

**A Further Examination of Data  
Contained in the Study  
*On Target* Regarding Effects  
of the 1994 Federal Assault  
Weapons Ban**

**The Violence Policy Center (VPC)** is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce gun-related death and injury. Past studies released by the VPC include:

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- Really Big Guns, Even Bigger Lies: The Violence Policy Center's Response to the Fifty Caliber Institute's Misrepresentations* (March 2004)
  - *Illinois—Land of Post-Ban Assault Weapons* (March 2004)
  - *When Men Murder Women: An Analysis of 2001 Homicide Data* (September 2003)
  - *Bullet Hoses—Semiautomatic Assault Weapons: What Are They? What's So Bad About Them?* (May 2003)
  - *"Officer Down"—Assault Weapons and the War on Law Enforcement* (May 2003)
  - *Firearms Production in America 2002 Edition—A Listing of Firearm Manufacturers in America with Production Histories Broken Out by Firearm Type and Caliber* (March 2003)
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  - *"A .22 for Christmas"—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
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  - *Gunland USA: A State-by-State Ranking of Gun Shows, Gun Retailers, Machine Guns, and Gun Manufacturers* (June 2000)
  - *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000)
  - *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999)
  - *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

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## Key Findings

Unless Congress and the President act, the federal ban on assault weapons will expire on September 13, 2004. The options for policymakers are:

- allow the ban to expire;
- renew the law in its present form; or,
- renew the law, and strengthen it to cover both “copycat” assault weapons that gunmakers have designed over the past decade to evade the ban, as well as assault weapons not covered by the original law.

A new study, *On Target*, presents crime gun tracing information in an effort to make the case for simply renewing current law. It attempts to show that assault weapons’ use in crime has decreased since the law was enacted in 1994. But *On Target* presents only part of the picture. Any analysis of the 1994 law must answer these key questions: Regardless of name, are the weapons targeted by the 1994 law still being manufactured today, are they readily available, and are they being used in crime? The Violence Policy Center has conducted a further examination of the information contained in *On Target* to answer these questions. And unfortunately, the answer to each is a resounding yes: assault weapons targeted by the 1994 law *are* still being manufactured today, *are* readily available, and *are* being used in crime. The VPC analysis of the information contained in *On Target* makes it clear that **the federal assault weapons ban must be strengthened in order to be effective.**

### **Percentages Tell Only Part of the Story** (pp. 7-8)

*On Target* looks at assault weapon traces as a percentage of all firearms traced to crime by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). However, the approach of examining assault weapon traces as a percentage of total gun traces has clear flaws. Tracing practices of law enforcement agencies have changed dramatically over time. For example, the number of tracing requests processed by ATF grew from less than 40,000 in 1986 to more than 230,000 in 2001. *On Target* presumes that as the universe of crime gun traces increases, the number of assault weapons traced to crime will increase at a corresponding rate. However, the exact opposite should be expected to be true considering the reality of assault weapons tracing.

### **The Effect of “Time-to-Crime” (pp. 8-10)**

Even if one accepts *On Target*'s methodology as a valid and accurate measure of the effect of the ban *on specific models of assault weapons banned by name in the 1994 law under that exact name and/or specific configuration*, the decrease in the named guns can just as easily be accounted for by the accepted phenomenon known as “time-to-crime.” Time-to-crime measures the time that elapses from the first retail sale of a firearm until it is confiscated at a crime scene. Generally, the more time that passes, the less likely any gun is to be traced to crime. The “time-to-crime” effect accounts for a drop of 57 percent in the 1994 cohort of assault weapons. Since many of these weapons were in fact brought onto the market as far back as the mid-1980s, and their production *under these specific names* was halted in 1994, the 66 percent drop in assault weapon traces cited in *On Target* is not surprising.

### **Masking the Increase in Assault Weapon Traces (pp. 10-17)**

Most importantly, the analysis presented in *On Target* masks the real increase in assault weapon traces. This data in fact strongly supports strengthening the current ban so it effectively bans all assault weapons by addressing the threat posed by “copycat” assault weapons as well as assault weapons not covered by the original 1994 law. Using the data presented in *On Target*, the Violence Policy Center has determined—

- The number of “copycat” assault weapons traced to crime has increased dramatically, from 96 in 1990 to 3,410 in 2001.
- From 1995 to 2000, the total number of crime gun traces of “copycat” assault weapons, combined with crime gun traces for assault weapons not covered by the original 1994 law such as the SKS rifle, Hi-Point Carbine, Ruger Mini-14 rifle, and M1 Carbine, jumped from 3,050 to 6,527—an increase of 114 percent.

Using its own tracing database for the years 1995 through 2000, the Violence Policy Center also determined that from 1995 to 2000, the number of traces of select “copycat” assault weapons increased dramatically:

- the AB-10 assault pistol increased from eight to 746;
- the Bushmaster assault rifle increased from 34 to 224; and,
- the DPMS assault rifle increased from two to 75.

Using the same database, the number of traces from 1995 through 2000 of select assault weapons not covered by the 1994 law also increased dramatically:

- the Hi-Point Carbine increased from zero to 505;
- the Ruger Mini-14 assault rifle increased from 285 to 620; and,
- the SKS assault rifle increased from 1,264 to 2,079.

### **Additional Factors** (pp. 18-19)

Other variables that may have had an effect on the availability of assault weapons are not considered in *On Target*. These include:

- restrictions imposed in 1989 and 1998 on foreign-made assault rifles under the “sporting purposes” test, the federal law that governs assault weapon imports and operates separately from the federal assault weapons ban;
- expansion in 1998 of the Brady background check to include long guns; and,
- stronger local and state assault weapon laws, as well as other state and federal anti-crime statutes and measures.

### **Real-World Problems Require Real-World Solutions** (pp. 19-22)

*On Target* focuses solely on the incidence of assault weapon traces, failing to take into account key motivating factors that led to passage of the original assault weapons ban in 1994. The impetus for the ban was not solely assault weapons’ use in crime *overall*, but their special appeal to cop killers, mass shooters, and other dangerous fringe elements of gun-owning society. Police and other law enforcement personnel were some of the first victims of the assault weapon trend that emerged in the 1980s. Today, one out of five law enforcement officers slain in the line of duty is killed with an assault weapon.

The unintended yet undeniable conclusion to be drawn from the data presented in *On Target*, once the full picture is revealed, is that to be effective, the federal assault weapons ban must not only be renewed, but more importantly *strengthened*, to address the gun industry’s almost absolute success in evading the original ban.

## Introduction

On September 13, 2004, the federal ban on assault weapons is scheduled to end. As this date approaches, increasing attention has focused on how the gun industry has successfully circumvented the ban.

