

ON TARGET



THE IMPACT OF THE 1994 FEDERAL ASSAULT WEAPON ACT

BRADY CENTER TO PREVENT GUN VIOLENCE
Data Analysis by Crime Gun Solutions LLC



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This study was prepared by the **Brady Center to Prevent Gun Violence** using data obtained and analyzed by the experts at **Crime Gun Solutions LLC**. Founded in 1983, the Brady Center to Prevent Gun Violence is a national non-profit organization working to reduce the tragic toll of gun violence in America through education, research, and legal advocacy. The programs of the Center complement the legislative initiatives of its sister organization, the Brady Campaign to Prevent Gun Violence united with the Million Mom March.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
INTRODUCTION	3
• THE FEDERAL ASSAULT WEAPONS ACT	3
• THE “COPYCAT” PROBLEM	4
• PRIOR STUDIES OF ASSAULT WEAPONS LAWS	5
FINDINGS	7
Finding #1: Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns the Bureau of Alcohol, Tobacco, Firearms and Explosives has traced to crime, and in absolute numbers of traces, since the Act was passed. Had this decline not occurred, thousands more of these banned assault weapons would likely have been traced to crime over the last 10 years	7
Finding #2: The gun industry’s efforts to evade the Federal Assault Weapons Act through the sale of “copycat” guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among crime guns	10
CONCLUSION	12
APPENDICES	13
ENDNOTES	17

EXECUTIVE SUMMARY

To evaluate the questions below, the Brady Center to Prevent Gun Violence asked Crime Gun Solutions LLC to review and analyze national crime gun trace data maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The data represent guns nationwide that have been illegally possessed, used in a crime, or suspected of being used in a crime, thereafter recovered by law enforcement and then traced to learn about the sales history of the gun.

Has the Federal Assault Weapons Act reduced the incidence of assault weapons used in crime?

Yes. In the five year period before enactment of the Federal Assault Weapons Act (1990-1994), assault weapons named in the Act constituted **4.82%** of the crime gun traces ATF conducted nationwide. Since the law's enactment, however, these assault weapons have made up only **1.61%** of the guns ATF has traced to crime—a **drop of 66% from the pre-ban rate**. Moreover, ATF trace data show a steady year-by-year decline in the percentage of assault weapons traced, suggesting that the longer the statute has been in effect, the less available these guns have become for criminal misuse. Indeed, the absolute number of assault weapons traced has also declined.

This decline is extremely significant to law enforcement and has clearly enhanced public safety, especially since these military-style weapons are among the deadliest ever sold on the civilian market. For example, if the Act had not been passed and the banned assault weapons continued to make up the same percentage of crime gun traces as before the Act's passage, approximately **60,000** additional assault weapons would have been traced to crime in the last 10 years—an average of 6,000 additional assault weapons traced to crime each year.

Have industry efforts to evade the Act through “copycat” assault weapons eliminated its positive effects?

No. After the Assault Weapons Act was passed, gun manufacturers sought to evade the ban by producing weapons with minor changes or new model names. The Act was designed to prevent this occurrence by defining assault weapons to include “copies or duplicates” of the firearms listed in the ban in any caliber,¹ though this provision has never been enforced. Yet, even if copycats of the federally banned guns are considered, there has still been a **45%** decline between the pre-ban period (1990 – 1994) and the post-ban period (1995 and after) in the percentage of ATF crime gun traces involving assault weapons and copycat models.

The results of this study make it clear that the United States Congress needs to renew the Federal Assault Weapons Act. If the Act is not renewed, a decade of progress could be lost and thousands of additional assault weapons are likely to be used in crime in the future.

INTRODUCTION

THE FEDERAL ASSAULT WEAPONS ACT

The Assault Weapons Problem

While all firearms are dangerous, assault weapons pose special dangers. They are semiautomatic, civilian versions of weapons designed for military use. The weapons are capable of holding large-capacity magazines that allow a shooter to fire up to 150 shots without having to reload. Assault weapons also typically include features that help the shooter control the gun during rapid firing, such as pistol grips or forward handgrips.²

These weapons were specifically designed for military use in order to kill greater numbers of people more effectively. ATF has explained this as follows:

Assault weapons were designed for rapid fire, close quarter shooting at human beings. That is why they were put together the way they were. You will not find these guns in a duck blind or at the Olympics. **They are mass produced mayhem.**³

As ATF has noted, the weapons “are not generally recognized as particularly suitable for or readily adaptable to sporting purposes” and instead “are attractive to certain criminals.”⁴ The combination of semiautomatic firing capability with large capacity magazines allows criminals to fire more times within a limited period of time—making these weapons especially lethal. According to ATF, semiautomatic assault weapons “are preferred by criminals over law abiding citizens eight to one....Access to them shifts the balance of power to the lawless.”⁵ A study of ATF tracing data released prior to the enactment of the 1994 federal assault weapons law revealed that assault weapons were 20 times more likely than conventional firearms to be used in crime.⁶

In the 1980s, law enforcement reported that assault weapons were the “weapons of choice” for drug traffickers, gangs, terrorists, and paramilitary extremist groups. Assault weapons were used to perpetrate some of the worst mass murders ever committed in the United States.

