use of loopholes.

During a recent tour of Olympic Arms Inc. in Washington state, company controller Bruce Bell volunteers that his company sells an AR-15 copycat called a "PCR." The initials, he says with a grin, stand for "Politically Correct Rifle."

He then picks up another AR-15-type rifle called the "MFR." "Officially," he says, "it stands for Multi Function Rifle." Unofficially, he says, the initials are intended as a profane dig at the government: "Mother F----g Rifle." Says Bell: "If this gun was an AR-15--and it is an AR-15--you couldn't own it in California."

Many in the industry scoff at the notion that assault weapons have a greater capacity for harm because of their firing characteristics and ammunition capacity.

Dick Dyke is president of Bushmaster Firearms, a Windham, Maine, firm that makes several copycat versions of the restricted Colt AR-15. He also owns 10 other companies that manufacture, among other things, poker chips and perfume. To him, assault weapons are just another "commodity."

Asked about the tragic incidents involving assault weapons, Dyke says: "I guess I don't see that happening enough to feel that it's a legitimate social issue."

Dyke and other purveyors of assault weapons say they should not be called to task when their guns are used in crimes. Such tragedies are the reflection of a violent society, they say, not of something intrinsically bad about any class of firearm.

"If it was not my weapon, it could be another weapon," Carlos Garcia, president of Navegar Inc. of Miami, says in court papers. "It could have been a knife. It could have been anything. It could have been a fire. A man snaps, he snaps. There is nothing you can do about it."

Garcia speaks from experience.

A Navegar firearm was used in one of the nation's most shocking assault weapon attacks--the 1993 massacre of eight people in a San Francisco law firm. The gunman was armed with two TEC-DC9s--copycat pistols that Navegar began marketing after a virtually identical weapon made by the company was restricted



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

by the state the previous year.

Reality Falls Short of Laws' Intent

Enacted in 1989, the California Legislature's restrictions on assault weapons were the nation's first. Like many public safety laws, this one was rooted in tragedy. Earlier that year, a drifter named Patrick Edward Purdy had returned to his childhood elementary school in Stockton and opened fire, killing five children and wounding 30. Purdy squeezed off more than 100 rounds in one minute before turning the weapon on himself.

Despite overwhelming public support for the Assault Weapons Control Act, it was, in retrospect, probably destined to fall far short of its backers' hopes.

As conceived, the measure would have restricted the sale and possession of guns based on a description of their characteristics, preventing manufacturers from producing copycats. But amid strong opposition from gun interests, that language was abandoned in favor of listing 54 specific models, later increased to 75.

Arms manufacturers promptly took advantage of the wiggle room, sometimes doing nothing more than stamping a new name on a restricted weapon, thus making it legal.

One of those companies was Calico Light Weapons Systems of Bakersfield. It renamed its outlawed M-900 rifle and M-950 pistol, calling them Liberty 1 and Liberty 2, equipped with 50- and 100-round ammunition clips.

The firm also made sure it was poised to deal with the looming 1994 federal law--and another loophole. That law allowed the sale of ammunition clips with more than 10 bullets if they were manufactured before the legislation went into effect. Calico produced so many high-capacity clips in the months leading to passage of the measure that, as of last April, the company still had 6,000 on hand.

Calico President Mike Miller makes no apologies. "Personally, I don't think ammunition magazine capacity has anything to do with crime. The guy's going to be a criminal anyway."

The federal statute has also made it easy for gun makers to comply with the letter of the law, if not the spirit, by making almost imperceptible changes to their weapons.

Unlike California's measure, the federal legislation does describe an assault weapon's characteristics but narrowly defines them. High-capacity semiautomatic weapons with a bayonet lug and flash suppressor on the barrel, for example, are restricted. Manufacturers responded by simply removing those accessories, and continued selling.

Former acting Los Angeles Police Chief Bayan Lewis, among many others, is appalled by this end run.

"Just because it doesn't have a bayonet doesn't mean it's not just as dangerous," he says. "There are a whole bunch of rifles that became modified



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group

after the law, but they are still like assault rifles."

In some cases, there was no attempt made by state or federal legislators to restrict certain firearms that are as deadly as any others. The reason: They were deemed too popular.

One was the Ruger Mini 14, manufactured by Connecticut-based Sturm, Ruger & Co., a weapon used by a Montreal gunman who, shouting, "You're all a bunch of feminists!" killed 14 female students at an engineering school in 1989. It was the worst massacre in Canadian history.

An internal state Department of Justice memorandum acknowledged that the restricted AK47 and Ruger Mini 14 "are the same caliber, magazine capacity, size, etc." But the memorandum went on to say: "It was agreed that certain weapons probably had too large a constituency to ever be worth the risk of including, including the Mini 14."

Sometimes called the "poor man's assault weapon," the Mini 14 has a loyal following because of its accuracy, reliability and entry-level price of about \$ 350. Farmers and ranchers often use the weapon to shoot such predators as coyotes and foxes.

An exception also was made for a version of the Chinese-produced SKS assault rifle, another cheap, popular gun that the Bureau of Alcohol, Tobacco and Firearms found was the fourth most-traced firearm at crime scenes in 1995. The top three were Saturday night specials.

Earlier this year, Los Angeles police officers killed a man in South-Central Los Angeles who, after a car chase, brandished an SKS--"a scary incident" that officers encounter much too often, says LAPD Lt. Anthony Alba.

In Richmond, Calif., Officer David Haynes was not as lucky as his brethren to the south. He was shot to death with an assault rifle while responding to a domestic dispute. Although the gun had all the earmarks of an assault weapon, it was not specifically named in the law, making it legal. He left behind a wife and two children.

Today, his widow, Kyle, is president of Concerns of Police Survivors, a support group for families of officers slain in the line of duty--one in 10 of whom were felled by assault weapons, according to one 1995 study. "The gun that killed my husband put out 13 rounds in 15 seconds," she says. "That's a gun that shouldn't be on the streets."

Looking back, authors of the California and federal measures insist that there was little they could do to stitch the loopholes because of the fierce and organized opposition they faced.

"The bottom line is, I've learned a lot," says Feinstein. "The biggest and most arrogant lobby back there in Washington is 'Big Gun.' They pack a clout, particularly in the House, that I have never seen in my entire life."

With a membership estimated as high as 3.5 million and a staff of hundreds, the National Rifle Assn. spent about \$ 3 million in contributions to politicians throughout the country during the 1995-96 election cycle.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Still, Feinstein says her weapons law represents progress, if mostly symbolic, because it has prompted assault weapon legislation in several cities and states--and because many on Capitol Hill predicted it would never pass.

Former Assemblyman Mike Roos, co-author of the California law, agrees that inroads have been made. The Assembly is considering legislation to strengthen the law by including a generic description of an assault weapon.

"We did what we wanted to do," Roos says. "We got our nose under the tent. We saw this as a beginning. That's what politics is, a beginning point."

Dennis Bridges doesn't care about such political realities. They can't bring back his easygoing kid brother, a father of three young children.

On May 19, 1995, Schun Bridges and two friends were gunned down with an AK47-style rifle during an argument over a woman in the small Northern California community of Pittsburg. The gunman first pumped multiple rounds into Bridges' friends and then pursued him into a nearby street. There, as a wounded Bridges pleaded for his life, the gunman took aim and fired from 40 yards away.

"The switchboard just lit up. People said it was like a war zone," recalls Pittsburg Police Sgt. William Zbacnik. "Those . . . slugs were literally taking out chunks of flesh from this guy."

Authorities refused to let Dennis Bridges see his brother's body because so much damage had been inflicted. All told, police recovered 30 expended shell casings, two 30-round magazines and several 15-round clips.

"That weapon not only took my brother from me and ruined my life, it ruined everybody's life," he says. "My brother had a newborn baby that will never get to see his father. . . . What do you need with an AK47? With a 30-round clip? Why do you need a weapon that's going to go through a wall?"

Complaints, Criticism of Enforcement

Laws--even flawed ones--need the muscle of government to back them up if they are to serve as a deterrent. But when it comes to targeting assault weapons, enforcement efforts pack a weak punch, according to police around the country.

Local authorities complain that the laws are so confusing, vague and incomplete that officers who try to make them stick are left exasperated. Over and over, they say, police officers seize guns they believe to be illegal assault weapons, only to learn later they are not covered under the statutes and must be given back.

"We confiscate these kinds of weapons all the time," says Zbacnik. "Our officers check to make sure they're not the ones on the ban list because there's literally no difference. We're always surprised when they're not on the list."

"To have a certain type of weapon banned and have the exact same types available out there doesn't make much sense to me," Zbacnik says. "If you're going to ban an AK47, then you're going to ban anything that looks like, smells like an AK47."



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Los Angeles County Sheriff's Sgt. Wes McBride is one of the nation's premier gang experts and is well versed in assault weapons. But even he has a hard time keeping track of what's illegal. He says he was surprised recently when his son called and described a new gun he had purchased. Based on the description, McBride concluded it was restricted.

"I told him, 'You can't buy that gun.' He said, 'Oh yes I can. I just did.' It was one of these look-alikes, an SKS."

Some officers also question the resolve of the agency primarily responsible for weapons violations, the Bureau of Alcohol, Tobacco and Firearms.

In Southern California, there are about 65 ATF agents to police the entire population of 20 million. And those few agents are handcuffed when it comes to what they can do.

The ATF is permitted, for instance, to conduct only one surprise inspection a year of a licensed firearms dealer--the legacy of a National Rifle Assn.-sponsored law passed by Congress in May 1986.

Called the Firearms Owners' Protection Act, the law was written and passed after the NRA complained that federal agents were harassing law-abiding gun owners. Opposing the measure were the country's major law enforcement organizations, which predicted that it would "pose an immediate and unwarranted threat" to the community.

"The firearms lobby didn't want ATF looking at firearms dealers' records unless they had a reason to," says Dennis Anderson, the agency's expert on regulatory matters.

In another concession to the NRA, field agents are not allowed to attend the burgeoning number of gun shows across the country without permission from supervisors, although the events are fertile ground for illegal transactions. "We only go in the course of the investigation of a specific case," says one ATF official.

Just two weeks ago, two companies--one domestic, one foreign--announced that the ATF had granted them permission to manufacture and import redesigned versions of Uzi and Galil assault rifles--eight years after a ban on their import.

Asked why the agency would do so, an ATF official in Los Angeles said the agency does not comment on "proprietary information" of gun importers.

This development followed the ATF's recent decision to allow foreign weapon manufacturers to continue exporting to the United States large-capacity gun clips, as long as they were made before September 1994, when the federal ban on such clips went into effect. The difficulty, observers say, is that U.S. authorities cannot confirm the production dates--a fact the ATF acknowledges.

"It is impractical for the government to conduct investigations abroad to determine the date of manufacture of these foreign clips," the agency conceded while still approving the sales.



On top of all this, many local law enforcement agencies say the ATF sometimes is not responsive to assault weapon cases unless the number of guns is large.

"My experience with them is that individual cases aren't a priority," says one state parole agent. "I had a case here a while back where a convicted felon had purchased one of these assault rifles from a dealer." He says he asked the ATF to investigate the transaction but never heard back. "Nothing," he says.

Josh Sugarmann, executive director of the Violence Policy Center in Washington, D.C., has monitored the ATF's relationship with gun makers for a decade. The agency's recent decisions, he says, are "not nibbling at the edges of the assault weapons law. They're taking big bites out of it."

For its part, the ATF says that, despite chronic personnel shortages, it is deeply committed to enforcing weapons laws. The agency says it conducted 77,000 firearms traces in 1995, the lion's share at the request of other law enforcement agencies investigating crimes ranging from burglary to murder.

In Southern California and at field offices around the country, ATF agents lead or participate in numerous high-profile weapons seizure cases, including one in Los Angeles in March in which they confiscated an illegal cache of 400 guns, including a machine gun.

John D'Angelo, the ATF's spokesman in Los Angeles, says the agency enforces the law to the best of its ability but adds: "If we had more agents, there's definitely enough work to go around."

Victims' Families Seek Answers

From Manhattan Beach to Maine, there are many people who wonder each day: How many more must die?