The intent of the 1994 law was to ban the continued production of assault weapons by naming specific guns (e.g. UZI) as well as their “copies or duplicates.” It also banned the future production of semiautomatic firearms with specific design characteristics. But immediately after the 1994 law was enacted, the gun industry evaded it by making slight, cosmetic design changes to banned weapons—including those banned by name in the law—and continued to manufacture and sell these “post-ban” or “copycat” guns. Changes that allow an assault weapon to stay on the market can be as minor as removing a flash suppressor at the end of a gun’s barrel. The gun industry dubbed this process “sporterization.” Gunmakers’ successful evasion of the law was no secret. In February 1995, just five months after the ban’s passage, lead sponsor Senator Dianne Feinstein (D-CA), in a *60 Minutes* interview, charged that the industry was violating both “the spirit and intent of the law” and promised, “I can assure you if I can figure a way to stop it, I’ll try to do that.”<sup>1</sup>

In the nearly 10 years following that interview, the situation has only worsened. Today, of the nine assault weapon brand/types banned by name and manufacturer in the law,<sup>2</sup> six of the brand/types are still marketed in post-ban, “copycat” configurations.<sup>3</sup> In fact, gunmakers openly boast of their ability to circumvent the 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 a post-ban, AR-15 copycat, the LE Tactical Carbine:

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-type assault rifle, the Bushmaster XM15 M4 A3, 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." [See Chart One]

***"...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."***

*Gun World*

The industry's efforts have been aided by the fact that not all assault weapons are covered by the 1994 ban. For example, assault weapons with more conventional designs, such as the Ruger Mini-14 rifle, 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 additional restriction, a legislative compromise known as "grandfathering."<sup>4</sup>

**Chart One: Guns Banned by the 1994 Law and Their Legal Counterparts**



A recent study, *On Target*,<sup>5</sup> looks at the effects of the 1994 law on both assault weapons banned by name and “copycat” versions of these named weapons. It attempts to do this by analyzing over time the proportion that named or “banned” assault weapons, as well as “copycat” assault weapons, represent as a percentage of all firearms traced to crime by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).<sup>6</sup> This analytical structure has clear limitations and, more importantly, serves to mask the dramatic increase in traces of “copycat” assault weapons, as well as assault weapons not banned by the 1994 law. Most notably, the study does not contain the actual tracing numbers on which the percentages are based.

***Any useful analysis of the 1994 law must answer these key questions: Regardless of name, are the weapons targeted by the 1994 law still being manufactured today, are they readily available, and are they being used in crime?***

Any useful analysis of the 1994 law must answer these key questions: Regardless of name, are the weapons targeted by the 1994 law still being manufactured today, are they readily available, and are they being used in crime?

Finally, the key motivating factors that led to passage of the original assault weapons ban in 1994 must not be forgotten. The impetus for the ban was not solely these weapons’ use in crime overall, but their special appeal to cop killers, mass shooters, and other dangerous fringe elements of gun-owning society. Police and other law enforcement personnel were some of the first victims of the assault weapon trend that emerged in the 1980s. Attempts to measure assault weapon crime solely in terms of quantity, as reflected in traces, fail to acknowledge a key impetus for passage of the original ban, and the need to not only renew it, but also strengthen it.



## Percentages Tell Only Part of the Story

*On Target* uses assault weapon traces as a percentage of total crime gun traces to measure the effect of the ban.<sup>7</sup> As seen in Chart Two, the number of ATF crime gun traces has increased dramatically over the past 10 years. In 1995, ATF processed 79,777 trace requests. By 2001, that number had almost tripled, with 232,000 trace requests processed. *On Target* presumes that as the universe of crime gun traces increases, the number of assault weapons traced to crime will increase at a corresponding rate. However, looking at the reality of assault weapons tracing (it has long been accepted that when law enforcement come across assault weapons they will almost always trace them because of the guns' "exotic" nature), firearm production history and trends, the dominant role of handguns in crime, and the small percentage of America's gun population that assault weapons comprise, the exact opposite should be expected to be true.

As crime guns are more routinely traced, the representation of the most common types of firearms—such as standard pistols and revolvers—naturally increases. For example, the 2002 *Youth Crime Gun Interdiction Initiative*, which analyzed 88,570 gun traces in 44 major metropolitan areas,<sup>8</sup> identified the Smith & Wesson 38-caliber revolver as the most commonly traced crime gun.<sup>9</sup> This is a function of the simple fact that this is one of the most popular and common types of guns made by one of the country's largest handgun manufacturers. At the same time, once again, handguns are the most common firearm used in crime.

***As crime guns are more routinely traced, the representation of the most common types of firearms—such as standard pistols and revolvers—naturally increases.***

A useful way to think of this is to imagine a large jar in which there are, for example, 100 white marbles (representing assault weapons) and 900 black marbles (representing all other guns). The white marbles represent 10 percent of the total. If another thousand black marbles are added to the jar, the percentage of marbles that are white will automatically decline. This reduction has nothing to do with any cause other than the addition of the black marbles.

**Chart Two: Total Number of Crime Gun Traces Conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)<sup>10</sup>**

Year	Number of Traces	Year	Number of Traces
1986	39,800	1994	83,000
1987	35,100	1995	79,777
1988	37,050	1996	116,674
1989	41,807	1997	191,378
1990	47,770	1998	188,299
1991	53,924	1999	209,000
1992	50,553	2000	209,000
1993	55,665	2001	232,000

*Chart Two presents total crime gun traces conducted by ATF for the years 1986 to 2001*

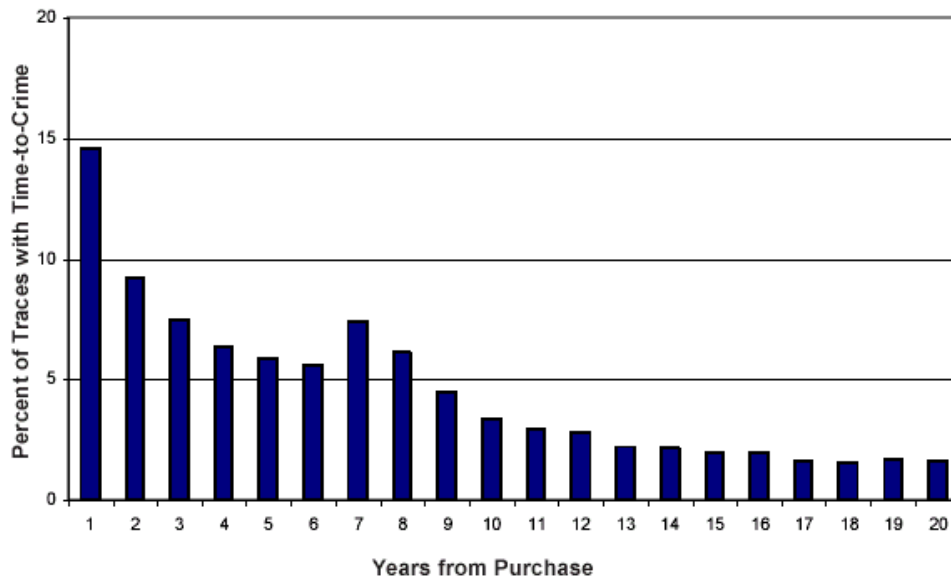
In conclusion, as the proportion of common pistols, rifles, and shotguns increases, the proportion of assault weapons as a percentage of the whole will naturally decrease.

### **The Effect of “Time-to-Crime”**

Regardless of the date of the assault weapons ban, the decrease in traces of assault weapons manufactured before 1994 is to be expected as a result of the accepted phenomenon known as “time-to-crime.” Time-to-crime measures the length of time that elapses from a firearm’s first retail sale by a Federal Firearms License (FFL) holder to its recovery as a crime gun by law enforcement. Time-to-crime data collected over years by ATF demonstrates that for all types of firearms newer guns are more likely to be recovered as crime guns. The most recent data shows that nearly a third of crime guns recovered in 1999 and 2000 had been purchased within the last three years.<sup>11</sup> As can be seen from the ATF graph shown in Chart Three, the more time passes, the less likely a particular gun is to be traced to crime.

