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## **Why Merely Renewing the Current Assault Weapons "Ban" Will Not Stop the Sale of Assault Weapons**

In 1994, Congress passed, and President Clinton signed, a ban on the production of certain semiautomatic assault weapons as well as high-capacity ammunition magazines that hold more than 10 rounds. The law banned specific assault weapons by name and also classified as assault weapons semiautomatic firearms that could accept a detachable ammunition magazine and had two additional assault weapon design characteristics. The law is scheduled to end on September 13, 2004.

On Tuesday, March 2, 2004, at 11:35 A.M. the U.S. Senate is scheduled to vote on an amendment to extend the current assault weapons ban for another 10 years. The proposal would amend legislation granting the gun industry limited immunity from lawsuits. **How effective is the current assault weapons ban?**

### ***The Gun Industry Evades the Law***

Immediately after the 1994 law was enacted, the gun industry moved quickly to make slight, cosmetic design changes in their "post-ban" guns to evade the law, a tactic the industry dubbed "sporterization." Of the nine assault weapon brands/types listed by manufacturer in the law, six of the brands/types have been re-marketed in new, "sporterized" configurations. "Post-ban" AR-15s, AK-47s, MAC-10s, UZIs, and other assault weapons are readily available today. At the same time, the gun industry has aggressively marketed new assault-weapon types—such



as the Hi-Point Carbine used in the 1999 Columbine massacre—that are commonly used in crime. In fact, gunmakers openly boast of their ability to circumvent the assault weapons ban. Their success is described in an August 2001 *Gun World* magazine article about the Vepr II assault rifle, a “sporterized” version of the AK-47:

In spite of assault rifle bans, bans on high capacity magazines, the rantings of the anti-gun media and the rifle’s innate political incorrectness, the Kalashnikov [AK-47], in various forms and guises, has flourished. Today there are probably more models, accessories and parts to choose from than ever before.

Equally blunt was an article in the May 2003 issue of *Gun World* reviewing the LE Tactical Carbine, a post-ban, “sporterized” AR-15 clone:

Strange as it seems, despite the hit U.S. citizens took with the passage of the onerous crime bill of 1994 [which contained the federal assault weapons ban], ARs are far from dead. Stunned momentarily, they sprang back with a vengeance and seem better than ever. Purveyors abound producing post-ban ARs for civilians and pre-ban models for government and law enforcement agencies, and new companies are joining the fray.

Just such a post-ban AR, the Bushmaster XM15 M4 A3 assault rifle, was used by the Washington, DC-area snipers to kill 10 and injure three in October 2002. The Bushmaster is the poster child for the industry’s success at evading the ban. The snipers’ Bushmaster is even marketed as a “Post-Ban Carbine.”

The industry’s ability to evade the ban is easily documented, not only by articles contained in gun magazines, but also by a review of advertisements in such gun dealer publications as *Shotgun News* and *Gun List*. Numerous manufacturer web sites also display currently available post-ban assault weapons. [See chart below]

Type of Post-Ban Assault Weapon	Manufacturer’s Website
Post-ban AK-47	<a href="http://www.robarm.com/">http://www.robarm.com/</a>
Post-ban AR-15	<a href="http://www.bushmaster.com/">http://www.bushmaster.com/</a>
Post-ban UZI	<a href="http://www.vectorarms.com/indexframe.html">http://www.vectorarms.com/indexframe.html</a>
Post-ban MAC-10	<a href="http://www.tickbitesupply.com/mpa.html">http://www.tickbitesupply.com/mpa.html</a>
Post-ban FN/FAL	<a href="http://www.dsarms.com/">http://www.dsarms.com/</a>

By simply renewing existing law, Congress also adopts and endorses the weak interpretation of the law promulgated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As a result, efforts to “fix” the ban in the courts—by arguing that “post-ban” models of restricted weapons violate the law’s prohibition on “copies or duplicates” of banned guns—are unlikely to succeed.

Furthermore, not all assault weapons were affected by the 1994 ban. For example, assault weapons with more conventional designs, such as the Ruger Mini-14, were not covered by the 1994 law—although gun experts define them as assault weapons. Furthermore, any gun that was legally possessed as of the date the 1994 law took effect may still be legally possessed and transferred without restriction. With respect to high-capacity ammunition magazines, manufacturers stockpiled thousands, or perhaps hundreds of thousands, of magazines before the ban took effect. Those magazines—some of which can hold up to 75 rounds of ammunition—are still widely available.

### ***One in Five Law Enforcement Officers Slain in the Line of Duty is Killed With an Assault Weapon***

The May 2003 Violence Policy Center report “*Officer Down*”—*Assault Weapons and the War on Law Enforcement* (<http://www.vpc.org/studies/officecont.htm>) revealed that, according to Federal Bureau of Investigation data, one in five law enforcement officers (41 of 211) slain in the line of duty from January 1998 through December 2001 was slain with an assault weapon, many of which were “post-ban” models that will remain untouched by a renewal of current law.

### ***Legislation That Would Effectively Ban All Assault Weapons***

Current law needs to be strengthened to be effective. The “Assault Weapons Ban and Law Enforcement Protection Act,” S. 1431 and H.R. 2038, would work to ban all assault weapons. This legislation is modeled on California law. This state law was enacted in 1999 to address the tactics the gun industry employs to evade federal law.

In conclusion, the assault weapons amendment would merely continue the badly flawed 1994 ban, which is a ban in name only. Reenacting this fictional ban without improving it will do virtually nothing to protect the lives of law enforcement officers and other innocent Americans.

### ***Additional Information***

The Violence Policy Center has numerous photos and advertising copy of post-ban assault weapons that would not be covered by the proposed amendment. The VPC also has video footage of pre- and post-ban assault weapons, including AK-47 models and the Bushmaster model of assault rifle used by the Washington, DC-area snipers.

***For more information, contact VPC Legislative Director Kristen Rand at 202-822-8200 x102 or [krand@vpc.org](mailto:krand@vpc.org) or visit the VPC’s web site at [www.vpc.org](http://www.vpc.org).***

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*The Violence Policy Center is a national educational organization working to stop gun death and injury in America.*