People like Rebecca Valdez of Westminster. As her 19-year-old son Daniel said goodbye and unlatched the screen door to head out for a night with friends, shots rang out from a legal assault rifle. He grabbed his chest, wobbled backward and collapsed. "Mom, give me some help," he whispered. She could offer none. Moments later, he was gone, the victim of mistaken identity.

People like Mary Gaugh of El Cajon, who lost her 9-year-old daughter, Jessica, on Oct. 30, 1993, when a man with a Colt AR-15 began firing at children from his second-story window. Wounded in the back, Jessica made it to the doorstep of her apartment, where she crumpled into the arms of her older brother, Joshua. To this day, he can still vividly remember the way Jessica's skin turned cold.

And people like Darrel Southall of Compton.

Last December, his 16-year-old daughter, Angie, and two of her closest friends were getting ready to go roller-skating when they were felled by repeated shots from a high-powered assault weapon fired from a passing car. All three teenagers died, the victims of a mistaken retaliatory shooting by gang members.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

"It's just too easy for these kinds of guns to fall into the wrong hands," Southall says. "There are gun collectors and there are very responsible gun owners, but it's the other half that does the damage."

Sitting in his daughter's bedroom one recent afternoon, Southall has the look of a man gazing hard at memories.

"If you take the most expensive piece of crystal and drop it from the highest building, it shatters on the street, and if you go down to try to put the pieces back together, it will be impossible. That is the way my life is right now."

He speaks haltingly of the baby girl he once held and promised to protect, and of her final words before her body stilled.

"Daddy," she said, "there's blood in my mouth."

Times photographer Carolyn Cole and researcher Janet Lundblad contributed to this story.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:

Why, years after federal and state laws were passed to restrict these lethal semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast?

Through documents obtained under public records laws and interviews with victims, gun makers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Today: How the arms industry has exploited flaws in the law, with tragic consequences.

* Monday: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Tuesday: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Wednesday: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

GRAPHIC: PHOTO: Steve Wagner of Carter Lake, Iowa, fires his AR-15, restricted in California, at the Fun and Freedom Shoot in Kearney, Neb. He said he attends several such events each year. PHOTO: Eligio Reyes, far left, is supported at the burial service for his wife and daughter, the victims of a single bullet



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group

from an assault rifle. The 3-year-old's toys, above, now sit idle. Sonya Woods, left, was eating dinner when she was injured by a similar bullet. PHOTO: Samly Nakhonesy, left, whose wife and two children died in an attack two years ago, now sleeps with a gun for protection. At Costa Mesa Fairgrounds in Orange County, a man sells a "pre-ban" assault rifle. PHOTO: Olympic Arms in Washington state sells copycat versions of assault weapons that have been banned. Other makers have done the same. PHOTO: Cheap, popular guns--such as the SKS assault rifle in this photo illustration--are easy to buy despite restrictions, police say. PHOTO: (BullDog Edition, A1) Mary Gaugh and daughter, Denice. Gaugh lost daughter Jessica, 9, in an assault-weapon shooting in El Cajon on Oct. 30, 1993. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 24, 1997

.

.



LEXIS·NEXIS

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS

Ⓜ A member of the Reed Elsevier plc group

FOCUS - 4 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

* August 26, 1997, Tuesday, Home Edition *

SECTION: Part A; Page 1; Metro Desk

LENGTH: 2579 words

SERIES: **OUTGUNNED:** The Holes in America's Assault Weapon Laws; Third in a series.

HEADLINE: OWNERS' NUMBERS ARE SMALL BUT IMPACT IS POWERFUL;
FIREARMS: ASSAULT WEAPONS REPRESENT JUST A FRACTION OF THE MARKET. BUT TO GUN COMMUNITY, THEY'RE A LINE IN THE SAND.

BYLINE: STEVE BERRY and JEFF BRAZIL, TIMES STAFF WRITERS

DATELINE: WEST POINT, Ky.

BODY:

Lock and load. You are at the Knob Creek Machine Gun Show, and the shooting is about to start.

All along the firing line, unsmiling men work among machine gun bipods and tables piled high with ammo belts and clips. Their targets: a half-dozen barrels filled with diesel fuel 150 yards downrange.

Here, at the world's most outlandish assault weapon festival, the gun is an icon and the "right to keep and bear arms" is recited like a religious mantra. Haute couture is an AK47 slung over your shoulder or a Beretta strapped to your leg.

"Ready on the right!" a security guard yells. "Ready on the left!"

And then all earsplitting hell breaks loose, as grown men in camouflage luxuriate in the deadly power that bursts forth from a squeeze of the trigger.

Spectators gasp as the bullets rip into the diesel-loaded barrels, sending fire and black mushroom clouds skyward. The heat warms their faces, shock waves pound their chests.

Assault weapon junkies, these folks live on the outskirts of the American gun community. Although their numbers are small, their voices echo as loudly as their firearms in the debate on gun control--overwhelming the vast majority of Americans who believe that rapid-fire rifles and pistols have no justification in civilian hands.

They are factory workers, low-level municipal employees, bankers, small-business owners. They are antique collectors, target shooters, plinkers



LEXIS·NEXIS™

A member of the Reed Elsevier plc group



LEXIS·NEXIS™

A member of the Reed Elsevier plc group



LEXIS·NEXIS™

A member of the Reed Elsevier plc group

and Walter Mitty types who like to get all "cammoed up." Some are real-thing militiamen.

They spend weekends at gun shows and firing ranges. They read Soldier of Fortune, Guns and Ammo, and the American Survival Guide. And, in a 1990s twist, they surf the Internet for gun buys and news of the latest outrage against freedom and the 2nd Amendment, which, in their thinking, are one and the same.

No matter what their walk of life, however, most share a bond--a fascination with big guns that borders on obsession and views that cross into the dogmatic.

Meet a few of them:

John Schiller, a 31-year-old plastics company employee from Jeffersonville, Ind., has come to the machine gun show because, quite simply, he loves to shoot. It melds mind and body, he says, into one sublime moment.

"You get down into what you are seeing, what your body is doing," he says. "I'm talking about your heartbeat and breathing and about picking the moment when everything is still, when everything is at rest, and at that very moment, you squeeze the trigger."

He knows that most people don't understand this special communion of man and gun. So before heading to the firing range, he takes a precaution for their sake and his.

"I close up my garage, take all my targets, my rifles, pistols and ammunition, put them in my car, open the door and then drive away," he says. "My neighbors would worry if they saw me loading up my car like that. They would say, 'What is he doing? Is he going to war?' "

Not unless, he says, the government were to forcibly try to disarm the citizenry. "We had a civil war over slavery," he says. "We should have one over guns."

Jerry Whitmore, who lives in Oregon, calls his MAC 11 assault pistol "a toy." He says he uses it for target shooting and doesn't care what anybody thinks about it. A burly firearms engraver, he says both he and his wife carry concealed weapons.

In fact, he says his quaint Pacific Northwest burg is full of people who pack hidden guns. "I only know two women," he says, "who don't carry."

Meanwhile, the Hall family--father, mother, 13-year-old son and baby--are ready for a pleasant Sunday afternoon outing in the Nevada desert near Boulder City. They've got the video camera, a cooler and a blanket spread out on the sand for the little one.

They've also packed their arsenal, including two combat style semiautomatic rifles.

Hall, a small-business man in Las Vegas who would not disclose his full name, explains the family's weapon preferences, starting with his wife.



LEXIS·NEXIS

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS

Ⓜ A member of the Reed Elsevier plc group

"She stays with a .38 Special," says Hall, his slightly graying hair pulled tight into a ponytail. His son, he says, uses a .22-caliber rifle.

As for him, "I like the MAK 90 and the SKS assault rifles. I never see these weapons as a means for settling an argument. But it's necessary to have them for defense, and it is a sport. We come out here as a family about twice a week and just blast away."

And that's as it should be, says Dick Dyke, president of Bushmaster Firearms, who thinks that the assault weapons he manufactures, and the aficionados who buy them, have gotten a bad rap because of the "polarization between the rural and urban areas."

"In rural areas, you go out as a family and shoot," says Dyke, who has been a hunter since age 10. "It sounds weird to city folks, but that's what we like to do."

Public Disavowal, Private Ties

Assault weapon enthusiasts bristle at the suggestion that anyone who owns an assault weapon is a political extremist or doomsday zealot.

"I don't believe the end of the world is coming, and I'm not going to get my guns stockpiled," says carpet installer Doug Tweedy, 33. "That makes guys like me look bad." He, like most recreational shooters, says he just enjoys the power that flows from the business end of a high-powered rifle.

But make no mistake, in the ranks of assault weapon owners, there are plenty of militia members willing to die for their armaments. Although there are no firm figures on the number of militia members in the United States, estimates range up to 40,000. California has 25 to 30 groups.

"We are everywhere," says a fully camouflaged militiaman, perhaps wishfully, as he swaggers along a dirt road leading to the firing line at Knob Creek.

He wears a bushy, untrimmed beard, black beret and sergeant stripes on his sleeve. He is carrying a MAK 90 combat-style rifle. A 9-millimeter pistol is strapped to his leg, a huge bowie knife to his hip. His dark, deep-set eyes rove the landscape with suspicion.

He and three other men dressed in military garb say they are members of a militia group called the Christian Soldiers of America.

"When I'm at home," he says, patting his right leg, "I also wear a .45 right here."

Gun industry leaders, trying to create a more moderate image, wince at such public displays of militarism, saying they scare the public and thus make life difficult for all gun owners.

"You have camouflaged men blowing up the hillside with machine guns," says Russ Thurman, editor of Shooting Industry Magazine in San Diego. "Growth of our industry depends on the new person coming into the market, and they are going to say, 'I don't want to be associated with that.'"



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

Says National Rifle Assn. spokesman Steve Helsley: "We have zero to do with the militia."

Except to strongly support members' right to bear assault weapons--and contribute millions of dollars to help ensure that politicians throughout the country share the NRA's agenda.

For when it comes to the 2nd Amendment, the gun industry does not discriminate against person or weapon.

Assault rifles represent a kind of line in the sand to the NRA and other gun interests who believe that if a ban on them were ordered, then handguns and hunting rifles would be next. If that happened, they argue, the nation would be left defenseless against armed criminals and oppressive government agents.

That's why the NRA and gunmakers say they have battled against state and federal assault weapon restrictions, limiting their sweep and, in the process, opening gaps that have resulted in the continued proliferation of such guns.

Thanks to this strategy, assault weapon owners have exerted an influence over the nation's gun policy that far exceeds their representation in the overall firearms market, which is only about 1%. This despite the fact that mainstream opinion polls show that the vast majority of Americans want such guns eliminated because of their proven rapid-fire potential for wounding innocent people.

Although the NRA and gun purveyors publicly distance themselves from the more extreme elements of the assault weapon community, their magazines, Internet sites and public gatherings suggest the gap is not so wide.

Soldier of Fortune magazine, for example, editorially denounces paramilitary groups. But the magazine runs ads from a number of violence-oriented book distributors, including Paladin Press, the self-proclaimed "most dangerous press in America."

It sells such how-to books as "The Revenge Encyclopedia" and "Close Quarter Combat," which teaches how to crush a man's windpipe or "do a bad guy in with a bayonet."

At gun shows across the country, the splashiest displays feature midnight-black assault rifles, machine guns and a dizzying array of bullets. At some shows, such as one held recently at Hollywood Park Casino in Inglewood, a table is stocked with Nazi paraphernalia, from SS helmets to handkerchiefs from concentration camps.

After buying a MAK 90 assault rifle during a Las Vegas event, two men gaze longingly at a Thompson machine gun with a 75-shot drum. "Wow," one says. "Look at this one. You could take care of everybody you need to take care of and still have 60 rounds left for the cops."

Among those enjoying the sights are a father and young son, a matching pair. Both are dressed in fatigues; Dad has a Colt AR-15 assault rifle slung over his shoulder while junior totes an AR-15 squirt gun.

**LEXIS·NEXIS**

A member of the Reed Elsevier plc group

**LEXIS·NEXIS**

A member of the Reed Elsevier plc group

**LEXIS·NEXIS**

A member of the Reed Elsevier plc group

Higher up the industry chain, assault weapon manufacturers also cater to the tastes and philosophies of their hardest-core clientele.