### Chart Three: ATF Time-to-Crime Chart<sup>12</sup>

Figure 6: Percent of Traced Crime Guns by Time-to-Crime

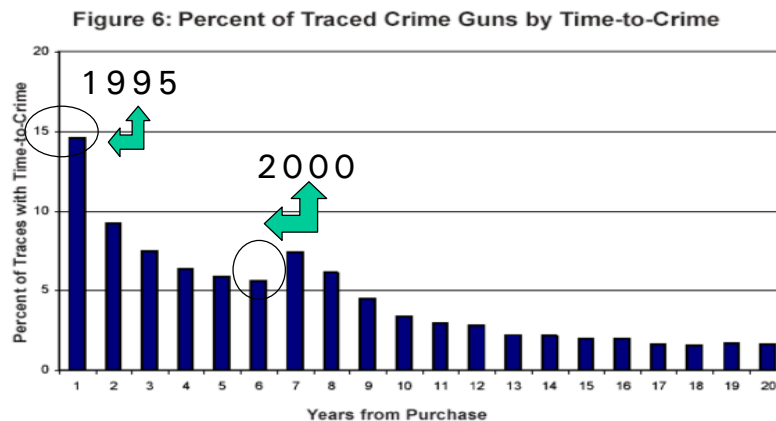


*Chart Three illustrates that as more time passes, the less likely any given gun is to be traced to crime*

As seen in the VPC's use of the ATF graph in Chart Four measuring time-to-crime, firearms traced one year after purchase on average account for 14 percent of traced guns. Firearms traced six years after purchase on average account for six percent of traced guns. Thus, "time-to-crime" accounts for a drop of 57 percent in the 1994 cohort of assault weapons. Since many of these weapons were in fact brought onto the market as far back as the mid-1980s, and their production *under these specific names* was halted in 1994, the 66 percent<sup>13</sup> drop in assault weapon traces cited in *On Target* is not surprising.

If the assault weapons named in the 1994 law were *the only* assault weapons manufactured by the industry, then the time-to-crime effect could be expected to continue over time on assault weapons as a class of firearm. Unfortunately, as will be seen in the next section, because of the gun industry's evasion of the law and the availability of assault weapons not covered by the ban, this is not the case.

### Chart Four: ATF Time-to-Crime Applied to 1994 Cohort by VPC (Assumes All Guns “New” in 1994)



Reduction = 57%

*Chart Four illustrates that through time-to-crime, the percentage of “banned” assault weapons would be expected to decrease 57 percent from 1995 to 2000*

### Masking the Increase in Assault Weapon Traces

*On Target* acknowledges that traces for “copycat” assault weapons and assault weapons that fell outside of the scope of the 1994 law have increased as a percentage of overall traces. Yet the information is presented in a manner that masks the full scope of this increase.

The study counts as a “copycat” any assault weapon that is not specifically named in the 1994 law by manufacturer and specific model—including pre-ban, fully configured assault weapons as well as post-ban “sporterized” assault weapons.<sup>14</sup> *On Target* states that:

even if the grouping of copycat guns is included in the count of assault weapons traced to crime, there has still been a significant decline in the percentage of ATF crime gun traces involving assault weapons. In the pre-ban period, assault weapons, including copycats, made up 5.7% of ATF traces. In the post-ban period, the same group of guns has constituted 3.1% of ATF traces, a **decline**

of 45%.<sup>15</sup> [Bold in original]

Comparing these figures to the declines cited for named guns only—66 percent<sup>16</sup>—it is clear that using *On Target's* own measurement construct (assault weapon traces as a percentage of total crime gun traces) that the problem of “copycat” assault weapons as measured by tracing is increasing. Using the percentages contained in Table 1 and Table 3 of *On Target*, (see Appendix) the percentage of copycat weapons traced can be determined. The result is illustrated in Chart Five.

**Chart Five: “Copycat” Assault Weapons (AWs) as Percentage of Total Crime Guns Traced as Determined by Subtracting “Banned” Assault Weapons Traced from “Banned” and “Copycat” Assault Weapons Traced**

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
“Banned” & “Copycat” AWs as Percentage of Crime Guns Traced <sup>17</sup>	5.92	5.90	5.63	6.15	5.24	4.61	3.32	2.97	3.43	3.08	2.87	2.57
“Banned” AWs as Percentage of Crime Guns Traced <sup>18</sup>	5.72	5.41	5.15	5.23	3.67	3.03	1.96	1.70	1.74	1.54	1.28	1.10
“Copycat” AWs as Percentage of Crime Guns Traced	.20	.49	.48	.92	1.57	1.58	1.36	1.27	1.69	1.54	1.59	1.47

*Using the percentages from Table 1 and Table 3 of On Target, Chart Five calculates the percentage of crime gun traces per year that are “copycat” assault weapons*

From 1990 to 2001, the percentage of “copycat” assault weapon traces as a percentage of all crime gun traces increases 635 percent.

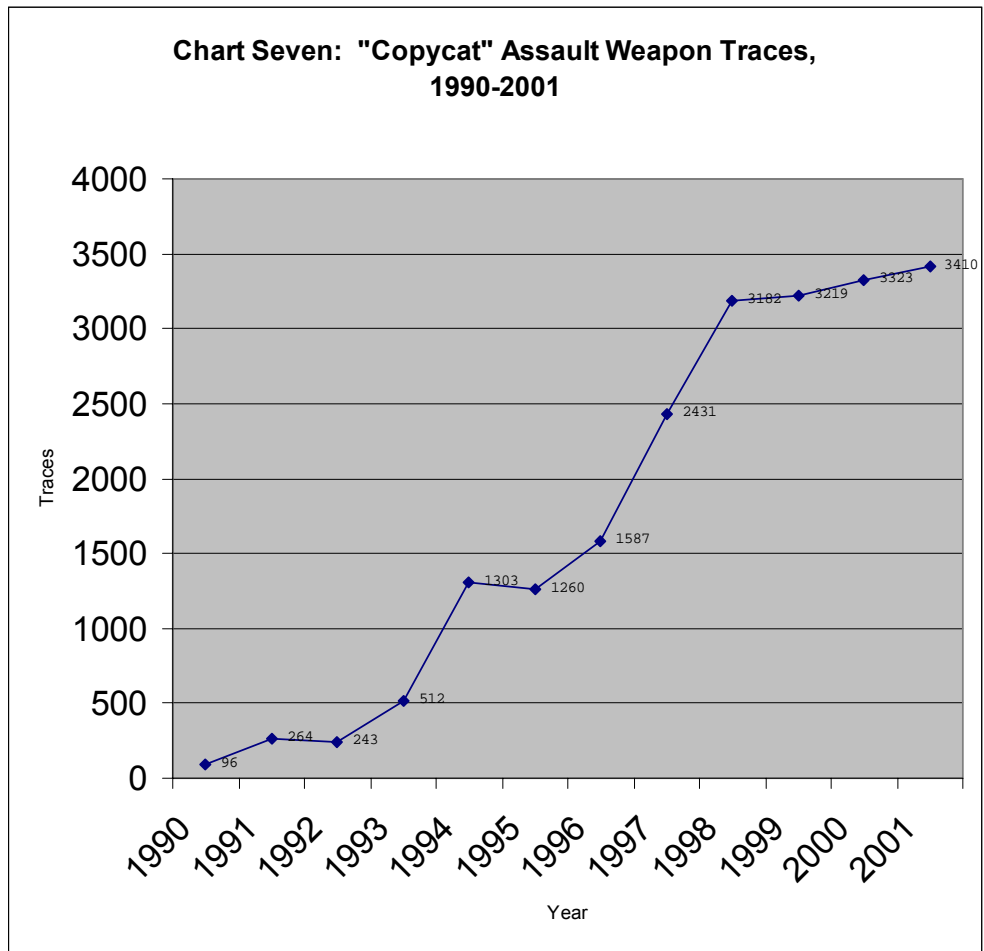
Using *On Target's* own measure of comparing the average number of traces for the five-year period of 1990 to 1994 to the seven-year period of 1995 to 2001, the percentage of “copycat” assault weapons as a percentage of all crime gun traces increases 88 percent. [See Chart Six]

