

1730 Rhode Island Avenue, NW Suite 1014 Washington, DC 20036 202.822.8200 voice 202.822.8205 fax www.vpc.org web

Bullet Buttons

The Gun Industry's Attack on California's Assault Weapons Ban



Introduction

California's assault weapons ban—the toughest in the nation—is under attack by America's gun industry.

Following a series of high-profile mass shootings in the 1980s and 1990s, California led the nation in protecting its citizens from the proliferation of military-style assault weapons. Assault weapons are a discrete class of firearm that incorporate specific design characteristics to enhance lethality. Civilian assault weapons are derived from their full-auto military counterparts developed by the Nazis during World War II to allow German soldiers to spray a wide geographic area with bullets to combat advancing troops. Chief among the characteristics that make assault weapons so lethal compared to other firearms is their ability to accept a detachable, high-capacity ammunition magazine, which, after being emptied, can be replaced with a new fully-loaded ammunition magazine in seconds.

In 1989, California passed the Roberti-Roos Act, the first statewide law in the nation designed to ban assault weapons. Soon after its passage however, the firearms industry made minor cosmetic changes to many banned assault weapons—evading the intent of the law and allowing their continued sale. In 1999, after intense media attention, California legislators moved to update the law to address the industry's actions. Now, the gun industry is once again working to undermine California's assault weapons ban. And if no action is taken by California policymakers to address this newest attack, the state's longstanding ban on assault weapons will be eviscerated.

The "Bullet Button"-Assault Weapon Manufacturers' Gateway to the California Market

Catalogs and websites from America's leading assault rifle manufacturers are full of newly designed "California compliant" assault weapons. Number one and two assault weapon manufacturers Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California's assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the "bullet button." [Please see the Appendix beginning on page six for 2012 catalog copy featuring "California compliant" assault rifles utilizing a "bullet button" from leading assault weapon manufacturers.]

California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).

High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose. However, in California an ammunition magazine is not viewed as detachable if a "tool" is required to remove it from the weapon. The "bullet button" is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference.

California's Assault Weapons Ban: A Victim of Its Own Success

Ironically the gun industry is targeting California because of the very success of the state's assault weapons ban. As the result of its comprehensive laws, Californians own relatively few assault weapons. One indication of this is the map on the next page, taken from an 80-page 2010 assault rifle marketing report presenting the findings of an on-line survey conducted by the gun industry trade association the National Shooting Sports Foundation (NSSF). In the study, assault rifles are euphemistically dubbed "modern sporting rifles," the latest rebranding effort embraced by the NSSF and its industry patrons for these military-bred weapons.² On the map, the deeper the color red, the greater the number of responses to the NSSF survey "per household."

California's light pink shade graphically illustrates the relatively low response rate to the survey, suggesting significantly lower assault weapons ownership. The map helps explain why the gun industry is desperate to access the California market as the demand for assault rifles has slowed since 2008 and the election of Barack Obama—whose election was quickly, and falsely, cited by the industry and gun lobby as heralding an impending juggernaut of federal firearms regulation, including a renewed federal assault weapons ban. For example, production figures from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for five major long-time assault rifle manufacturers including the two manufacturers, Bushmaster and DPMS, that "represent the largest and second largest designers and suppliers of modern sporting rifles [assault rifles], components and parts for the commercial market," —show that the number of assault rifles manufactured in the United States by these companies dropped from 244,242 in 2008 to 131,706 in 2010 (figures for 2011 are not yet available).

¹ Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles, April 1998.

² Modern Sporting Rifle (MSR), Comprehensive Consumer Report 2010, Ownership, Usage and Attitudes Towards Modern Sporting Rifles, National Shooting Sports Foundation, Newtown, CT, 2010.

³ Freedom Group Annual Report for the year ending December 31, 2011. Parentheses added.

⁴ The five long-time assault weapon manufacturers are ArmaLite, Bushmaster, Colt, DPMS, and Rock River Arms.