Bruce Bell, comptroller of Olympic Arms, an assault weapon maker in Olympia, Wash., disavows militia types and rolls his eyes at the mention of the Knob Creek shooting festival. But not long ago, he wrote a piece in SWAT magazine linking the congressional authors of the 1994 assault weapons restrictions with supporters of a "New World Order," a favorite topic among militias and survivalists.

At the NRA's recent national convention in Seattle, Olympic Arms proudly displayed its Internet site, promoting "California Assault Weapons" day--an occasion for assault weapon owners to blast away in the Angeles National Forest in protest of the state restrictions. The ad promised that gun registrations "would not be checked."

It also noted that the event would take place April 19--"the date of the British attacking the colonists at Concord (and some more recent stuff . . .)." The more recent stuff: the Oklahoma City bombing and the fiery final siege at the Branch Davidian compound in Waco, Texas.

Also mining customers from the ranks of military wannabes is Navegar Inc. of Miami, an exclusive producer of assault weapons.

"I tried to play to that audience," Michael Solodovnick, the firm's former marketing director, said during pretrial testimony in a lawsuit brought against Navegar by survivors of a 1993 San Francisco massacre in which two of the firm's guns were used. "They believed in certain things. They wanted to play military."

To find such folk, Solodovnick says, he scouts Soldier of Fortune conventions, where "Joe lunch bucket . . . dresses up in a military outfit and goes there like he's a soldier. . . . So, you know, he eats, sleeps and breathes it as a secret life, and yet . . . in the outside world, you know, nobody knows what he really is."

These kinds of admissions, be they in court testimony or trade magazines, show that, although assault weapon owners may be few in number, they are the "shock troops" of the industry, says Andres Soto, policy director of the Pacific Center for Violence Prevention in California.

"It's disingenuous for gun leaders and owners to try to disassociate themselves from militia types," Soto says, "when their own organizations are cultivating the extremists."

In Defense of Guns

Certainly, assault weapon owners are neither blind to, nor disinterested in, the tragedies that have occurred when criminals and the mentally unbalanced have taken aim. But on the grand scale of societal catastrophes, they say, assault weapons barely register.

"You are talking about saving a few lives that were lost because someone got a hold of an assault rifle and probably got it illegally," says one Knob Creek spectator. "More people die from drug overdoses. So let's eliminate the drug



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

problem."

By day, Dean D'Alessandro is a buttoned-down bank examiner from Chicago. After hours, he's an assault weapon fan, who drove 310 miles to join 3,000 others at Kentucky's Knob Creek shootout.

"They're not hurting anybody out there," he says, pointing to the lines of shooters pulverizing everything from old refrigerators to bowling pins. "These are legitimate people. Some of these people are doctors and lawyers. They're legitimate Americans, good people. They're not crazies.

"What's the difference between an assault rifle and a hunting rifle?" he asks, not waiting for an answer. "There is nothing. It's all image. Can I kill you with a shotgun? I sure can. Can I kill you with a handgun? I sure can. Are you going to outlaw everything?"

One of the most time-honored cliches in popular American culture is the NRA's "Guns don't kill people. People kill people." This is more than a simplistic slogan. It's a maxim, a belief system, a preeminent principle.

Greg Coghill of Louisville, Ky., who owns a bar called the Body Shop and has attended nearly every Knob Creek machine gun festival for the past decade, is a true believer.

"One crazy with a gun and you're going to affect the rights of millions of people?" he asks. "Following that logic, you'd have to ban knives, baseball bats, everything. Any weapon is dangerous. If a person is going to kill you, what's the difference between a handgun and a machine gun?"

Adds Richard Estevez, a Boeing Co. engineer who owns more than 50 weapons, including several assault weapons: "These are fire extinguishers. Just because I own a fire extinguisher doesn't mean I'm going to start a fire."

*

Contributing to this report were Times staff photographer Carolyn Cole and researcher Janet Lundblad.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:

Why, years after federal and state laws were passed to restrict these lethal semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast?

Through documents obtained under public records laws and interviews with



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

victims, gunmakers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Sunday: How the arms industry has exploited flaws in the law, with tragic consequences.

* Monday: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Today: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Wednesday: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

The complete series will be available Wednesday on The Times Web site at <http://www.latimes.com/outgunned>

GRAPHIC: PHOTO: At Knob Creek Machine Gun Show in West Point, Ky., participants practice their skills in half-hour shooting sessions. PHOTOGRAPHER: STEVE BERRY / Los Angeles Times PHOTO: Chris Wells, left, and Regina Harrison, both of Louisville, Ky., enjoy shooting, but say they attended the show only to watch. The event draws factory workers, bankers and business owners. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Thousands of rounds of ammunition, above, are fired at such events. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Renee Lalonde, 4, left, plays as her brother Matt fires a 9- millimeter carbine. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Karl Mitchum, above, checks the chamber of his MAK 11. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Doug Tweedy fires his assault weapon in a dry creekbed near Las Vegas. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 26, 1997



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

FOCUS - 2 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

✓ August 27, 1997, Wednesday, Home Edition ✓

SECTION: Part A; Page 17; Metro Desk

LENGTH: 566 words

SERIES: **OUTGUNNED** The Holes in America's Assault Weapon Loves. Last in a series

HEADLINE: FROM A SHATTERED FAMILY: 'DON'T THINK IT WON'T HAPPEN TO YOU';
TEENAGER WAS ONE OF 35 VICTIMS OF MASSACRE. HER MOTHER SAYS SOCIETY HAS NO PLACE
FOR 'HUMAN-KILLING WEAPONS.'

BYLINE: JEFF BRAZIL and STEVE BERRY, TIMES STAFF WRITERS

DATELINE: PORT ARTHUR, Australia

BODY:

Nicole Burgess has been gone 16 months now. And how her parents, John and Sue, miss their girl who, even at 17, wouldn't go to sleep without a kiss from Dad.

And how they wish Nicole wasn't a symbol, instead of just a winsome teenager who loved horses and adored her kid sister. Instead, Nicole's life or, more precisely, her death helped bring a revolutionary change in Australia's gun law.

Nicole Burgess was one of 35 people who lost their lives in a spray of assault weapon bullets. And, in ways ordinary and profound, her parents have lost theirs too.

On April 28, 1996, Nicole was in the worst possible place--behind the counter at the Broad Arrow Cafe at the Port Arthur historical site in Tasmania, where gunman Martin Bryant opened fire with an American-made assault rifle. On that day, Bryant transformed the site--where tourists flocked to see the remains of a 19th century prison--into a place of haunting memories and grief for scores of families.

If it wasn't horrible enough to lose their firstborn, the Burgesses were stunned to learn that the powerful weapon Bryant wielded was legal and that Tasmania--one of six states in Australia--had the most lenient gun laws in the nation.

"There is a place for some weapons," Sue says. "There are so many good people in the world who own guns. But there is no place in society for guns like these, for human-killing weapons. . . ."

"How we wish we weren't sitting here saying this."



LEXIS·NEXIS[™]

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

Ⓜ A member of the Reed Elsevier plc group

Seated just a few feet from where Nicole's name is inscribed on a simple wooden memorial on the pristine shores of the Tasman Sea, the soft-spoken couple remembers feeling some consolation when, just two weeks after the massacre, Prime Minister John Howard and the Australian government announced an all-out ban on assault weapons. The novel law, unlike American laws on assault weapons, was unequivocal: With precious few exceptions, no more assault weapons. Period.

"They say, 'Out of the darkness comes light,' " Sue says. "Hopefully, it will make it better for someone else."

For the Burgess family, the toll has been devastating.

Danielle, 13, their only other child, began losing clumps of hair after Nicole's death. Danielle adopted Nicole's room--just as Nicole left it--as her own.

"We asked her one day," her mother says, " 'Do you think the time will ever come when you'll want to go back to your own bed?' And she said, 'No.' I asked her, 'Why, darling?' And she said, 'I'm closer to Nicole here. She's here.'"

"We just wept that day."

John frequently makes his way to the remains of the Broad Arrow Cafe, to the spot where he arrived that afternoon after hearing about the shooting on the radio. There, he cradled Nicole in her last moments. He goes there, he says, because it's the last place he saw her alive and "it's very special."

"I don't know how to explain it," he says, his voice cracking.

Sue, who also was working at the Port Arthur historical site that afternoon but somehow escaped being shot, has yet to return to her job there.

"It's the emptiness," she says, "that's hardest."

She pauses to gather her thoughts and adds: "We're not anti-gun lobbyists. But our message to the people of California, or anywhere in the world, is don't think it won't happen to you, because it very well could--unless someone has the vision and the strength to go out there and say, 'No more, no more.' "

GRAPHIC: PHOTO: The Burgess family, Sue, John and daughter Danielle, lost Nicole in the Port Arthur massacre. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 27, 1997



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

FOCUS - 3 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

August 27, 1997, Wednesday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 2632 words

SERIES: **OUTGUNNED** The Holes in America's Assault Weapon Loves. Last in a series

HEADLINE: AUSTRALIA'S ANSWER TO CARNAGE: A STRICT LAW;

VIOLENCE: CITIZENS AGREE, RELUCTANTLY, TO GIVE UP ASSAULT WEAPONS TO AVOID 'THE AMERICAN PATH.'

BYLINE: JEFF BRAZIL and STEVE BERRY, TIMES STAFF WRITERS

DATELINE: BALLARAT, Australia

BODY:

They love to adopt American styles here, from fast food to funky fashions, but there's one thing they want no part of: our off-the-charts gun violence.

That's why dairy farmer Paul Arundell, standing in line at his neighborhood's Firearms Collection Centre, is doing something very un-American: surrendering his assault rifle to be destroyed. In return, he will pocket a government check for \$ 400--more than twice the weapon's cost.

And worth every nickel, Australian leaders say.

In the wake of the worst carnage ever by a lone gunman--the "Port Arthur massacre" of 35 men, women and children--the Australian government has undertaken the largest weapons buy-back program the world has known. By doing so, Australian lawmakers have wounded the country's powerful gun lobby and convinced residents that the greater good means sacrificing some of their most treasured possessions.

"I would rather have kept it," the 30-year-old Arundell says of his high-powered rifle. "But the law's the law . . . and I understand why the government did what it did."

Since July, more than 500,000 semiautomatic firearms and pump-action shotguns have been relinquished to the Australian government, which has written more than \$ 260 million in rebate checks ranging from \$ 60 to several thousand dollars. After the barrels are bent in a hydraulic press, the weapons are ground to bits and used for scrap metal.

At the close of next month, when the extraordinary program ends, semiautomatic assault weapons and pump-action shotguns will join machine guns as banned firearms. Depending on the gun and the individual, violations are



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

punishable by fines of up to \$ 12,000 and two years in jail.

Australia's move leaves the United States as the last industrialized nation to allow its citizenry to possess assault weapons.

In a recent interview with The Times, Prime Minister John Howard says his "most effective line" in amassing support was "I don't want Australia to go down the American path."

"There is a widespread view, and I think quite accurate, that the very high homicide rate in the United States is in part due to the lax gun laws," he says. "The gap between the United States and the rest of the world on homicide is just so great that that has to be an explanation."

Although California and Congress passed assault weapon restrictions in 1989 and 1994, respectively, they were so diluted in compromises with the National Rifle Assn. and other gun interests that the weapons are still widely available and taking innocent lives. Only last week, a 67-year-old gunman in New Hampshire used an assault rifle to kill two state troopers, a judge and a newspaper editor.

"I am normally fairly laissez faire about things," says Howard, a political conservative. "But . . . I don't think there's any reason on Earth why people should have access to automatic and semiautomatic weapons unless they're in the military or in the police."

Tearful Goodbyes

Australia's Firearms Collection Centres seem ordinary enough, sandwiched between Pizza Huts, computer outlets and other mainstream storefronts. At first glance, the centers look a little like banks. But the customers are toting rifles, not deposit slips, and the transactions are anything but routine.

On a recent Thursday, as gun owners queue up at a collection center in Dandenong near Melbourne, some stifle tears as they embrace their weapons for the last time.

Mark O'hehir, a diesel mechanic, wells up as he watches a hydraulic press mangle a rifle his father gave him 15 years ago. "It's always been in the family," he says. "It was a tradition that my father would buy each of us a gun on our 21st birthday. Now it's gone."

David Nixon, a 71-year-old retired farmer, compares the loss of his gun to the grief of losing a beloved family member.