**Chart Six: "Copycat" Assault Weapons as Percentage of Crime Guns Traced, 1990 to 1994 Average, and 1995 to 2001 Average**

"Copycat" Average 1990 to 1994	"Copycat" Average 1995 to 2001	Percent Increase
.8	1.5	88 percent

*"Copycat" assault weapons as a percentage of crime guns traced increased 88 percent when comparing the periods 1990-1994 to 1995-2001*

Yet, the most striking figures are seen when the percentage of "copycat" assault weapons as a percentage of all crime gun traces is applied against the actual number of crime gun traces for each year. [See Chart Eight]. Using the figures supplied in *On Target* for "banned assault weapons"<sup>19</sup> and "banned assault weapons and copycats"<sup>20</sup> as a percentage of total gun traces, one can calculate the number of



"copycat" assault weapons traced to crime. That number has increased dramatically—from 96 to 3,410—as illustrated in Charts Seven and Eight.

***From 1990 to 2001, the number of “copycat” assault weapons jumped from 96 to 3,410.***

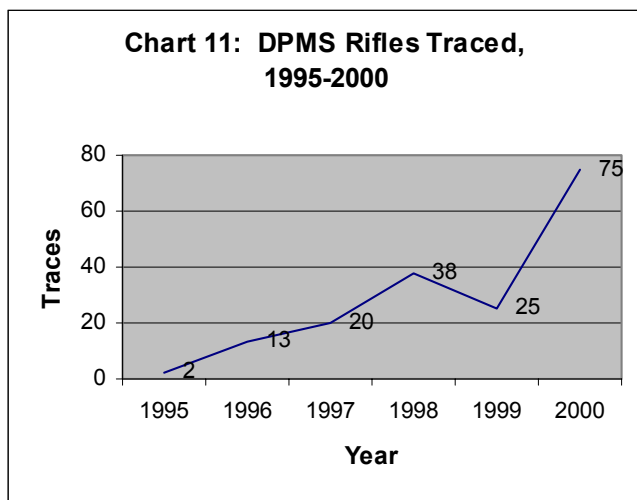
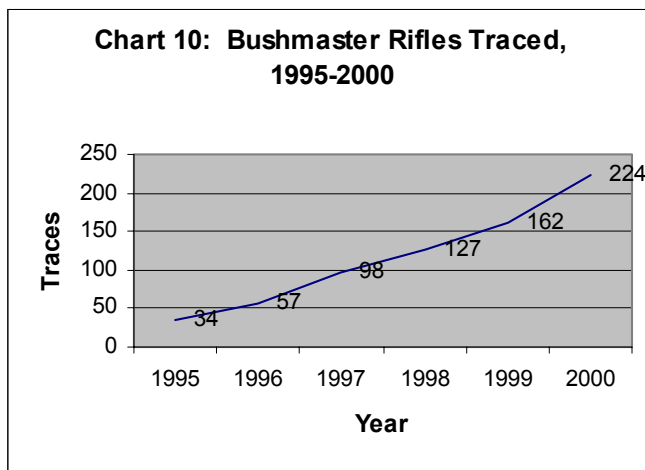
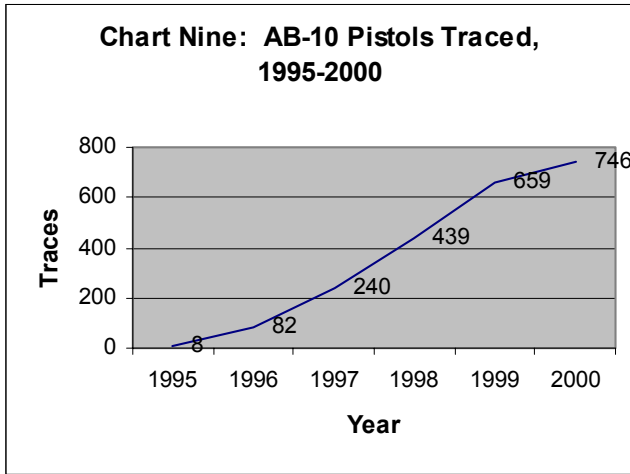
**Chart Eight: Number of Crime Gun Traces of “Copycat” Assault Weapons, 1990 to 2001, Based on Percentage of Total Traces**

Year	Total Number of Traces	“Copycat” Assault Weapons as Percentage of All Assault Weapon Traces	Number of “Copycat” Assault Weapon Traces
1990	47,770	.20	96
1991	53,924	.49	264
1992	50,553	.48	243
1993	55,665	.92	512
1994	83,000	1.57	1,303
1995	79,777	1.58	1,260
1996	116,674	1.36	1,587
1997	191,378	1.27	2,431
1998	188,299	1.69	3,182
1999	209,000	1.54	3,219
2000	209,000	1.59	3,323
2001	232,000	1.47	3,410

***While in 1990 ATF traced only 96 “copycat” assault weapons, by 2001 this number had escalated to 3,410***

In addition, using a copy of the ATF tracing database through 2000, the VPC has calculated tracing data for specific assault weapons manufactured after the ban that have been redesigned to evade it. Examples are offered on page 14.

## Tracing Data for Specific Post-Ban Assault Weapons

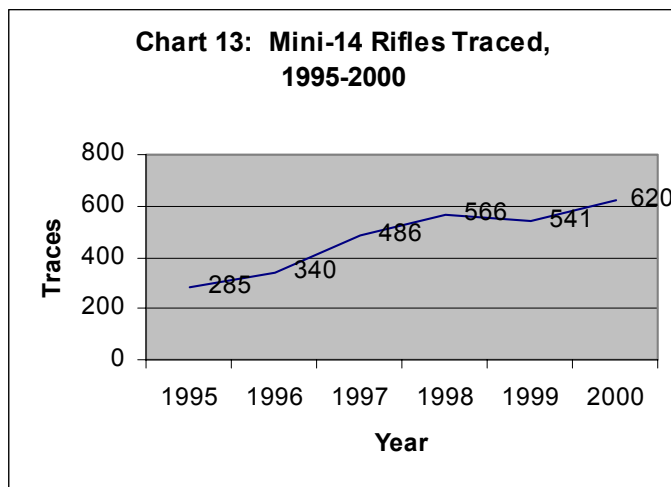
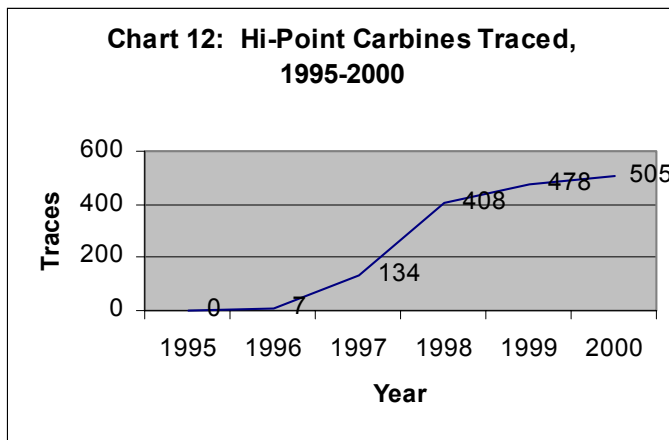