In 1989, the Administration of George H.W. Bush took the first step in addressing the problem of the availability of assault weapons and assault weapon use in crime by suspending importation of assault weapons “not suitable or readily adaptable to sporting purposes.”⁷ This import ban was expanded by President Bill Clinton in 1998.⁸

In May 1989, California became the first state to pass an assault weapons ban.⁹ The statute banned the sale, production and possession of certain listed assault weapons and those that have specific military features such as pistol grips and folding stocks. People who owned such assault weapons prior to the law were

Examples of Mass Shootings With Assault Weapons

- Using an Uzi assault pistol and a shotgun, James Huberty killed 21 people and wounded 19 others in a San Ysidro, California, McDonald’s on July 18, 1984.
- Using an AK-47 rifle, two MAC-11 assault pistols, and a duffle-bag full of other firearms, Joseph Wesbecker killed 7 people and wounded 13 others on September 14, 1989, at his former place of work in Louisville, Kentucky, before taking his own life.
- Patrick Edward Purdy used an AK-47 to open fire on a schoolyard in Stockton, California, firing over 100 rounds in less than 2 minutes, killing 5 children and wounding 29 others on January 17, 1989.
- Using two TEC-DC9s, Gian Luigi Ferri opened fire in a San Francisco, California, office tower on July 1, 1993, killing 8 people and wounding 6 more.

required to register the weapons and were not allowed to sell or give them to anyone in the state. California also restricts the sale of rapid-fire ammunition magazines in excess of 10 rounds.¹⁰

Congress Responds to the Problem

In response to mass shootings and mounting public pressure, Congress took up consideration of a ban on assault weapons in 1989. Over a span of five years, several bills were introduced aimed at curbing assault weapon use before final passage of the current assault weapons ban in 1994.

In hearings on the bills, the Senate Judiciary Committee explained the need to:

address the carnage wrought by deadly military-style assault weapons on innocent citizens and the law enforcement officers who seek to protect us all. Recent events illustrate again, and with chilling vividness, the tragedy that results from the wide and easy availability of guns with fire power that overwhelm our police, of weapons that have no place in hunting or sport and whose only real function is to kill human beings at a ferocious pace.¹¹

The “Public Safety and Recreational Firearms Use Protection Act of 1994,” referred to here as the “Federal Assault Weapons Act,” was passed on September 13, 1994, as part of a larger crime bill—The Federal Violent Crime Control and Law Enforcement Act of 1994. The Assault Weapons Act has a 10-year sunset provision. It will expire on September 13, 2004, unless it is renewed by Congress.

The ban makes it unlawful to “manufacture, transfer or possess a semiautomatic assault weapon,” as well as large capacity magazines capable of holding more than 10 rounds.¹² However, assault weapons and large capacity magazines legally possessed on the effective date of the Act remain legal under the Act’s “grandfather clause.”¹³ Banned weapons encompass certain named firearms, including the AK-47, Uzi, Colt AR-15, and Street Sweeper, as well as copies or duplicates of these named firearms in any caliber, and any weapons with two or more of a list of military features, such as flash suppressors or grenade launchers.¹⁴ The Act also specifically exempts by name 661 sporting rifles.

THE “COPYCAT” PROBLEM

The gun industry responded to passage of the Federal Assault Weapons Act by renaming guns and/or making minor changes in guns to skirt the ban. Below are three examples out of dozens of industry attempts to evade the ban.

Bushmaster XM-15



Bushmaster Firearms of Windham, Maine, manufactures the Bushmaster XM-15 rifle. This gun is an AR-15 type rifle with minor changes that have allowed it to evade the Assault Weapons Act. According to Bushmaster officer and spokesperson Allen Faraday, “the changes were all cosmetic and didn’t affect the gun’s performance.”¹⁵ The Bushmaster XM-15 rifle has been used in violent crimes, including the Washington, DC-area sniper attacks in late 2002.¹⁶

Bushmaster markets the XM-15 to the general public as a military style weapon made “to military specification.”¹⁷ The XM-15 “fires...the same round used in the Colt M-16 (the standard U.S. military rifle)” and “is a semiautomatic version of the M-16. This round has an effective range of 300 meters and can pierce most body armor.”¹⁸