"People like me who use it for sporting purposes and nothing else, we're losing a part of our lives." Asked why he wanted to gaze through a plate glass window as his rifle was bent, he says: "Why is it important for you to go to your wife's grave and put some flowers on it once a year?"

Roy Burton, a 72-year-old retired chimney builder, seems more downcast than most. Burton's gun belonged to his brother, who was killed in World War II. "It was the only thing I had left of his," Burton says.



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

Pastry cook Oliver Roleff, his young son at his side, bids farewell to a semiautomatic rifle he's had stashed in his closet. He says surrendering his weapon is the right thing to do, if only as a symbolic statement against violence.

"I'd rather bring up my kids in a world where they're not going to see things like the Port Arthur massacre," he says. "If I can do my little bit, then I feel I've done the right thing."

Moments later, David and Lillian Allison part with a hunting rifle they've owned for 23 years and a shotgun they bought more than a decade ago. Although not happy, the couple are resigned to what must be done.

"Australia is, to a point, very Americanized," Lillian Allison says. "But the politicians asked us: Do you really want to go all the way and be like America in this?"

A Decline in Deaths

Although Australia has had one of the higher rates of firearm casualties, it doesn't come close to America's. With 14 times Australia's population, the United States had 64 times as many gun deaths. Elsewhere the picture is even more dramatic: America has more gun fatalities in a day than Japan has in a year. According to a recent study in the Journal of American History, more people are killed with guns in the United States in an average week than in all of Western Europe in a year.

American youngsters are 12 times more likely to die by gunfire than their counterparts in the rest of the industrialized world, according to a recent study by the U.S. Centers for Disease Control and Prevention.

"There's always a comparison with the craziness that's going on in the States to get laws passed in other countries," says Susan B. Sorenson, a professor at UCLA's school of public health. "Here, we have a . . . number of these large-scale violent incidents, but they have not, to date, served as a galvanizing force. We're very fond of our firearms."

So are Australians. And that similarity, among others, has persuaded many American gun-law proponents to argue that Australia's experience holds lessons for U.S. residents and lawmakers.

Both nations were born with a kind of frontier mentality and a strong belief in gun ownership--although Australia has nothing akin to the 2nd Amendment, which gun forces interpret as a right to bear arms of all kinds.

Both countries also have powerful gun lobbies. But in Australia, the battle has been waged over rifles and shotguns, because handgun controls have been in effect since the 1920s.

In both nations, assault weapon legislation came only after major tragedies and public demands for change. For the California Legislature and the U.S. Congress, it was the 1989 slaying of five children in a Stockton schoolyard and the 1993 killings of eight people at a San Francisco law firm.



LEXIS·NEXIS™

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS™

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS™

Ⓜ A member of the Reed Elsevier plc group

Australia was rocked by three major assault weapon catastrophes before the most stunning of all in 1996.

Pulling an American-made assault rifle out of a tennis racket bag, Martin Bryant, 28, opened fire in a diner, killing 20 people and injuring 12. He then mowed down 15 others in the establishment's parking lot, at a nearby general store and several other locations. A 6-year-old girl was shot in the neck at point-blank range while hiding behind a pine tree just feet from where Bryant had gunned down her mother and 3-year-old sister.

"It was a seminal day in the history of our nation," says Leonie Kennedy, national campaign manager for Australia's firearms buy-back program. "Everyone remembers where they were. It was almost like, where were you when Kennedy was shot?"

Selling the Law

Within 12 days of the massacre, Australia's federal, state and territorial governments agreed to ban the possession and sale of all semiautomatic and pump-action firearms. The law also introduced a comprehensive gun registration system; a requirement for a reason other than self-defense to own, possess or use any firearm; a 28-day waiting period after obtaining a gun permit; a rule that all first-time applicants be trained in a weapon's use; restrictions on the transport of firearms; and minimum standards for storing firearms and ammunition, which must be kept separate.

To make it more palatable, the government ponied up \$ 500 million to reimburse gun owners, who were given up to 15 months to surrender their banned arms. The money was raised through a Medicare levy costing the average Australian about \$ 1.40 a week.

The initial reaction from Australia's gun lobby, which received financial support and strategic advice from America's savvy National Rifle Assn., was swift.

More than 70,000 protesters flooded the streets of Melbourne, the largest demonstration on Australian soil since the Vietnam War. They argued that the law would neither reduce crime nor prevent another massacre. Many vowed never to give up their guns, threatening to bury them on their property.

The opposition was nasty. Members of Australia's National Coalition for Gun Control, which lobbied extensively for the new law, got messages on the Internet from American gun lobbyists calling them the "lowest form of life in the universe."

Politicians received death threats and, at one point, Prime Minister Howard donned a bulletproof vest before an appearance near Melbourne as part of his nationwide crusade to mobilize support for the law.

"It was quite difficult at the time," says Howard, who had just narrowly won office when the Port Arthur incident occurred. "I had a lot of opposition in my party to it, people saying they'd never win their seat again.

"You should never underestimate in these circumstances the power of an



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

organized lobby," Howard says. "It's amazing how well-organized they were. But we won."

Since then, Howard's standing has soared, ranking him among the most popular prime ministers in Australian history.

Even leaders of Australia's pro-gun political party, the Shooter's Party, have given their blessing to the ban on assault weapons, though not the restrictions against other banned weapons.

"There's no need for these semiautomatics and pump-action shotguns," says gun lobbyist John Tingle. "They're weapons of war. They shouldn't be allowed for the average people."

With one month left in the buy-back program, the Australian government has collected 508,161 guns, most of which have been mulched into tiny pieces.

Although government officials know the law is no guarantee against another massacre, they are optimistic that it will greatly reduce firearms deaths and injuries.

Their hope stems in part from a 1994 study showing that Australian states with gun laws before the ban had the lowest firearms death rates in the nation.

In West Australia, which historically has had the country's toughest gun control laws, the death rate was 2.7 per 100,000 residents. In Tasmania, with the loosest laws, it was 7.2 deaths per 100,000.

Australian leaders also look beyond their borders and find reason to be hopeful.

In 1991, Canada passed the first of two sets of laws restricting assault weapons, hunting rifles and shotguns. While the underlying causes for rising and falling crime are many and complex, Canada's gun homicide rate had dropped 35% at the end of 1995, the last year for which reliable figures are available. The Canadian laws were enacted after 14 female engineering students were slain by a gunman armed with an American-made Ruger Mini 14 rifle, a high-capacity weapon now illegal in Canada and Australia but legal in the United States.

"The laws that are in place in Canada and Australia are the norm," says Wendy Cukier, a Canadian college professor and expert on international gun control issues. "Most countries in the Western world do not let people have handguns, and they certainly don't let people have military weapons."

Lessons From Down Under

Could such a law mandating the surrender of assault weapons come to pass in the U.S.? Should it?

Not surprisingly, the NRA is paying close attention--and making sure its constituency does too--through trade publications, the mainstream media and the Internet. The group argues that the Australian solution penalizes law-abiding gun owners.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

"One of NRA's worst fears is that people in the U.S. will listen to what people in Australia and Japan say about gun control," says Natalie Goldring, deputy director of the Washington, D.C.-based British-American Security Information Council, which tracks international security issues.

If an Australian-type buy-back program were proposed in the United States, observers predict, only a handful of members of Congress would be supportive.

For broader acceptance, it would take a massively terrible incident, says Josh Sugarmann of the Violence Policy Center. "The level of violence here," he says, "is such that the American public has become more deadened to what is truly a horrible act."

Even to get strong controls on assault weapons, experts say, the American public and its elected officials must recognize the overall gun violence problem for what it is: a public health plague unparalleled elsewhere in the modern industrialized world.

Although it is true that assault weapons represent a sliver of weapons owned in the United States, they are involved in a disproportionate number of crimes and, in the wrong hands, have the capacity to kill or harm many people in a single incident.

"Too often the U.S. just looks at itself and it thinks violence is normal," said Cukier. "If you look at the experience of other countries, it becomes apparent that there is hope."

There are also increasing signs that it is no longer political suicide to oppose the powerful gun lobby.

The NRA says it spent \$ 4.5 million in the 1995-96 lobbying cycle, but failed to unseat any of its so-called "Ten Who Gotta Go," as published in the December 1996 edition of American Rifleman.

Says Garen Wintemute, professor of epidemiology and preventive medicine at UC Davis: "The message is getting home."

*

Times U.N. correspondent Craig Turner and staff photographer Carolyn Cole contributed to this report.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:

Why, years after federal and state laws were passed to restrict these lethal



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast?

Through documents obtained under public records laws and interviews with victims, gunmakers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Sunday: How the arms industry has exploited flaws in the law, with tragic consequences.

* Monday: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Tuesday: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Today: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

*

The complete series will be available today on The Times' World Wide Web site at <http://www.latimes.com/outgunned>

GRAPHIC: PHOTO: Banned firearms are crushed at mill, left, after barrels are bent. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: At Ballarat center, above, men discuss having to surrender their guns. Even leaders of Australia's pro-gun political party have given their blessing to the ban on assault weapons. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: A crane's jaws lift weapons onto a conveyor belt that will crush and sort metal and wood. After the massacre of 35 people by a lone gunman, Australia set up the world's largest weapon buy-back plan. Since July, more than 500,000 pump-action shotguns and semiautomatic firearms have been turned in. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: In Port Arthur, Australia, a wooden cross stands as a memorial to the 35 men, women and children killed April 28, 1996, by a gunman wielding an American-made assault rifle. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: In Ballarat, Paul Arundell, left, hands over his assault rifle for \$400, part of \$260 million in rebates paid out by the Australian government. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: A Melbourne center, right, collected about 6,000 guns in a four-week period. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 27, 1997



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group

Josi -

extra
copies. Dump
if you don't want.

name

FOCUS - 2 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

August 27, 1997, Wednesday, Home Edition

SECTION: Part A; Page 17; Metro Desk

LENGTH: 566 words

SERIES: **OUTGUNNED** The Holes in America's Assault Weapon Loves. Last in a series

HEADLINE: FROM A SHATTERED FAMILY: 'DON'T THINK IT WON'T HAPPEN TO YOU';
TEENAGER WAS ONE OF 35 VICTIMS OF MASSACRE. HER MOTHER SAYS SOCIETY HAS NO PLACE
FOR 'HUMAN-KILLING WEAPONS.'

BYLINE: JEFF BRAZIL and STEVE BERRY, TIMES STAFF WRITERS

DATELINE: PORT ARTHUR, Australia

BODY:

Nicole Burgess has been gone 16 months now. And how her parents, John and Sue, miss their girl who, even at 17, wouldn't go to sleep without a kiss from Dad.

And how they wish Nicole wasn't a symbol, instead of just a winsome teenager who loved horses and adored her kid sister. Instead, Nicole's life or, more precisely, her death helped bring a revolutionary change in Australia's gun law.

Nicole Burgess was one of 35 people who lost their lives in a spray of assault weapon bullets. And, in ways ordinary and profound, her parents have lost theirs too.

On April 28, 1996, Nicole was in the worst possible place--behind the counter at the Broad Arrow Cafe at the Port Arthur historical site in Tasmania, where gunman Martin Bryant opened fire with an American-made assault rifle. On that day, Bryant transformed the site--where tourists flocked to see the remains of a 19th century prison--into a place of haunting memories and grief for scores of families.

If it wasn't horrible enough to lose their firstborn, the Burgesses were stunned to learn that the powerful weapon Bryant wielded was legal and that Tasmania--one of six states in Australia--had the most lenient gun laws in the nation.

"There is a place for some weapons," Sue says. "There are so many good people in the world who own guns. But there is no place in society for guns like these, for human-killing weapons. . . ."

"How we wish we weren't sitting here saying this."



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Seated just a few feet from where Nicole's name is inscribed on a simple wooden memorial on the pristine shores of the Tasman Sea, the soft-spoken couple remembers feeling some consolation when, just two weeks after the massacre,

Prime Minister John Howard and the Australian government announced an all-out ban on assault weapons. The novel law, unlike American laws on assault weapons, was unequivocal: With precious few exceptions, no more assault weapons. Period.

"They say, 'Out of the darkness comes light,' " Sue says. "Hopefully, it will make it better for someone else."

For the Burgess family, the toll has been devastating.