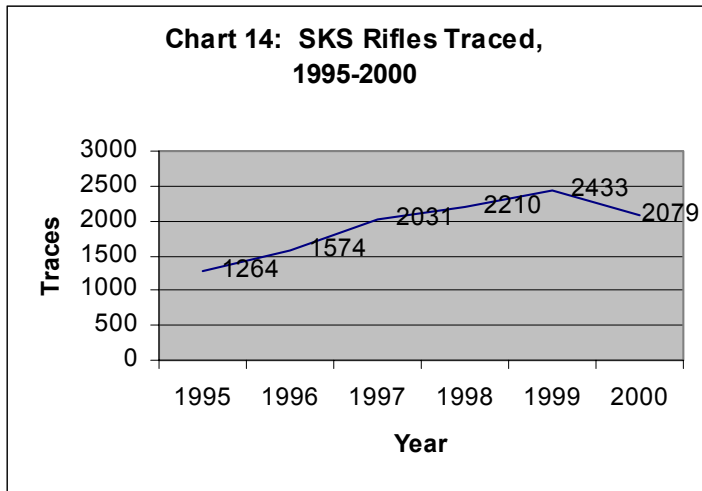


*On Target* also states that:

even if all of the guns listed in H.R. 2038 and S. 1431<sup>[21]</sup> (including the Hi-Point Carbine, the Ruger Mini-14, the M1 Carbine, and the SKS) were counted as assault weapons in the analysis, CGS found that assault weapons traced to crime made up **7.2%** of ATF's nationwide crime gun traces from 1990-1994, but only **4.5%** of crime gun traces after the Assault Weapons Act took effect, a decline of more than **37%**.<sup>22</sup> [Bold in original]

Looking at actual trace numbers for these weapons, however, the increase is dramatic. Using the ATF tracing database for the years 1995 to 2000 (the Violence Policy Center does not have tracing data for the year 2001) the VPC calculated the number of crime gun traces for these weapons as detailed in the following charts. (In 1998 ATF stopped distinguishing in its tracing data between M1 Carbines, which are defined as assault weapons, and other M1 models, which are not. As a result of this limited data, a graph for M1 Carbines is not included.)





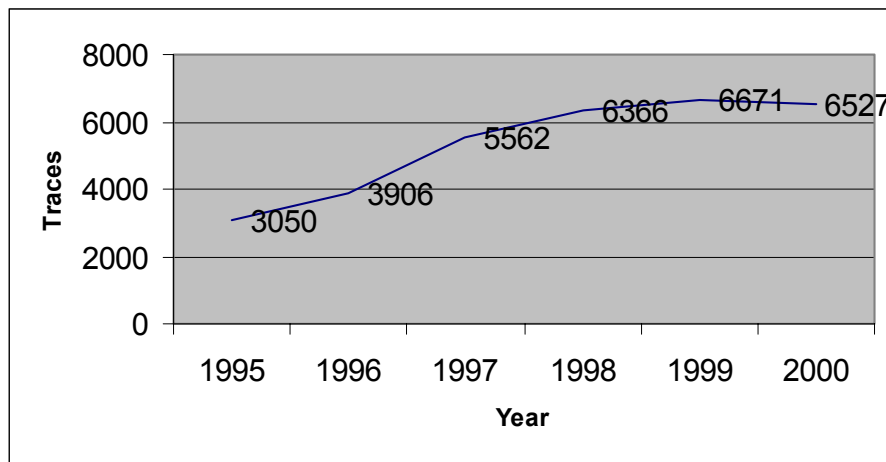
As detailed in the chart below, from 1995 to 2000, the actual trace numbers of the Hi-Point Carbine, Ruger Mini-14, SKS, and M1 Carbine (only for the years 1995 to 1998) increased 79 percent. If the actual trace numbers of “copycat” assault weapons as calculated from *On Target* are added, the overall increase is 114 percent.

**Chart 15: Total Number of “Copycat,” SKS, Hi-Point, Ruger Mini-14, and M1 Carbine Traces, 1995 to 2000**

Year	Total Number of Traces	Number of “Copycat” Assault Weapon Traces	Number of SKS Assault Weapon Traces <sup>23</sup>	Number of Hi-Point Carbine Assault Weapon Traces <sup>24</sup>	Number of Ruger Mini-14 Assault Weapon Traces <sup>25</sup>	Number of M1 Carbine Assault Weapon Traces <sup>26</sup>	Total SKS, Hi-Point Carbine, Ruger Mini-14, and M1 Carbine Traces	Total “Copycat,” SKS, Hi-Point, Ruger Mini-14, and M1 Carbine Traces
1995	79,777	1,260	1,264	0	285	241	1,790	3,050
1996	116,674	1,587	1,574	7	340	398	2,319	3,906
1997	191,378	2,431	2,031	134	486	480	3,131	5,562
1998	188,299	3,182	2,210	408	566	n/a	3,184	6,366
1999	209,000	3,219	2,433	478	541	n/a	3,452	6,671
2000	209,000	3,323	2,079	505	620	n/a	3,204	6,527

***From 1995 to 2000, the total number of crime gun traces of “copycat” assault weapons, combined with SKS, Hi-Point, Ruger Mini-14, and M1 Carbine traces, jumped from 3,050 to 6,527 – 114 percent.***

Chart 15: Graph of Total Number of “Copycat,” SKS, Hi-Point, Ruger Mini-14, and M1 Carbine Traces, 1995 to 2000



Returning to the questions posed at the beginning of this study—*Regardless of name, are the weapons targeted by the 1994 law still being manufactured today, are they readily available, and are they being used in crime?*—the answer, unfortunately, is a resounding yes.

## Additional Factors

There are many factors other than implementation of the federal assault weapons ban that may affect the prevalence of assault weapons in criminal gun traces that would need to be addressed for a fuller understanding of the impact of the 1994 law.