Bushmaster advertises that the XM-15 is accurate when shooting “targets” at long range with the slogan “The Best—By A Long Shot!” Bushmaster designed its guns to appeal to people wishing to prepare for and engage in military-style operations. Bushmaster advertises that the guns it sells to civilians have a “military look” and that its guns have been used by elite military units such as “Special Forces Units; Seals; Rangers [and] Green Berets.” Bushmaster markets an “ultimate sniper grip” for its guns and touts that a new model of its gun, which it concedes is not legal for hunting in some states, “is proving to be very popular as a Counter-Sniper Rifle.”¹⁹

Bushmaster sells attachments for its guns, including bayonets and bayonet lugs, flash suppressors, telescoping stocks, flare launchers, and “Tactical Assault Sling” adapters “to allow easier assault position carry of your weapon.” In addition, although the Assault

Weapons Act prohibits the manufacture of ammunition magazines that can hold more than 10 rounds, Bushmaster apparently stockpiled enough “pre-ban” magazines that it still markets 40 round ammunition magazines as available for sale to the general public for only \$24.95, allowing the firing of 40 ammunition rounds without pausing to reload.²⁰

Intratec AB-10 - “After Ban-10”



Prior to the Assault Weapons Act, Intratec of Miami, Florida, manufactured the infamous TEC-9, a high-powered gun weighing only 3.1 pounds, yet equipped with a 32-round ammunition magazine. Intratec advertised the TEC-9 to appeal to criminals, bragging that it had “excellent resistance to finger prints.”²¹

According to ATF data, annual production of the TEC-9 increased dramatically from 2,995 pistols in 1981 to an average of 14,466 in the last four years of the 1980s. When Washington, DC, enacted a law in 1991 imposing strict liability for shootings with TEC-9 guns, Intratec mockingly renamed the gun the “TEC-DC9” to evade liability and the law. The TEC-DC9 was used in massacres at Columbine High School in Littleton, Colorado, and at the 101 California Street office building in downtown San Francisco.²²

The Federal Assault Weapons Act banned both the TEC-9 and TEC-DC9 by name. Intratec responded by renaming the gun the AB-10 (AB standing for “after ban”) and making minor changes to evade the features test. Even though the assault weapons ban prohibits the manufacture of ammunition magazines that can hold more than 10 rounds, Intratec marketed the AB-10 with pre-ban 32-round ammunition magazines.²³

Following passage of the Assault Weapons Act, Intratec’s production of semiautomatic pistols dropped dramatically, from 75,102 semiautomatic pistols in 1994 to 9,584 in 1995 and 5,820 in 1996. Intratec ceased operations in 2001.²⁴

Olympic Arms PCR - “Politically Correct Rifle”



Following the Act’s ban on assault rifles, Olympic Arms of Olympia, Washington, redesigned its weapons to evade the Act’s features test. Although the Assault Weapons Act prohibits the manufacture of Colt AR-15 rifles, Olympic Arms sells an AR-15 type rifle called the “PCR,” which the company contemptuously explains is short for “Politically Correct Rifle.”²⁵ This rifle incorporates changes, such as a removed bayonet lug, that have allowed it to skirt the Assault Weapons Act.²⁶

PRIOR STUDIES OF ASSAULT WEAPON LAWS

National Institute of Justice Study

Following enactment of the Assault Weapons Act, the U.S. Department of Justice National Institute of Justice conducted a study, mandated by the Act, of the short-term impact on crime of the assault weapons ban. The study, published in 1999, found that the ban had “clear short-term effects on the gun market,” leading to semiautomatic assault weapons “becom[ing] less accessible to criminals because there was at least a short-term decrease in criminal use of the banned weapons.”²⁷

The study also explained that ATF data showed that crime gun traces of assault weapons dropped 20% in the year following enactment of the Assault Weapons

A Study for the Department of Justice published in 1999 concluded that the ban led to assault weapons “becom[ing] less accessible to criminals because there was at least a short-term decrease in criminal use of the banned weapons.”

Act, from 4,077 assault weapon traces in 1994 to 3,268 in 1995. This 20% drop in assault weapon traces was double the 10% overall decline in the gun murder rate that year, suggesting that, at least in the short-term, the ban reduced the use of assault weapons in crime. Moreover, murder rates dropped 6.7% below what the rates were projected to be without the ban, once researchers isolated the impact of the Assault Weapons Act by accounting for other factors such as murder trends, demographic and economic changes, a federal juvenile handgun possession ban, and state initiatives.²⁸

After analyzing the short-term effects of the Assault Weapons Act, the study for the Department of Justice concluded that the ban “may affect gun markets in ways that at least temporarily reduce criminals’ access to the regulated guns, with little impact on law-abiding owners.”