Danielle, 13, their only other child, began losing clumps of hair after Nicole's death. Danielle adopted Nicole's room--just as Nicole left it--as her own.

"We asked her one day," her mother says, " 'Do you think the time will ever come when you'll want to go back to your own bed?' And she said, 'No.' I asked her, 'Why, darling?' And she said, 'I'm closer to Nicole here. She's here.' "

"We just wept that day."

John frequently makes his way to the remains of the Broad Arrow Cafe, to the spot where he arrived that afternoon after hearing about the shooting on the radio. There, he cradled Nicole in her last moments. He goes there, he says, because it's the last place he saw her alive and "it's very special."

"I don't know how to explain it," he says, his voice cracking.

Sue, who also was working at the Port Arthur historical site that afternoon but somehow escaped being shot, has yet to return to her job there.

"It's the emptiness," she says, "that's hardest."

She pauses to gather her thoughts and adds: "We're not anti-gun lobbyists. But our message to the people of California, or anywhere in the world, is don't think it won't happen to you, because it very well could--unless someone has the vision and the strength to go out there and say, 'No more, no more.' "

GRAPHIC: PHOTO: The Burgess family, Sue, John and daughter Danielle, lost Nicole in the Port Arthur massacre. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 27, 1997



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

FOCUS - 3 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

August 27, 1997, Wednesday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 2632 words

SERIES: **OUTGUNNED** The Holes in America's Assault Weapon Loves. Last in a series

HEADLINE: AUSTRALIA'S ANSWER TO CARNAGE: A STRICT LAW;
VIOLENCE: CITIZENS AGREE, RELUCTANTLY, TO GIVE UP ASSAULT WEAPONS TO AVOID 'THE AMERICAN PATH.'

BYLINE: JEFF BRAZIL and STEVE BERRY, TIMES STAFF WRITERS

DATELINE: BALLARAT, Australia

BODY:

They love to adopt American styles here, from fast food to funky fashions, but there's one thing they want no part of: our off-the-charts gun violence.

That's why dairy farmer Paul Arundell, standing in line at his neighborhood's Firearms Collection Centre, is doing something very un-American: surrendering his assault rifle to be destroyed. In return, he will pocket a government check for \$ 400--more than twice the weapon's cost.

And worth every nickel, Australian leaders say.

In the wake of the worst carnage ever by a lone gunman--the "Port Arthur massacre" of 35 men, women and children--the Australian government has undertaken the largest weapons buy-back program the world has known. By doing so, Australian lawmakers have wounded the country's powerful gun lobby and convinced residents that the greater good means sacrificing some of their most treasured possessions.

"I would rather have kept it," the 30-year-old Arundell says of his high-powered rifle. "But the law's the law . . . and I understand why the government did what it did."

Since July, more than 500,000 semiautomatic firearms and pump-action shotguns have been relinquished to the Australian government, which has written more than \$ 260 million in rebate checks ranging from \$ 60 to several thousand dollars. After the barrels are bent in a hydraulic press, the weapons are ground to bits and used for scrap metal.

At the close of next month, when the extraordinary program ends, semiautomatic assault weapons and pump-action shotguns will join machine guns as banned firearms. Depending on the gun and the individual, violations are



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

punishable by fines of up to \$ 12,000 and two years in jail.

Australia's move leaves the United States as the last industrialized nation to allow its citizenry to possess assault weapons.

In a recent interview with The Times, Prime Minister John Howard says his "most effective line" in amassing support was "I don't want Australia to go down the American path."

"There is a widespread view, and I think quite accurate, that the very high homicide rate in the United States is in part due to the lax gun laws," he says. "The gap between the United States and the rest of the world on homicide is just so great that that has to be an explanation."

Although California and Congress passed assault weapon restrictions in 1989 and 1994, respectively, they were so diluted in compromises with the National Rifle Assn. and other gun interests that the weapons are still widely available and taking innocent lives. Only last week, a 67-year-old gunman in New Hampshire used an assault rifle to kill two state troopers, a judge and a newspaper editor.

"I am normally fairly laissez faire about things," says Howard, a political conservative. "But . . . I don't think there's any reason on Earth why people should have access to automatic and semiautomatic weapons unless they're in the military or in the police."

Tearful Goodbyes

Australia's Firearms Collection Centres seem ordinary enough, sandwiched between Pizza Huts, computer outlets and other mainstream storefronts. At first glance, the centers look a little like banks. But the customers are toting rifles, not deposit slips, and the transactions are anything but routine.

On a recent Thursday, as gun owners queue up at a collection center in Dandenong near Melbourne, some stifle tears as they embrace their weapons for the last time.

Mark O'hehir, a diesel mechanic, wells up as he watches a hydraulic press mangle a rifle his father gave him 15 years ago. "It's always been in the family," he says. "It was a tradition that my father would buy each of us a gun on our 21st birthday. Now it's gone."

David Nixon, a 71-year-old retired farmer, compares the loss of his gun to the grief of losing a beloved family member.

"People like me who use it for sporting purposes and nothing else, we're losing a part of our lives." Asked why he wanted to gaze through a plate glass window as his rifle was bent, he says: "Why is it important for you to go to your wife's grave and put some flowers on it once a year?"

Roy Burton, a 72-year-old retired chimney builder, seems more downcast than most. Burton's gun belonged to his brother, who was killed in World War II. "It was the only thing I had left of his," Burton says.



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

Pastry cook Oliver Roleff, his young son at his side, bids farewell to a semiautomatic rifle he's had stashed in his closet. He says surrendering his weapon is the right thing to do, if only as a symbolic statement against violence.

"I'd rather bring up my kids in a world where they're not going to see things like the Port Arthur massacre," he says. "If I can do my little bit, then I feel I've done the right thing."

Moments later, David and Lillian Allison part with a hunting rifle they've owned for 23 years and a shotgun they bought more than a decade ago. Although not happy, the couple are resigned to what must be done.

"Australia is, to a point, very Americanized," Lillian Allison says. "But the politicians asked us: Do you really want to go all the way and be like America in this?"

A Decline in Deaths

Although Australia has had one of the higher rates of firearm casualties, it doesn't come close to America's. With 14 times Australia's population, the United States had 64 times as many gun deaths. Elsewhere the picture is even more dramatic: America has more gun fatalities in a day than Japan has in a year. According to a recent study in the Journal of American History, more people are killed with guns in the United States in an average week than in all of Western Europe in a year.

American youngsters are 12 times more likely to die by gunfire than their counterparts in the rest of the industrialized world, according to a recent study by the U.S. Centers for Disease Control and Prevention.

"There's always a comparison with the craziness that's going on in the States to get laws passed in other countries," says Susan B. Sorenson, a professor at UCLA's school of public health. "Here, we have a . . . number of these large-scale violent incidents, but they have not, to date, served as a galvanizing force. We're very fond of our firearms."

So are Australians. And that similarity, among others, has persuaded many American gun-law proponents to argue that Australia's experience holds lessons for U.S. residents and lawmakers.

Both nations were born with a kind of frontier mentality and a strong belief in gun ownership--although Australia has nothing akin to the 2nd Amendment, which gun forces interpret as a right to bear arms of all kinds.

Both countries also have powerful gun lobbies. But in Australia, the battle has been waged over rifles and shotguns, because handgun controls have been in effect since the 1920s.

In both nations, assault weapon legislation came only after major tragedies and public demands for change. For the California Legislature and the U.S. Congress, it was the 1989 slaying of five children in a Stockton schoolyard and the 1993 killings of eight people at a San Francisco law firm.



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group

Australia was rocked by three major assault weapon catastrophes before the most stunning of all in 1996.

Pulling an American-made assault rifle out of a tennis racket bag, Martin Bryant, 28, opened fire in a diner, killing 20 people and injuring 12. He then mowed down 15 others in the establishment's parking lot, at a nearby general store and several other locations. A 6-year-old girl was shot in the neck at point-blank range while hiding behind a pine tree just feet from where Bryant had gunned down her mother and 3-year-old sister.

"It was a seminal day in the history of our nation," says Leonie Kennedy, national campaign manager for Australia's firearms buy-back program. "Everyone remembers where they were. It was almost like, where were you when Kennedy was shot?"

Selling the Law

Within 12 days of the massacre, Australia's federal, state and territorial governments agreed to ban the possession and sale of all semiautomatic and pump-action firearms. The law also introduced a comprehensive gun registration system; a requirement for a reason other than self-defense to own, possess or use any firearm; a 28-day waiting period after obtaining a gun permit; a rule that all first-time applicants be trained in a weapon's use; restrictions on the transport of firearms; and minimum standards for storing firearms and ammunition, which must be kept separate.

To make it more palatable, the government ponied up \$ 500 million to reimburse gun owners, who were given up to 15 months to surrender their banned arms. The money was raised through a Medicare levy costing the average Australian about \$ 1.40 a week.

The initial reaction from Australia's gun lobby, which received financial support and strategic advice from America's savvy National Rifle Assn., was swift.

More than 70,000 protesters flooded the streets of Melbourne, the largest demonstration on Australian soil since the Vietnam War. They argued that the law would neither reduce crime nor prevent another massacre. Many vowed never to give up their guns, threatening to bury them on their property.

The opposition was nasty. Members of Australia's National Coalition for Gun Control, which lobbied extensively for the new law, got messages on the Internet from American gun lobbyists calling them the "lowest form of life in the universe."

Politicians received death threats and, at one point, Prime Minister Howard donned a bulletproof vest before an appearance near Melbourne as part of his nationwide crusade to mobilize support for the law.

"It was quite difficult at the time," says Howard, who had just narrowly won office when the Port Arthur incident occurred. "I had a lot of opposition in my party to it, people saying they'd never win their seat again.

"You should never underestimate in these circumstances the power of an



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group

organized lobby," Howard says. "It's amazing how well-organized they were. But we won."

Since then, Howard's standing has soared, ranking him among the most popular prime ministers in Australian history.

Even leaders of Australia's pro-gun political party, the Shooter's Party, have given their blessing to the ban on assault weapons, though not the restrictions against other banned weapons.

"There's no need for these semiautomatics and pump-action shotguns," says gun lobbyist John Tingle. "They're weapons of war. They shouldn't be allowed for the average people."

With one month left in the buy-back program, the Australian government has collected 508,161 guns, most of which have been mulched into tiny pieces.

Although government officials know the law is no guarantee against another massacre, they are optimistic that it will greatly reduce firearms deaths and injuries.

Their hope stems in part from a 1994 study showing that Australian states with gun laws before the ban had the lowest firearms death rates in the nation.

In West Australia, which historically has had the country's toughest gun control laws, the death rate was 2.7 per 100,000 residents. In Tasmania, with the loosest laws, it was 7.2 deaths per 100,000.

Australian leaders also look beyond their borders and find reason to be hopeful.

In 1991, Canada passed the first of two sets of laws restricting assault weapons, hunting rifles and shotguns. While the underlying causes for rising and falling crime are many and complex, Canada's gun homicide rate had dropped 35% at the end of 1995, the last year for which reliable figures are available. The Canadian laws were enacted after 14 female engineering students were slain by a gunman armed with an American-made Ruger Mini 14 rifle, a high-capacity weapon now illegal in Canada and Australia but legal in the United States.

"The laws that are in place in Canada and Australia are the norm," says Wendy Cukier, a Canadian college professor and expert on international gun control issues. "Most countries in the Western world do not let people have handguns, and they certainly don't let people have military weapons."

Lessons From Down Under

Could such a law mandating the surrender of assault weapons come to pass in the U.S.? Should it?

Not surprisingly, the NRA is paying close attention--and making sure its constituency does too--through trade publications, the mainstream media and the Internet. The group argues that the Australian solution penalizes law-abiding gun owners.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

"One of NRA's worst fears is that people in the U.S. will listen to what people in Australia and Japan say about gun control," says Natalie Goldring, deputy director of the Washington, D.C.-based British-American Security Information Council, which tracks international security issues.

If an Australian-type buy-back program were proposed in the United States, observers predict, only a handful of members of Congress would be supportive.

For broader acceptance, it would take a massively terrible incident, says Josh Sugarmann of the Violence Policy Center. "The level of violence here," he says, "is such that the American public has become more deadened to what is truly a horrible act."