**Foreign-made assault rifles are regulated under a separate federal statute.** The so-called “sporting purposes” test is what the Bureau of Alcohol, Tobacco, Firearms and Explosives uses to determine the importability of assault rifles. In 1989 following the Stockton schoolyard massacre, President George H. W. Bush ordered a halt to imports of foreign-made assault rifles, including the UZI Carbine, Heckler & Koch HK-91, AK-47, Galil, Steyr AUG, and others under the “sporting purposes” test.<sup>27</sup> Soon after, foreign gunmakers—with the help and guidance of ATF—made slight modifications to their weapons, a process dubbed “sporterization,” and imports of assault rifles resumed. The changes made to make the guns eligible for importation took them outside the reach of the 1994 assault weapons ban and

***Unaccounted for factors include: foreign-made assault rifles are regulated under a separate federal statute; in 1998 the Brady background check was expanded to long guns; local and state assault weapon laws; and, other federal anti-crime statutes and measures.***

created a template to be followed by domestic manufacturers intent on evading the 1994 law. In 1997 the Clinton administration attempted to deal with the imported assault weapons problem and ordered ATF to review its existing interpretation of the “sporting purposes” test. The result was implementation of a ban in 1998 on some sporterized assault weapons, but the door was still left open to others. The Clinton Administration also imposed, through nation-specific trade agreements, restrictions on the import of certain assault weapons from China and Russia. The fact that a large percentage of assault weapons on the American market today are imported highlights the need to isolate and examine the effect(s) of these various import restrictions.

**Expansion of Background Checks to Long Gun Sales.** Another potentially important factor on crime gun traces of assault weapons is the effect of the imposition of background checks on all long guns sales by federal firearms licensees starting in 1998. The Brady background check system was implemented in two stages. During the first stage that began in 1993, background checks were performed only on handguns (which would have affected assault pistols). Background checks on shotguns and rifles began

in 1998. The effect of imposing background checks on the most prevalent type of assault weapons—assault rifles—is not accounted for in *On Target*.

Additional factors that could affect the representation of assault weapons in crime gun traces include—

- Some states and localities have more stringent restrictions on assault weapons than those imposed by federal law. California is one example. New Jersey is another. The District of Columbia bans all assault weapon sale and possession.
- Other provisions included in federal crime legislation passed in 1994 and 1996 could impact gun traces. For example, the 1994 crime law contained provisions that have significantly reduced the number of federally licensed firearms dealers, shrinking the number of assault weapon sellers. The law also funded increases in the number of police on the streets of major cities.

### **Real-World Problems Require Real-World Solutions**

The original impetus to restrict assault weapons was not how often they showed up as crime guns, but rather the horrific nature of the crimes they were used to perpetrate. The first real exposure Americans had to the massive carnage these weapons are capable of inflicting was in San Ysidro, California in 1984. James Huberty declared to his wife that he was going “hunting humans,” and then opened fire at a local McDonald’s with an UZI Carbine. He shot 40 people, killing 21, before a police sharpshooter was able to stop his deadly rampage.<sup>28</sup> Unfortunately, San Ysidro was to be only the first in a string of mass shootings perpetrated with assault weapons.

Another primary stimulus for efforts to restrict access to assault weapons was the severe threat these weapons pose to law enforcement officers. Police and other law enforcement personnel were some of the first victims of the assault weapon trend that emerged in the 1980s. For example, in October 1984, a San Jose, California, police officer was gunned down with an UZI Carbine.<sup>29</sup> In a high-profile shootout in April 1986, two agents from the Federal Bureau of Investigation were killed by robbery suspects wielding a Ruger Mini-14 assault rifle. Five other agents were wounded in the gun battle.<sup>30</sup> As high-capacity assault weapons became more commonplace, police routinely complained that they were being outgunned by suspects.

In 1989, the massacre that would finally spur legislative action occurred, and again the site was in California. Patrick Purdy opened fire on a schoolyard full of children in Stockton, California with an AK-47 assault rifle. He fired 106 rounds of ammunition in a rampage that killed five and wounded 30.<sup>31</sup> That same year, California passed the Roberti-Roos Assault Weapons Control Act of 1989.

There would be many more mass murders with assault weapons, however, before the U.S. Congress would act in 1994.

***The original impetus to restrict assault weapons was not how often they showed up as crime guns, but rather the horrific nature of the crimes they were used to perpetrate.***

- In September 1989, Joseph Wesbecker used three assault weapons—an AK-47 assault rifle and two MAC-11 assault pistols—in a killing spree at the Standard Gravure Corporation in Louisville, Kentucky, that left eight people dead and 12 wounded.<sup>32</sup>
- In June 1990, James Edward Pough, armed with an M1 Carbine, killed nine and wounded four at the General Motors Acceptance Corporation office in Jacksonville, Florida.<sup>33</sup>
- In January 1993, Mir Aimal Kansi opened fire with an AK-47 on cars waiting to enter the grounds of the Central Intelligence Agency’s headquarters in Langley, Virginia. He killed two people, both employees of the agency, and wounded three others.<sup>34</sup>
- In July 1993, Gian Luigi Ferri entered the Pettit & Martin law offices in San Francisco, California, and opened fire with two TEC-DC9 assault pistols, killing eight and wounding six. Ferri had purchased the assault pistols in neighboring Nevada.<sup>35</sup>

In September 1994, Congress passed the federal assault weapons ban as part of the Violent Crime Control and Law Enforcement Act. As noted at the beginning of this study, the law, however, was quickly circumvented by the firearms industry. By making minor cosmetic changes in the design of banned assault weapons—some as inconsequential as removing the flash suppressor from the end of a gun’s barrel—gunmakers were able to continue selling assault weapons. Moreover, the 1994 law “grandfathered” existing assault weapons, which allowed them to continue to be possessed and transferred without restriction. The result is that assault weapons continued to be used in mass murders and shocking assaults on law enforcement:

- In November 1994, Bennie Lee Lawson killed two armed FBI agents and a Washington, D.C. police sergeant with a Cobray M-11 assault pistol inside the headquarters of the Metropolitan Police Department in Washington, DC.<sup>36</sup>
- In February 1997, Emil Dechebal Matasareanu and Larry Eugene Phillips, Jr. attempted to rob a bank in North Hollywood, California. They were armed with multiple assault rifles purchased legally that were then illegally resold and converted to fire in fully automatic mode. They injured 16 in a stand-off with police that lasted hours.<sup>37</sup>
- In December 1997, Arturo Reyes Torres fired 144 rounds in two minutes from an AK-47 assault rifle killing four and wounding two at the Caltrans Maintenance Yard in Orange, California. Torres bought his gun legally in 1988.<sup>38</sup>
- In March 1998, middle school students Andrew Golden and Mitchell Johnson opened fire with an M1 Carbine on their fellow students and teachers at their Jonesboro, Arkansas school. They killed five and wounded 10.<sup>39</sup>
- On April 20, 1999 in Littleton, Colorado, Eric Harris and Dylan Klebold used a Hi-Point Carbine and a TEC-DC9 assault pistol in an attack on their Columbine High School classmates that left 13 dead and 23 wounded.<sup>40</sup>

Three months after Columbine, the California legislature, reacting to the firearms industry's ingenuity at evading both the federal and California assault weapons bans, significantly strengthened California law to effectively ban virtually all assault weapons. Mass killings with assault weapons continued in other parts of the country.