The lighter the shade of red the fewer responses "per household" to a survey targeted at assault rifle owners according to a marketing study by the gun industry trade association National Shooting Sports Foundation (NSSF)

Catalog text from gunmakers describing these new "California compliant" assault rifles present an almost celebratory tone in noting their ability to circumvent the law.

According to Colt: "The world renowned line of Colt rifles and carbines will now be available to residents of all 50 states. The premier model of this new family is the LE6940CA...All models in this new family will come standard with nine round magazines and a factory installed Bullet Button."

According to DPMS: "OUR BEST-SELLING RIFLES NOW SELLING EVERYWHERE. DPMS now offers several of our most popular rifles with a Bullet Button fixed 10 magazine lower receiver."

The negative public safety implications of the renewed sale of assault weapons in California are clear. California first acted to ban assault weapons in response to deadly mass shootings perpetrated with legal assault weapons equipped with high-capacity detachable ammunition magazines: the 1984 James Huberty massacre at a McDonald's in San Ysidro that left 22 dead and 19 wounded and the 1989 Patrick Purdy massacre at Cleveland Elementary

School in Stockton that left six dead and 30 wounded. Outside of California, assault weapons equipped with high-capacity ammunition magazines have been used in many mass shootings and are routinely used in attacks against law enforcement officers.⁵

A parallel threat, however, is that California could become a major source for gun traffickers supplying violent drug organizations in Mexico and Latin America. Other border-area states such as Texas, Arizona, New Mexico, and Nevada are currently significant source states for gun traffickers. Research suggests that California's stronger gun laws have deterred gun traffickers by denying them their "weapons of choice," which consist primarily of AK- and AR-type assault rifles and 50 caliber sniper rifles (also banned in California).

Analyses of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace data by researchers at the Johns Hopkins Center for Gun Policy and Research indicate that the border states with the highest per capita exporting of crime guns to Mexico (Arizona, New Mexico, and Texas) had export rates four times that of California. The researchers attributed this to California having much more stringent gun sales laws than the other border states. They observed that California would make a relatively unattractive environment for traffickers to acquire their guns because the state banned the assault weapons that they clearly wanted, gun purchasers can more readily be held accountable for illegally transferring their guns, and California's law prohibits bulk gun sales common in gun trafficking rings operating in Texas and Arizona.^{6 7}

Of equal concern should be the fact that recent data from ATF reveals that the appetite of cross-border illegal gun traffickers for assault rifles is growing. On April 26, 2012, ATF released a major analysis of firearm traces of guns recovered in Mexico from 2007 to 2011. The agency stated:

Since 2007, trace data shows a trend in recovered and submitted crime guns from Mexico shifting from pistols and revolvers to rifles. Law enforcement in Mexico now report that certain types of rifles, such as the AK and AR variants with detachable magazines, are used more frequently to commit violent crime by drug trafficking organizations.⁸

⁵ See, for example, the following Violence Policy Center publications: *Mass Shootings in the United States Involving High-Capacity Ammunition Magazines* (http://www.vpc.org/fact_sht/VPCshootinglist.pdf); *Target: Law Enforcement—Assault Weapons in the News* (http://www.vpc.org/studies/targetle.pdf); and, "*Officer Down*"—*Assault Weapons and the War on Law Enforcement* (http://www.vpc.org/studies/officecont.htm).

 $^{^6}$ As cited on the Violence Policy Center website $Cross\text{-}Border\ Gun\ Trafficking}$ (http://www.vpc.org/indicted.htm).

⁷ See also Testimony of Eric L. Olson, Senior Associate, Woodrow Wilson International Center for Scholars Latin America Program—Mexico Institute Before the Senate Committee on Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs, "A Shared Responsibility: Counternarcotics and Citizen Security in the Americas," Thursday, March 31, 2011, at 5.

⁸ ATF Press Release, "ATF Releases Government of Mexico Firearms Trace Data," April 26, 2012 (http://www.atf.gov/press/releases/2012/04/042612-atf-atf-releases-government-of-mexico-firearms-trace-data.html).