Even to get strong controls on assault weapons, experts say, the American public and its elected officials must recognize the overall gun violence problem for what it is: a public health plague unparalleled elsewhere in the modern industrialized world.

Although it is true that assault weapons represent a sliver of weapons owned in the United States, they are involved in a disproportionate number of crimes and, in the wrong hands, have the capacity to kill or harm many people in a single incident.

"Too often the U.S. just looks at itself and it thinks violence is normal," said Cukier. "If you look at the experience of other countries, it becomes apparent that there is hope."

There are also increasing signs that it is no longer political suicide to oppose the powerful gun lobby.

The NRA says it spent \$ 4.5 million in the 1995-96 lobbying cycle, but failed to unseat any of its so-called "Ten Who Gotta Go," as published in the December 1996 edition of American Rifleman.

Says Garen Wintemute, professor of epidemiology and preventive medicine at UC Davis: "The message is getting home."

*

Times U.N. correspondent Craig Turner and staff photographer Carolyn Cole contributed to this report.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:

Why, years after federal and state laws were passed to restrict these lethal



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast?

Through documents obtained under public records laws and interviews with victims, gunmakers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Sunday: How the arms industry has exploited flaws in the law, with tragic consequences.

* Monday: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Tuesday: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Today: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

*

The complete series will be available today on The Times' World Wide Web site at <http://www.latimes.com/outgunned>

GRAPHIC: PHOTO: Banned firearms are crushed at mill, left, after barrels are bent. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: At Ballarat center, above, men discuss having to surrender their guns. Even leaders of Australia's pro-gun political party have given their blessing to the ban on assault weapons. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: A crane's jaws lift weapons onto a conveyor belt that will crush and sort metal and wood. After the massacre of 35 people by a lone gunman, Australia set up the world's largest weapon buy-back plan. Since July, more than 500,000 pump-action shotguns and semiautomatic firearms have been turned in. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: In Port Arthur, Australia, a wooden cross stands as a memorial to the 35 men, women and children killed April 28, 1996, by a gunman wielding an American-made assault rifle. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: In Ballarat, Paul Arundell, left, hands over his assault rifle for \$400, part of \$260 million in rebates paid out by the Australian government. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: A Melbourne center, right, collected about 6,000 guns in a four-week period. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 27, 1997

.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

FOCUS - 4 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

August 26, 1997, Tuesday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 2579 words

SERIES: **OUTGUNNED:** The Holes in America's Assault Weapon Laws; Third in a series.

HEADLINE: OWNERS' NUMBERS ARE SMALL BUT IMPACT IS POWERFUL;
FIREARMS: ASSAULT WEAPONS REPRESENT JUST A FRACTION OF THE MARKET. BUT TO GUN COMMUNITY, THEY'RE A LINE IN THE SAND.

BYLINE: STEVE BERRY and JEFF BRAZIL, TIMES STAFF WRITERS

DATELINE: WEST POINT, Ky.

BODY:

Lock and load. You are at the Knob Creek Machine Gun Show, and the shooting is about to start.

All along the firing line, unsmiling men work among machine gun bipods and tables piled high with ammo belts and clips. Their targets: a half-dozen barrels filled with diesel fuel 150 yards downrange.

Here, at the world's most outlandish assault weapon festival, the gun is an icon and the "right to keep and bear arms" is recited like a religious mantra. Haute couture is an AK47 slung over your shoulder or a Beretta strapped to your leg.

"Ready on the right!" a security guard yells. "Ready on the left!"

And then all earsplitting hell breaks loose, as grown men in camouflage luxuriate in the deadly power that bursts forth from a squeeze of the trigger.

Spectators gasp as the bullets rip into the diesel-loaded barrels, sending fire and black mushroom clouds skyward. The heat warms their faces, shock waves pound their chests.

Assault weapon junkies, these folks live on the outskirts of the American gun community. Although their numbers are small, their voices echo as loudly as their firearms in the debate on gun control--overwhelming the vast majority of Americans who believe that rapid-fire rifles and pistols have no justification in civilian hands.

They are factory workers, low-level municipal employees, bankers, small-business owners. They are antique collectors, target shooters, plinkers



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

and Walter Mitty types who like to get all "cammoed up." Some are real-thing militiamen.

They spend weekends at gun shows and firing ranges. They read Soldier of Fortune, Guns and Ammo, and the American Survival Guide. And, in a 1990s twist, they surf the Internet for gun buys and news of the latest outrage against freedom and the 2nd Amendment, which, in their thinking, are one and the same.

No matter what their walk of life, however, most share a bond--a fascination with big guns that borders on obsession and views that cross into the dogmatic.

Meet a few of them:

John Schiller, a 31-year-old plastics company employee from Jeffersonville, Ind., has come to the machine gun show because, quite simply, he loves to shoot. It melds mind and body, he says, into one sublime moment.

"You get down into what you are seeing, what your body is doing," he says. "I'm talking about your heartbeat and breathing and about picking the moment when everything is still, when everything is at rest, and at that very moment, you squeeze the trigger."

He knows that most people don't understand this special communion of man and gun. So before heading to the firing range, he takes a precaution for their sake and his.

"I close up my garage, take all my targets, my rifles, pistols and ammunition, put them in my car, open the door and then drive away," he says. "My neighbors would worry if they saw me loading up my car like that. They would say, 'What is he doing? Is he going to war?' "

Not unless, he says, the government were to forcibly try to disarm the citizenry. "We had a civil war over slavery," he says. "We should have one over guns."

Jerry Whitmore, who lives in Oregon, calls his MAC 11 assault pistol "a toy." He says he uses it for target shooting and doesn't care what anybody thinks about it. A burly firearms engraver, he says both he and his wife carry concealed weapons.

In fact, he says his quaint Pacific Northwest burg is full of people who pack hidden guns. "I only know two women," he says, "who don't carry."

Meanwhile, the Hall family--father, mother, 13-year-old son and baby--are ready for a pleasant Sunday afternoon outing in the Nevada desert near Boulder City. They've got the video camera, a cooler and a blanket spread out on the sand for the little one.

They've also packed their arsenal, including two combat style semiautomatic rifles.

Hall, a small-business man in Las Vegas who would not disclose his full name, explains the family's weapon preferences, starting with his wife.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

"She stays with a .38 Special," says Hall, his slightly graying hair pulled tight into a ponytail. His son, he says, uses a .22-caliber rifle.

As for him, "I like the MAK 90 and the SKS assault rifles. I never see these weapons as a means for settling an argument. But it's necessary to have them for defense, and it is a sport. We come out here as a family about twice a week and just blast away."

And that's as it should be, says Dick Dyke, president of Bushmaster Firearms, who thinks that the assault weapons he manufactures, and the aficionados who buy them, have gotten a bad rap because of the "polarization between the rural and urban areas."

"In rural areas, you go out as a family and shoot," says Dyke, who has been a hunter since age 10. "It sounds weird to city folks, but that's what we like to do."

Public Disavowal, Private Ties

Assault weapon enthusiasts bristle at the suggestion that anyone who owns an assault weapon is a political extremist or doomsday zealot.

"I don't believe the end of the world is coming, and I'm not going to get my guns stockpiled," says carpet installer Doug Tweedy, 33. "That makes guys like me look bad." He, like most recreational shooters, says he just enjoys the power that flows from the business end of a high-powered rifle.

But make no mistake, in the ranks of assault weapon owners, there are plenty of militia members willing to die for their armaments. Although there are no firm figures on the number of militia members in the United States, estimates range up to 40,000. California has 25 to 30 groups.

"We are everywhere," says a fully camouflaged militiaman, perhaps wishfully, as he swaggers along a dirt road leading to the firing line at Knob Creek.

He wears a bushy, untrimmed beard, black beret and sergeant stripes on his sleeve. He is carrying a MAK 90 combat-style rifle. A 9-millimeter pistol is strapped to his leg, a huge bowie knife to his hip. His dark, deep-set eyes rove the landscape with suspicion.

He and three other men dressed in military garb say they are members of a militia group called the Christian Soldiers of America.

"When I'm at home," he says, patting his right leg, "I also wear a .45 right here."

Gun industry leaders, trying to create a more moderate image, wince at such public displays of militarism, saying they scare the public and thus make life difficult for all gun owners.

"You have camouflaged men blowing up the hillside with machine guns," says Russ Thurman, editor of Shooting Industry Magazine in San Diego. "Growth of our industry depends on the new person coming into the market, and they are going to say, 'I don't want to be associated with that.'"



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Says National Rifle Assn. spokesman Steve Helsley: "We have zero to do with the militia."

Except to strongly support members' right to bear assault weapons--and contribute millions of dollars to help ensure that politicians throughout the country share the NRA's agenda.

For when it comes to the 2nd Amendment, the gun industry does not discriminate against person or weapon.

Assault rifles represent a kind of line in the sand to the NRA and other gun interests who believe that if a ban on them were ordered, then handguns and hunting rifles would be next. If that happened, they argue, the nation would be left defenseless against armed criminals and oppressive government agents.

That's why the NRA and gunmakers say they have battled against state and federal assault weapon restrictions, limiting their sweep and, in the process, opening gaps that have resulted in the continued proliferation of such guns.

Thanks to this strategy, assault weapon owners have exerted an influence over the nation's gun policy that far exceeds their representation in the overall firearms market, which is only about 1%. This despite the fact that mainstream opinion polls show that the vast majority of Americans want such guns eliminated because of their proven rapid-fire potential for wounding innocent people.

Although the NRA and gun purveyors publicly distance themselves from the more extreme elements of the assault weapon community, their magazines, Internet sites and public gatherings suggest the gap is not so wide.

Soldier of Fortune magazine, for example, editorially denounces paramilitary groups. But the magazine runs ads from a number of violence-oriented book distributors, including Paladin Press, the self-proclaimed "most dangerous press in America."

It sells such how-to books as "The Revenge Encyclopedia" and "Close Quarter Combat," which teaches how to crush a man's windpipe or "do a bad guy in with a bayonet."

At gun shows across the country, the splashiest displays feature midnight-black assault rifles, machine guns and a dizzying array of bullets. At some shows, such as one held recently at Hollywood Park Casino in Inglewood, a table is stocked with Nazi paraphernalia, from SS helmets to handkerchiefs from concentration camps.

After buying a MAK 90 assault rifle during a Las Vegas event, two men gaze longingly at a Thompson machine gun with a 75-shot drum. "Wow," one says. "Look at this one. You could take care of everybody you need to take care of and still have 60 rounds left for the cops."

Among those enjoying the sights are a father and young son, a matching pair. Both are dressed in fatigues; Dad has a Colt AR-15 assault rifle slung over his shoulder while junior totes an AR-15 squirt gun.



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group

Higher up the industry chain, assault weapon manufacturers also cater to the tastes and philosophies of their hardest-core clientele.

Bruce Bell, comptroller of Olympic Arms, an assault weapon maker in Olympia, Wash., disavows militia types and rolls his eyes at the mention of the Knob Creek shooting festival. But not long ago, he wrote a piece in SWAT magazine linking the congressional authors of the 1994 assault weapons restrictions with supporters of a "New World Order," a favorite topic among militias and survivalists.

At the NRA's recent national convention in Seattle, Olympic Arms proudly displayed its Internet site, promoting "California Assault Weapons" day--an occasion for assault weapon owners to blast away in the Angeles National Forest in protest of the state restrictions. The ad promised that gun registrations "would not be checked."

It also noted that the event would take place April 19--"the date of the British attacking the colonists at Concord (and some more recent stuff . . .)." The more recent stuff: the Oklahoma City bombing and the fiery final siege at the Branch Davidian compound in Waco, Texas.

Also mining customers from the ranks of military wannabes is Navegar Inc. of Miami, an exclusive producer of assault weapons.

"I tried to play to that audience," Michael Solodovnick, the firm's former marketing director, said during pretrial testimony in a lawsuit brought against Navegar by survivors of a 1993 San Francisco massacre in which two of the firm's guns were used. "They believed in certain things. They wanted to play military."

To find such folk, Solodovnick says, he scouts Soldier of Fortune conventions, where "Joe lunch bucket . . . dresses up in a military outfit and goes there like he's a soldier. . . . So, you know, he eats, sleeps and breathes it as a secret life, and yet . . . in the outside world, you know, nobody knows what he really is."