- In December 2000, Michael McDermott killed seven co-workers at Edgewater Technology in Wakefield, Massachusetts. He fired 49 rounds from an AK-47 assault rifle.<sup>41</sup>
- In February 2001, William D. Baker killed four and wounded four when he opened fire with an SKS assault rifle at the Navistar International Corporation in Melrose Park, Illinois.<sup>42</sup>
- In October 2002, two snipers, John Muhammad and Lee Malvo, armed with a Bushmaster assault rifle, terrorized the Washington, DC area. They killed 10 and wounded three in a serial shooting spree that lasted weeks.<sup>43</sup>

Mass shooters often choose assault weapons as their murder weapons. Criminals anticipating confrontations with armed law enforcement agents often arm themselves

with assault weapons. The 2003 Violence Policy Center study *“Officer Down”— Assault Weapons and the War on Law Enforcement*, revealed that from 1998 through 2001, one in five law enforcement officers slain in the line of duty were killed with an assault weapon.<sup>44</sup> Such high-profile events are in addition to the countless incidents that occur almost daily in which assault weapons are used in robberies, assaults on police officers, and shootings that do not result in the headlines generated by a mass killing. One recent example from March 23, 2004: a six-year-old Richmond, Virginia girl was shot in the head and chest with bullets fired from an AK-47 after gunfire erupted during an argument between two groups of men in a parking lot.<sup>45</sup>

***The 2003 Violence Policy Center study “Officer Down”— Assault Weapons and the War on Law Enforcement, revealed that from 1998 through 2001, one in five law enforcement officers slain in the line of duty were killed with an assault weapon.***

These facts must not be overlooked or diminished. How often assault weapons turn up in crime should be secondary to the nature of the crimes committed with them.

## Conclusion

The problem of assault weapons violence in America is deadly serious, and nowhere more so than in its impact on law enforcement personnel. Yet powerful opponents of regulating semiautomatic assault weapons are invested economically and ideologically to killing the 1994 law and preventing the vital chore of strengthening it.

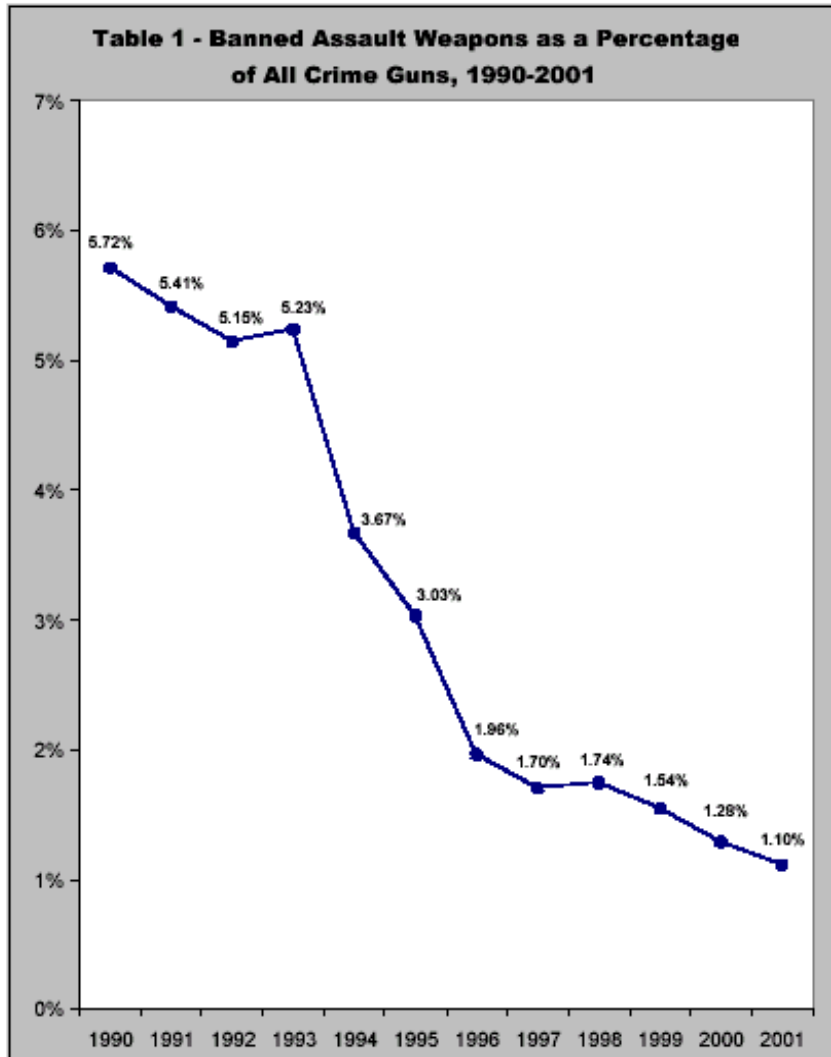
If the proposals of public policy advocates to regulate semiautomatic assault weapons are to be taken seriously, they must be rigorously objective in their analysis of the limitations of current law, the gun industry’s success at evading it, the impact of assault weapons on America, and the steps that must be taken to fashion an effective law.

To be effective, the federal assault weapons ban must not only be renewed, but more importantly *strengthened*, to address the gun industry’s almost absolute success in evading the original ban.



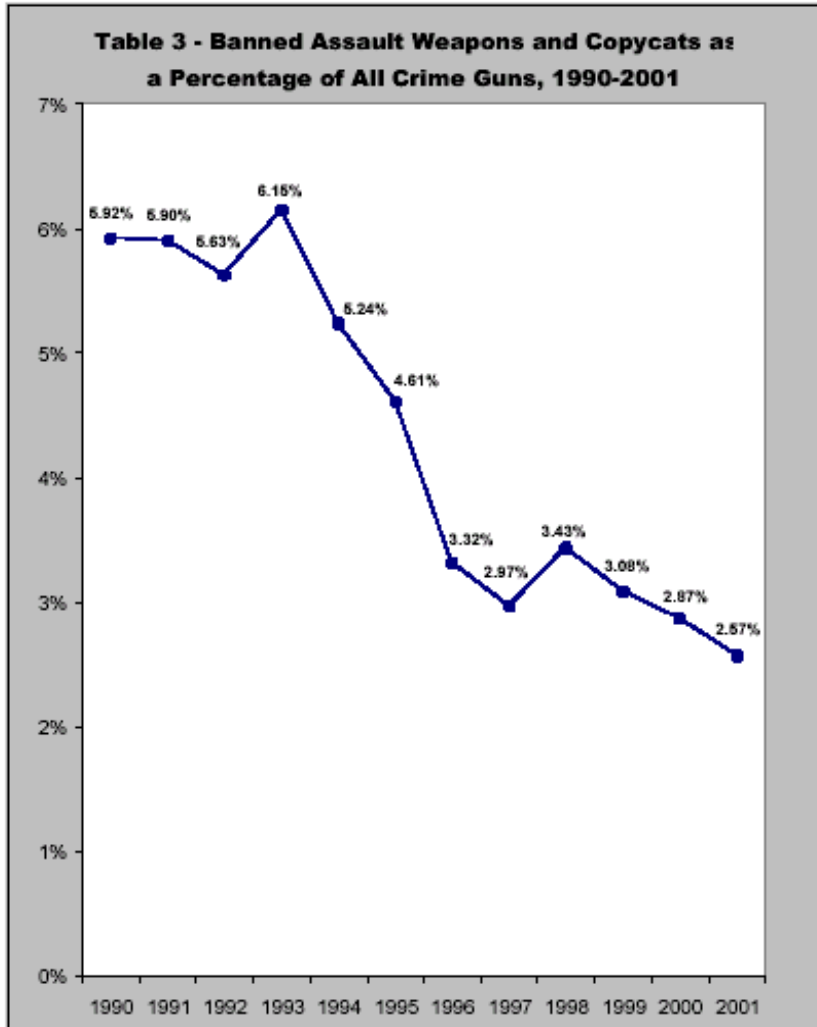
## Appendix

**On Target Table 1 – Banned Assault Weapons as a Percentage of All Crime Guns, 1990-2001**



Note – Banned assault weapons are guns listed by name in the Federal Assault Weapons Act.