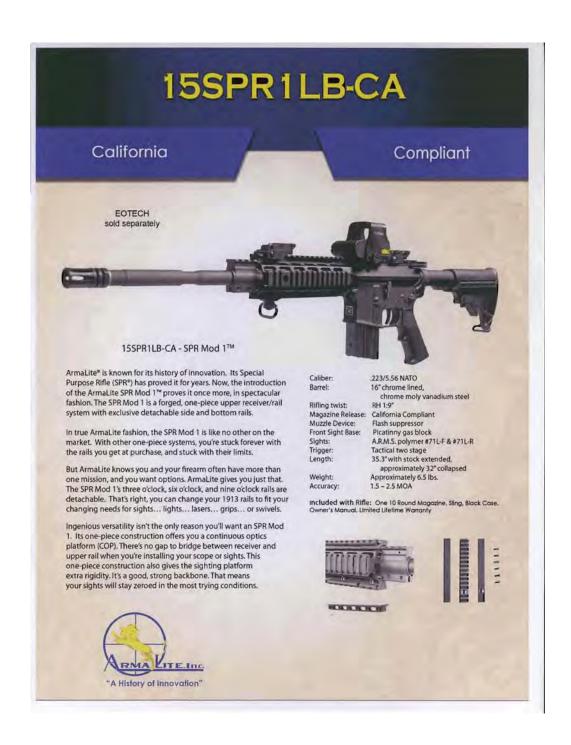
Conclusion

California is in the sights of the assault weapons industry.

Without swift action by California policymakers, the state's ban on assault weapons will be eviscerated by assault weapon manufacturers. And while assault weapon manufacturers will reap the financial benefit of penetrating what they view as one of the last great sales opportunities, California residents, and the law enforcement personnel who help protect them, will be placed at increased risk of death and injury from these military-style weapons. At the same time, California could also become a new source for assault weapons illegally trafficked to Mexico and other nations in the Southern Hemisphere.

California is a victim of its own success in regulating assault weapons. It is because of the effectiveness of its law, and the state's willingness to modify it in the past to address gun industry efforts to circumvent it, that ownership of these weapons is relatively low.

In the past, when gun industry efforts to circumvent the law have been exposed, the state has moved to address the problem. It is time, once again, for California to protect its gun laws from industry attack. California policymakers, as well as concerned institutions, organizations, and civic leaders, should move quickly to explore all possible solutions—administratively and legislatively, short-term and long-term—to ensure the integrity and effectiveness of its landmark law and the safety of its citizens.



ArmaLite 2012 Handout

ArmaLite's 15SPR1LB-CA assault rifle is presented under the headline "California Compliant" with a "California Compliant" magazine release listed under its specifications.





28 2012 BUSHMASTER® PRODUCT CATALOG

BULLET BUTTON M4 TYPE ORC

Bushmaster 2012 Catalog

Bushmaster bullet button assault rifles promise "SAME PERFORMANCE" while remaining "STATE-COMPLIANT."



BULLET BUTTON PATROLMAN'S CARBINE

FEATURES

Bullet Button lower receiver

10-round magazine

Tool required for magazine removal

A3 upper receiver with detachable carry handle 16" M4 contour barrel with A2 flash hider

800.883.6229 | BUSHMASTER.COM

SAME PERFORMANCE
TE-COMPLIANT

7

Bullet Button Patrolman's Carbine (90880)



Colt 2012 Catalog

"The world renowned line of Colt rifles and carbines will now be available to residents of all 50 states. The premier model of this new family is the LE6940CA...All models in this new family will come standard with nine round magazines and a factory installed Bullet Button."



DPMS Panther Arms 2012 Catalog

"OUR BEST-SELLING RIFLES NOW SELLING EVERYWHERE. DPMS now offers several of our most popular rifles with a Bullet Button fixed 10 magazine lower receiver."



Smith & Wesson 2012 Catalog

The Model M&P 150RC is just one of a number of Colt assault rifles that feature a "Fixed Magazine" and "Bullet Button" to make them "Compliant For Sale in CA."