These kinds of admissions, be they in court testimony or trade magazines, show that, although assault weapon owners may be few in number, they are the "shock troops" of the industry, says Andres Soto, policy director of the Pacific Center for Violence Prevention in California.

"It's disingenuous for gun leaders and owners to try to disassociate themselves from militia types," Soto says, "when their own organizations are cultivating the extremists."

In Defense of Guns

Certainly, assault weapon owners are neither blind to, nor disinterested in, the tragedies that have occurred when criminals and the mentally unbalanced have taken aim. But on the grand scale of societal catastrophes, they say, assault weapons barely register.

"You are talking about saving a few lives that were lost because someone got a hold of an assault rifle and probably got it illegally," says one Knob Creek spectator. "More people die from drug overdoses. So let's eliminate the drug



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

problem."

By day, Dean D'Alessandro is a buttoned-down bank examiner from Chicago. After hours, he's an assault weapon fan, who drove 310 miles to join 3,000 others at Kentucky's Knob Creek shootout.

"They're not hurting anybody out there," he says, pointing to the lines of shooters pulverizing everything from old refrigerators to bowling pins. "These are legitimate people. Some of these people are doctors and lawyers. They're legitimate Americans, good people. They're not crazies."

"What's the difference between an assault rifle and a hunting rifle?" he asks, not waiting for an answer. "There is nothing. It's all image. Can I kill you with a shotgun? I sure can. Can I kill you with a handgun? I sure can. Are you going to outlaw everything?"

One of the most time-honored cliches in popular American culture is the NRA's "Guns don't kill people. People kill people." This is more than a simplistic slogan. It's a maxim, a belief system, a preeminent principle.

Greg Coghill of Louisville, Ky., who owns a bar called the Body Shop and has attended nearly every Knob Creek machine gun festival for the past decade, is a true believer.

"One crazy with a gun and you're going to affect the rights of millions of people?" he asks. "Following that logic, you'd have to ban knives, baseball bats, everything. Any weapon is dangerous. If a person is going to kill you, what's the difference between a handgun and a machine gun?"

Adds Richard Estevez, a Boeing Co. engineer who owns more than 50 weapons, including several assault weapons: "These are fire extinguishers. Just because I own a fire extinguisher doesn't mean I'm going to start a fire."

*

Contributing to this report were Times staff photographer Carolyn Cole and researcher Janet Lundblad.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:

Why, years after federal and state laws were passed to restrict these lethal semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast?

Through documents obtained under public records laws and interviews with



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

victims, gunmakers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Sunday: How the arms industry has exploited flaws in the law, with tragic consequences.

* Monday: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Today: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Wednesday: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

The complete series will be available Wednesday on The Times Web site at <http://www.latimes.com/outgunned>

GRAPHIC: PHOTO: At Knob Creek Machine Gun Show in West Point, Ky., participants practice their skills in half-hour shooting sessions. PHOTOGRAPHER: STEVE BERRY / Los Angeles Times PHOTO: Chris Wells, left, and Regina Harrison, both of Louisville, Ky., enjoy shooting, but say they attended the show only to watch. The event draws factory workers, bankers and business owners. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Thousands of rounds of ammunition, above, are fired at such events. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Renee Lalonde, 4, left, plays as her brother Matt fires a 9- millimeter carbine. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Karl Mitchum, above, checks the chamber of his MAK 11. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: Doug Tweedy fires his assault weapon in a dry creekbed near Las Vegas. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: August 26, 1997



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

FOCUS - 5 OF 6 STORIES

Copyright 1997 Times Mirror Company
Los Angeles Times

August 25, 1997, Monday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 4046 words

SERIES: **OUTGUNNED.** The Holes in America's Assault Weapon Laws. Second in a series .

HEADLINE: A QUESTION OF COMMITMENT; WEAPONS: ATTORNEY GENERAL SAYS HE HAS ENFORCED '89 BAN ON SALES.; BUT ASSAULT GUNS CONTINUE TO FLOOD STATE.

BYLINE: STEVE BERRY and JEFF BRAZIL, TIMES STAFF WRITERS

BODY:

California Atty. Gen. Dan Lungren says he is fully committed to enforcing the state's assault weapons law. Others think not, and here is why:

* When Colt Manufacturing Co. challenged the statute's constitutionality in 1991, Lungren agreed to put on hold a crucial provision aimed at restricting newly marketed assault weapons--a delay now in its sixth year. During that span, arms manufacturers have flooded the state with thousands of assault weapons that lawmakers anticipated would now be banned.

* When the Legislature-mandated deadline for people to register their assault weapons expired in 1992, subjecting violators to possible criminal penalties, Lungren quietly waived the provision. Since then, his office has allowed assault weapon owners to register their guns without requiring proof that they were bought before the law's implementation--and without receiving the Legislature's authorization.

* After Santa Clara County authorities prosecuted a man arrested in a motel room with an assault weapon and 550 rounds of ammunition, Lungren argued in court papers that the gun was not specifically covered by the state law and thus should be returned to the defendant. A judge in the case called the attorney general "all wet."

* When Kings County officials refused to release a seized assault rifle to a lawyer who said it was being offered as payment from a client, Lungren's office sided with the National Rifle Assn.--and against the state's police chiefs and sheriffs. A top Lungren official testified that the gun was almost identical to an AK47 but was legal because it was not specifically named in the law--"clearly an erroneous assumption," a lower court judge ruled.

Lungren, who has positioned himself as a moderate on gun control issues, contends that these moves and others undertaken by his office have been aimed not at weakening the law but at preserving it. A former congressman touted as the leading Republican candidate in next year's gubernatorial race, Lungren says he has enforced the Assault Weapons Control Act "in good faith," doing his best



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

with a statute he calls "complex," "difficult" and full of "holes." "If anybody thinks this law is a slam-dunk," Lungren says, "they're wrong."

Lungren told The Times, however, that he will reconsider his decision to waive the Legislature's deadline for registering assault weapons.

"At the time, I thought it was the right decision," Lungren says. "I'm going to sit down with my people and see whether at this point in time it makes any sense."

Explaining other controversial decisions made by his office, the attorney general says he relied on the advice of his deputies.

Lungren, who owns two .22-caliber rifles, says he has fired an assault weapon at a police range. How did it feel? "Pretty powerful," he says.

Although weakened by compromises with gun interests, the law was the nation's first to attempt to control the spread of assault weapons, with their fearsome firepower and large ammunition capacity.

Rather than describe the characteristics of an assault weapon, the law restricted several dozen named models, with the important caveat that additional assault weapons would be included by the attorney general as they came onto the market, even if arms makers sued the state in each case.

Lungren, however, has not succeeded in adding a single gun to the list. What's more, he has stunned police, prosecutors, judges and victims across the state by refusing to restrict weapons virtually identical to those named in the law.

Dennis Henigan, legal director for the Center to Prevent Handgun Violence, says that Lungren, as the state's top law enforcement officer, "should resolve all disputes in favor of public safety. Instead, he bends over backwards to compromise the assault weapon statute."

Particularly outraged is former Assemblyman Mike Roos, co-author of the assault weapon measure.

"The fact that the law is being stalled out is extremely frustrating," Roos says. "It is thwarting the will of courageous legislators who went against their own political inclinations and for once did the right thing. Dan Lungren will never get in line with the spirit of the law."

Concessions Undermine Measure

In drafting California's assault weapon restrictions, legislators built in a stern warning to gun makers: If you try to sell high-powered firearms like those already restricted, expect the attorney general to wage a vigorous fight to outlaw them.

So far, that hasn't happened.

Since taking office in January 1991, Lungren has tried to include just one gun on the list--the Colt Sporter, a copycat of the restricted Colt AR-15



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

assault rifle.

When Colt filed a constitutional challenge, Lungren entered into a series of concessions that have raised questions about his willingness to assume the watchdog role the Legislature envisioned.

First, in a pretrial arrangement with Colt, the attorney general agreed to waive a provision in the law authorizing a sales suspension of up to 30 days for a challenged gun.

The Legislature crafted the 30-day rule to prevent gun makers from cranking up sales before the gun's potential removal from the market--until a court hearing could be held on whether to restrict the weapon.

"We spent a lot of time on those procedures," recalls Donne Brownsey, chief legislative consultant for the law's co-author, former state Sen. David A. Roberti. "The presumption is that if the attorney general determines this is an assault weapon, then it is not to be disseminated."

The attorney general also entered into an agreement that has had even more profound ramifications for the law, effectively undermining one of its most important components.

When the Colt case first reached court, Lungren agreed to an injunction that not only allowed the company to continue selling the Sporter but went far beyond, blocking any new guns from being restricted until resolution of the Colt case. The impact: California has been awash in newly marketed assault weapons, some of which have repeatedly surfaced in horrific shootings.

Lungren has said in court documents that he signed off on the sweeping moratorium because, at the time, the Legislature was correcting technical flaws in the law and he was awaiting the outcome of a federal court challenge to the statute before pressing ahead.

But by the fall of 1992, both of those issues had been resolved, including a ruling by the federal court upholding the constitutional authority of the attorney general to ban new weapons.

Still, in an act that puzzled some and infuriated others, Lungren did not move to have the court overseeing the Colt case lift the broad injunction, which would have allowed him to start banning weapons as the Legislature intended.

In December 1993, Colt lost its case when a Superior Court judge ruled that the Sporter fit the bill of an assault weapon and that the attorney general could add it to the list of restricted guns. The company promptly appealed, requesting yet another moratorium so it could continue selling the gun until a decision was rendered.

This time, Lungren argued that such an injunction should not be granted, but he lost.

More than three years have passed, and the state appeals court has yet to set a court date on Colt's appeal. Nor has Lungren pushed the court to act, despite the fact that the case has languished three times longer than normal for the 3rd



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

District Court of Appeal.

The court's presiding justice, Robert Puglia, declined to comment on why the weapons case has not been set for oral arguments.

Richard Iglehart was chief assistant to former Atty. Gen. John K. Van de Kamp and served for three months in Lungren's administration. Now chief assistant district attorney in San Francisco County, Iglehart says: "It is unheard of for a case to sit that long and for the attorney general not to ask the court to speed it up."

"The attorney general's office has done that in a number of criminal cases, and this is a quasi-criminal matter because you are dealing with guns that would be banned under the criminal code."

Although such a long delay is unusual, anyone involved in the suit can ask the court to set a date for arguments, says Gerald Uelmen, former dean of Santa Clara University School of Law.

"Lawyers are always worried that might predispose a court against their side," he says, "but ordinarily that is not going to be a problem, especially if you are just trying to get the case calendared."

Roberti, the Van Nuys Democrat who co-wrote the law, mostly blames the court for the delay. Nonetheless, he agrees that Lungren should have moved more aggressively.

"We never envisioned one suit tying it all up," he says. "We never envisioned the attorney general stipulating to an injunction" that has blocked the addition of new weapons to the law.

Former Assemblyman Roos, a Democrat, accuses Lungren of, at best, a level of complacency that has placed the public--the attorney general's clients--at risk.

"If you took his issue, which is abortion, he would never have signed a stipulation to delay implementation. He'd be out there filing lawsuits."

Lungren says he knows what the lawmakers envisioned.

"That's one of the luxuries of being a legislator. . . . There are a lot of people out there not in my shoes, not required to enforce the law, who can take potshots."

Lungren says he's "very frustrated" with the Colt case and insists that tactical decisions made at the time were believed to be the quickest way to resolve the issue in the state's favor. He says he is "at a loss" to explain the delay and talks of his office's usual willingness to press courts to act swiftly. Asked, however, whether his office has filed a single motion or letter asking the court to act on the Colt case, he replies: "I don't know."

The Deadline That Wasn't

In crafting the assault weapon law, the Legislature knew not to even hint at the possibility of forcing people to surrender their high-capacity firearms.



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group



LEXIS·NEXIS™
A member of the Reed Elsevier plc group

Lawmakers did, however, pass a requirement that anyone owning a restricted weapon before the law's passage must register it with the state. Failure to do so could lead to imprisonment.

The registration provision was enacted, in part, at the request of law enforcement officials, who said it would make it easier for them to trace weapons involved in crimes.

It was no mere exercise in bureaucracy. Legislators and law enforcement officials say the deadline also was intended as a way to keep a lid on the number of weapons in circulation--and thus reduce the risk that they could end up in violent hands through theft or under-the-table transactions.