**On Target Table 3—Banned Assault Weapons and Copycats as a Percentage of All Crime Guns, 1990-2001**



Note – Banned assault weapons are guns listed by name in the Federal Assault Weapons Act. Copycats are guns similar to listed weapons but with minor changes meant to evade the ban.

## Endnotes

1. *60 Minutes*, CBS News Transcripts, Sunday, February 5, 1995. “Does this violate the spirit and intent of the law? Absolutely. Should they be doing this? No. And I think it does say that there are craven interests out there who simply want to use this legislation to profiteer wherever they possibly can. And I can assure you if I can figure a way to stop it, I’ll try to do that.”
2. The law states, “The term ‘semiautomatic assault weapon’ means—(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR, and FNC; (vi) SWD —10, M-11/9, and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12....”
3. Assault weapons that have not been reintroduced are the Beretta AR70, Street Sweeper and Striker 12 assault shotguns (the latter two guns were re-classified by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as subject to the strict regulations of the National Firearms Act of 1934), and Steyr AUG, although Steyr has begun marketing a new assault weapon—the Vector—that, like the AUG, is of a bullpup design.
4. With respect to high-capacity ammunition magazines, manufacturers stockpiled hundreds of thousands, or perhaps millions, of magazines before the ban took effect. Those magazines—some of which can hold up to 75 rounds of ammunition—are still widely available. At the same time, pre-ban magazines are imported to the United States from around the world.
5. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004).
6. Although *On Target* states that the “study was prepared by the **Brady Center to Prevent Gun Violence**, using data obtained and analyzed by the experts at **Crime Gun Solutions LLC**,” in conversations with VPC staff, Crime Gun Solutions staff have stated that the company only computed the trace numbers, and did not offer any specific analysis of the data nor what it may represent as regards the effectiveness of the 1994 assault weapons ban.
7. The explanation for this approach is offered in endnote 37 of the study: “During these years [1990 to 2001], ATF steadily increased the number of guns traced, as more and more law enforcement agencies throughout the United States engaged in comprehensive crime gun tracing. For this reason, simply counting the absolute number of assault weapons traced to crime over the relevant period would not accurately capture the impact of the Federal Assault Weapons Act.”
8. *The Youth Crime Gun Interdiction Initiative—Crime Gun Trace Reports (2000) National Report*, (Washington, DC: Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2002): 5.
9. *The Youth Crime Gun Interdiction Initiative—Crime Gun Trace Reports (2002) National Report*, (Washington, DC: Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2002): 17.
10. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), various sources.

11. *The Youth Crime Gun Interdiction Initiative—Crime Gun Trace Reports (2000) National Report*, (Washington, DC: Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2002): 30; *The Youth Crime Gun Interdiction Initiative—Crime Gun Trace Reports (1999) National Report*, (Washington, DC: Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2000): 24.

12. *The Youth Crime Gun Interdiction Initiative—Crime Gun Trace Reports (2002) National Report*, (Washington, DC: Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2002): 31.

13. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 9.

14. The study states: “To determine the extent to which the gun industry has been successful in undercutting the Act, the Brady Center asked CGS to evaluate tracing data for copycat assault weapons. CGS included copycat AK and AR-15 assault weapons identified by name by the California Department of Justice as models that are only ‘variations, with minor differences’ of those firearms, regardless of the manufacturer. Certainly these weapons should be considered copycats under the Federal Act. In addition, CGS counted all other AK and AR-15 models listed in the ATF database, regardless of the manufacturer. (These guns are identified in Appendix 2.) The Brady Center asked CGS to consider additional firearm models beyond AK or AR-15 variations that are identified in legislation pending in the United States House of Representatives (H.R. 2038, introduced by Representative McCarthy), and in the United States Senate (S. 1431, introduced by Senator Lautenberg). The intent of the bills is to expand the reach of the Federal Assault Weapons Act to encompass a more comprehensive set of military-style guns. (A list of the assault weapons banned by name in H.R. 2038 and S. 1431 is given in Appendix 3.) According to CGS’s analysis of the ATF tracing data, only a few of these additional guns have been traced in quantities significant enough to affect the analysis. Of these guns with significant trace counts, only one gun—the Intratec AB-10—could be considered a ‘copy or duplicate’ of a gun banned in the 1994 Act and it was therefore included. The other guns with significant trace counts—the Hi-Point Carbine, the Ruger Mini 14, various iterations of the M1 Carbine, and various SKS models—for the most part predated the 1994 Act but were not included by Congress in the definition of assault weapons. They, therefore, have not been included in this analysis of the incidence of copycat assault weapons among overall crime gun traces.”

15. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 11-12.

16. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 9.

17. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 13.

18. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 10.

19. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 10.

20. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 13.
21. The “Assault Weapons Ban and Law Enforcement Protection Act of 2003” sponsored by Senator Frank Lautenberg (D-NJ) and Representative Carolyn McCarthy (D-NY) improves the current federal assault weapons ban and addresses industry efforts to evade the ban. The legislation lists additional assault weapons by name and improves the objective standards definition for what constitutes an assault weapon. For more information, visit the VPC website [www.banassaultweapons.org](http://www.banassaultweapons.org).
22. Siebel, Brian, et al., *On Target—The Impact of the 1994 Federal Assault Weapons Act*, (Washington, DC: Brady Center to Prevent Gun Violence, 2004): 12.
23. Source: ATF tracing data, analysis by Violence Policy Center.
24. Source: ATF tracing data, analysis by Violence Policy Center.
25. Source: ATF tracing data, analysis by Violence Policy Center.
26. Source: ATF tracing data, analysis by Violence Policy Center.
27. 18 USC Section 925(d)(3).
28. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 74.
29. Rand, Kristen and Langley, Marty, *“Officer Down”—Assault Weapons and the War on Law Enforcement*, (Washington, DC: Violence Policy Center, 2003): 2.
30. Rand, Kristen and Langley, Marty, *“Officer Down”—Assault Weapons and the War on Law Enforcement*, (Washington, DC: Violence Policy Center, 2003): 2.
31. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 70.
32. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 69.
33. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 68.
34. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 65.
35. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 64.
36. Langley, Marty, *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 58.

37. Langley, Marty, *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 52.
38. Langley, Marty, *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 47.
39. Langley, Marty, *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 44.
40. Langley, Marty, *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 38.
41. Langley, Marty, *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 16.
42. Langley, Marty, *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001*, (Washington, DC: Violence Policy Center, 2001): 15.
43. Tom Jackman and Josh White, "Malvo is Sentenced to Life; Teen Convicted in Fairfax May Plead Guilty in Other Sniper Attacks," *The Washington Post*, 11 March 2004.
44. Rand, Kristen and Langley, Marty, *"Officer Down"—Assault Weapons and the War on Law Enforcement*, (Washington, DC: Violence Policy Center, 2003): 5.
45. Mark Bowes, "6-year-old `clinging to life'—A dispute between `thugs' led to the wounding of a girl sitting in a van in a parking lot, police say," *Richmond Times Dispatch*, *TimesDispatch.com*, 25 March 2004.