After one extension in the hopes of getting more people to register their weapons, the Legislature, at Lungren's urging, set March 31, 1992, as the "drop-dead deadline."

But, thanks to Lungren, the registrations continue.

Without input or consent from the Legislature, he has, to this day, allowed thousands of guns to be registered as assault weapons after the deadline, according to Department of Justice documents obtained under the state public records act.

Lungren says he does not make gun registrants prove that they bought their weapons before the restrictions because "someone might not have that" information. Moreover, he says, gun owners sign papers with the state attesting to the lawful registration of their firearms. This, the attorney general says, is done under the penalty of perjury.

Lungren also makes no apologies for not informing the Legislature.

"I am the attorney general of the state of California, elected by the people," he says.

He argues that, from a public safety perspective, it's better to register late than never. Lungren does acknowledge, however, that when he approved the policy, he expected that late registrations "would peter out after a month." Instead, registrants kept coming. "That is not what I expected," he said.

But just hours after Lungren's interview with The Times, Deputy Atty. Gen. Paul Bishop said his boss was "mistaken" about the events surrounding the deadline extension and had forgotten a "legal theory" explained to him six years ago, justifying continued registration of assault weapons.

According to Bishop, that view is supported by a provision in the law that allows someone charged with illegally possessing an assault weapon to get their punishment reduced by registering the weapon. That means the Legislature actually set no hard and fast registration deadline, Bishop argues.

Roberti, the measure's co-writer, doesn't buy it.

"Nice try, but that's not right," he says.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

He says Lungren "should be called to task" for not enforcing the deadline.

"It violates the whole provision of the law. People caught without registering should be prosecuted," he says. "We agreed on a firewall separation once the deadline had passed."

Critics say, moreover, that Lungren's failure to require purchase-date information at the time of registration makes evading the assault weapons law dangerously simple--"an invitation for gun dealers to wink and say it's OK to buy an illegal weapon," says the statute's co-author, Roos.

"This is making up the law the way you want it to be," Roos says, "not the way the Legislature intended it to be."

And the word is out.

At a gun show in Nevada, where many weapons restricted in California are legal, one seller after another says the registration law is easy to skirt.

"I can put any date you want on the receipt," says a man trying to sell an assault rifle to a Californian.

A dealer hawking a California-restricted AK47 offers this advice: "You would be able to register it, but you'd have to tell them you owned it before 1989 and just hadn't registered it yet."

Julian Campbell of San Diego emerges from the Las Vegas gun show with a fully-equipped Colt AR-15 rifle, which is illegal to purchase in California. The weapon, which can be fitted with a 100-round ammunition drum, is equipped with scope and laser sight, collapsible stock for concealment and a Hellstorm 2000 trigger, making it fire faster than some fully automatic weapons.

"I could not buy one of these in California," he says. "No way."

Campbell says he will register the rifle when he gets home--and he anticipates no snags.

Lungren said the fact that such incidents are occurring is news to him.

"If they are doing that," he says, "they are breaking the law."

At Cross Purposes

Local prosecutors and the attorney general usually are on the same side.

Not, however, in the case of the People vs. Dingman.

In March 1993, responding to a disturbance complaint at the Vagabond Motel in Santa Clara, police knocked on the door of Room 127. Answering was James Dingman.

Initially, court records say, he told officers that, for six months, he had been hearing voices and was certain people were plotting his death--which he later denied. In his room was an SKS assault rifle with a 30-round clip



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

attached, two pistols and hundreds of rounds of ammunition.

Lungren acknowledges that his office advised Santa Clara County prosecutors that, in the attorney general's opinion, the SKS was legal.

But prosecutors, who felt strongly about pursuing the case anyway, charged Dingman with possessing an illegal assault weapon, in violation of the state law. He pleaded no contest and received probation. But that was only the beginning.

A gun shop owner referred Dingman to the NRA. Before long, Dingman was back in court, withdrawing his plea and arguing that his SKS weapon was legal because it was not specifically covered by the Assault Weapons Identification Guide produced by the attorney general's office.

Judge Robert Schneider found the attorney general's guide "deceptive," saying it "doesn't comply with the law. The attorney general is, to put it in the vernacular, all wet and misleading citizens."

Dingman tried the same tack during his trial in Superior Court, but yet another judge considered the weapon illegal and found him guilty. Dingman was sentenced to three years probation and was given community service.

When Dingman went to the appeals court, the justices there didn't mince words either.

"We have no trouble reading the statute to mean what it says," they wrote. ". . . Nor do we think any ordinary person of reasonable intelligence, or anyone familiar with gun parlance, would doubt that the weapon is prohibited."

Next stop, the California Supreme Court. Enter Dan Lungren.

Despite stinging rebukes from three lower court judges, Lungren broke ranks with prosecutors and sided with the defendant, whose case is pending before the state's high court.

In legal papers, Lungren argued that the Legislature intended to restrict only SKS weapons manufactured to use detachable ammunition clips. He said Dingman's weapon was made with a fixed clip, which he later modified to be detachable.

Therefore, the attorney general argued, the weapon is legal under the law.

"I'm not taking on a D.A.; I'm defending the law," Lungren says. "And sometimes when you defend the law, you have to do uncomfortable things."

Lungren concedes he is also "uncomfortable" being put in a position of defending a heavily armed suspect who was holed up in a motel room. He says he was unaware of the circumstances surrounding Dingman's arrest or his alleged mental problems.

"We never discussed that," Lungren says. "The only thing presented to me were the legal facts."



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Lungren's finely nuanced interpretation of the law--along with his decision to not back up prosecutors--has infuriated Santa Clara Deputy Dist. Atty. Stanley Voyles, who filed the original charges against Dingman.

"It was an appalling thing for him to do," he says of the attorney general.

What's in a Name?

Local authorities in Kings County also found themselves at odds with Lungren and his reading of the assault weapons law.

In May 1994, attorney J.W. Harrott filed a lawsuit against the county to obtain a number of guns seized from a client who had promised them as payment.

The county refused to release one of them--a Clayco, imported from China by Golden State Arms Distributors in Manhattan Beach. Deputy County Counsel Will Murphy argued that the weapon, a virtual duplicate of the AK47, was banned under the law.

"I defy anyone to find a single rivet that's different," says Murphy, who during the trial of the lawyer's suit called one of Lungren's senior criminalists, John Hamman, to compare the Clayco and the AK47.

Hamman testified that many of their parts are interchangeable and that any differences in their operation are negligible. Nonetheless, Hamman said he and his superiors in Lungren's office believed that the Clayco was legal because it was not specifically listed in the law.

The judge presiding over the case disagreed, saying: "That's clearly an erroneous assumption of what the law says." He deemed the Clayco a banned weapon.

The lawyer appealed, however, and this time he won. The appellate court ruled that only the attorney general has the authority to ban a weapon, not a judge.

Lungren, saying his office was again placed in a "difficult position" in the Harrott case, criticizes the law, saying weapons should not have been restricted based on the "way they looked."

Today, the Harrott ruling is under review by the California Supreme Court, where the NRA and the attorney general have filed briefs arguing in favor of the Clayco's legality.

Roberti says Lungren has completely misread the Legislature's intent.

"I used to give speeches after we passed the law where I explained that facsimiles are included in the ban over and above what the attorney general lists."

Kings County Counsel Denis Eymil says that if the appeals court decision stands, "the practical effect . . . will be the unregulated release to the streets of not only this weapon, but all other amorphous twins of AK series assault weapons."



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Lungren's stance also has drawn opposition from top law enforcement groups. A legal brief filed by the California Police Chiefs Assn., the California Sheriff's Assn. and the California Peace Officers Assn. and the Center to Prevent Handgun Violence states:

"Assault rifles that have been simply renamed from those on a list of banned weapons are every bit as deadly, and just as significant a threat to the health and well-being of California citizens."

*

Times staff photographer Carolyn Cole, researcher Janet Lundblad and staff writer Myron Levin contributed to this report.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

The Law

Here is an excerpt from the Assault Weapons Control Act:

The Legislature ... declares that the proliferation and use of assault weapons poses a threat to the health, safety and security of all citizens of this state. The Legislature has restricted the assault weapons specified . . . based upon finding that each firearm has such a high rate of fire that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings.

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

A Rifle by Any Other Name...

Gun manufacturers, seizing on loopholes in state and federal assault weapon laws, have succeeded in stocking shelves with thousands of "copycats"--legal weapons that are cosmetically different from those restricted by the law but pose the same hazard. As one Southern California gun dealer put it, "Virtually every gun that has been banned is available today in some form."

Colt

Colt, a gun manufacturer in Hartford, Conn., has produced several legal substitutes for the Colt AR-15, which is restricted under both state and federal laws.

*

Restricted: Colt AR-15. The civilian version of the military's M-16. Was restricted by California in 1989 and by the federal government in 1994.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

*

Under legal challenge : Colt Sporter. Introduced in 1990.

How it was changed: The internal trigger area was altered to make it more difficult to convert to a fully automatic weapon. The bayonet lug was removed. And it comes with only a five-round ammunition clip, though it can accept higher-capacity clips. California sued Colt in 1991, saying it was too similar to the AR-15.

*

Legal: Colt Match Target. One of the latest generations of the AR-15/Sporter series.

How it was changed: It has no flash suppressor or bayonet lug and remains legal.

AR 1-5 Clones

Companies such as Eagle Arms, Olympic Arms and others have made their own AR-15 legal lookalikes. Among them:

*

Bushmaster DCM: Billed as "looking like a stock AR-15."

Eagle Arms M15A2: Introduced 1995.

Stoner SR-25: Introduced 1993.

Eagle Arms M15A3 Predator: Introduced 1995.

Olympic Arms PCR-1: Introduced 1994. Name stands for "Politically Correct Rifle."

Olympic Arms PCR-2

Source: Colt, Gun Digest, California attorney general

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

About This Series

OUTGUNNED. The Holes in America's Assault Weapon Laws.

Six months ago, after the nation saw two North Hollywood bank robbers terrorize scores of police officers and civilians with a seemingly endless spray of assault rifle bullets, Times staff writers Jeff Brazil and Steve Berry set out to answer this question:



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

Why, years after federal and state laws were passed to restrict these lethal semiautomatic guns, do they continue to proliferate, felling innocent people from coast to coast? Through documents obtained under public records laws and interviews with victims, gun makers and law enforcement officials, the reporters found that the country's assault weapon statutes have been circumvented and undermined--that the law has been **outgunned**.

* Sunday: How the arms industry has exploited flaws in the law, with tragic consequences.

* Today: The questions surrounding California Atty. Gen. Dan Lungren's commitment to enforcing the state's landmark assault weapon restrictions.

* Tuesday: A look at assault weapon owners, who represent a fraction of the overall arms market but exercise significant clout in the nation's gun policy debate.

* Wednesday: Australia's answer to assault weapon violence in the wake of the world's worst attack by a lone gunman.

GRAPHIC: GRAPHIC-CHART: A Rifle by Any Other Name.../ Los Angeles Times
GRAPHIC-DRAWING: Colt AR-15. GRAPHIC-DRAWING: Colt Sporter. GRAPHIC-DRAWING: Colt Match Target. GRAPHIC-DRAWING: Bushmaster DCM GRAPHIC-DRAWING: Eagle Arms M15A2 GRAPHIC-DRAWING: Stoner SR-25 GRAPHIC-DRAWING: Eagle Arms M15A3 Predator GRAPHIC-DRAWING: Olympic Arms PCR-1 GRAPHIC-DRAWING: Olympic Arms PCR-2 PHOTO: "If anybody thinks this law is a slam-dunk, they're wrong."--Atty. Gen. Dan Lungren PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times PHOTO: California resident Julian Campbell holds a Ruger Mini 14, one of two weapons he bought at a Las Vegas gun show. The other was a Colt AR-15. PHOTOGRAPHER: CAROLYN COLE / Los Angeles Times

LANGUAGE: English

LOAD-DATE: September 6, 1997



LEXIS-NEXISTM
A member of the Reed Elsevier plc group



LEXIS-NEXISTM
A member of the Reed Elsevier plc group



LEXIS-NEXISTM
A member of the Reed Elsevier plc group