Murders of police officers with assault weapons also dropped from about 16% of gun murders of police in 1994 and early 1995 to 0% of murders of police officers in the latter half of 1995 and 1996.²⁹

The National Institute of Justice study also found further evidence that the national decrease in assault weapons traced to crime was an effect of the ban. Assault weapon traces from states that already had their own assault weapon bans dropped only an estimated 6-8% in 1995, suggesting that the national downward trends in assault weapons traces reflect effects of the Federal ban.³⁰

Further, the study found that there were fewer assault weapon traces in 1995 than in 1993, suggesting that the decrease in assault weapons traced to crime was not attributable to a surge in assault weapon tracing after the effective date of the Assault Weapon Act. Moreover, analysis of assault weapons recovered in crime in two cities without preexisting state assault weapon bans, Boston and St. Louis, showed a respec-

tive 24% and 29% drop in assault weapons recovered in crime, supporting the conclusion that the drop in assault weapon use in crime was attributable to the ban and not to any potential biases in trace request data.³¹

Although National Institute of Justice researchers could not reach long-term conclusions because of the limited time-span of their study, their analysis of the short-term effects of the assault weapons ban concluded: “The findings suggest that the relatively modest gun control measures that are politically feasible in this country may affect gun markets in ways that at least temporarily reduce criminals’ access to the regulated guns, with little impact on law-abiding owners.”³²

Maryland Assault Pistol Ban Study

A study of the effect of one state’s ban on assault pistols showed similar positive effects. In June 1994, a Maryland law took effect that banned the sale of assault pistols and high capacity magazines, including those manufactured prior to implementation of the law. A year later a study was performed, based on data provided by the Baltimore City Police Department, that concluded that 55% fewer assault pistols were used to commit crimes than would have been used had Maryland not passed a ban.³³

Analysis Done for Senators Feinstein and Schumer

A more recent analysis of the long-term effects of the Assault Weapons Act on crime confirmed the initial conclusions of the NIJ Report that the ban has resulted in a decline of the rate at which assault weapons are recovered in crime. This analysis, by United States Senators Dianne Feinstein and Charles Schumer, showed that the proportion of banned assault weapons traced to crime has dropped by more than 65% since 1995, according to ATF crime gun trace data.³⁴ The Feinstein-Schumer report did not, however, address the effect of the industry’s development of “copycat” guns on the overall effectiveness of the ban in reducing the rate of assault weapons in crime.

FINDINGS

FINDING #1: Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns ATF has traced to crime, and in absolute numbers of traces, since the Act was passed. Had this decline not occurred, thousands more of these banned assault weapons would likely have been traced to crime over the last 10 years.

METHOD

This study analyzed national crime gun trace data maintained by ATF that it has previously released to the public through the Freedom of Information Act.³⁵ It is important to understand that the firearms listed in this data are considered by ATF to be “crime guns,” which means they have been illegally possessed, used in a crime, or suspected of having been used in a crime.³⁶

The data available for CGS to analyze covered the years 1990–2001. This data includes more than 1,424,949 crime gun traces.³⁷ To evaluate the effect of the Assault Weapons Act, the Brady Center first asked CGS to limit its calculations to firearms named in the Act. (These are identified in Appendix 1.) Guns that could be considered “copies or duplicates” of those firearms were not included.

To establish a pre-ban level of tracing, CGS looked at the five year period (1990–1994) leading up to the federal ban. The federal ban was passed in September 1994, but, to be conservative, all of 1994 was included in the pre-ban analysis.³⁸

RESULTS

During the pre-ban period (1990–1994), a total of 4.82% of the crime gun traces conducted by ATF nationwide were assault weapons named in the Act, even though ATF estimated that assault weapons comprised only about 1% of the 200 million guns then in circulation in the United States.³⁹ The disproportionate use of these guns in crime was one of the reasons Congress passed the Assault Weapons Act.⁴⁰

Since the law’s enactment, however, assault weapons have steadily declined as a percentage of overall crime gun traces. In the post-ban period (1995

and after) assault weapons have made up only 1.61% of the guns ATF has traced to crime—a drop of 66% from the pre-ban rate. Moreover, as dramatic as this drop has been, it measures only the decline in the average percentage of assault weapons traces from the pre-ban to the post-ban period. The year-by-year percentage of assault weapons traced to crime has been even lower than the average of 1.61% since 1999. By 2001, the last year for which CGS has data, only 1.1%

**Pre-Ban
Percentage of
Assault Weapon
Traces In ATF
National Trace
Database**

4.82%

**Post-Ban
Percentage of
Assault Weapon
Traces In ATF
National Trace
Database**

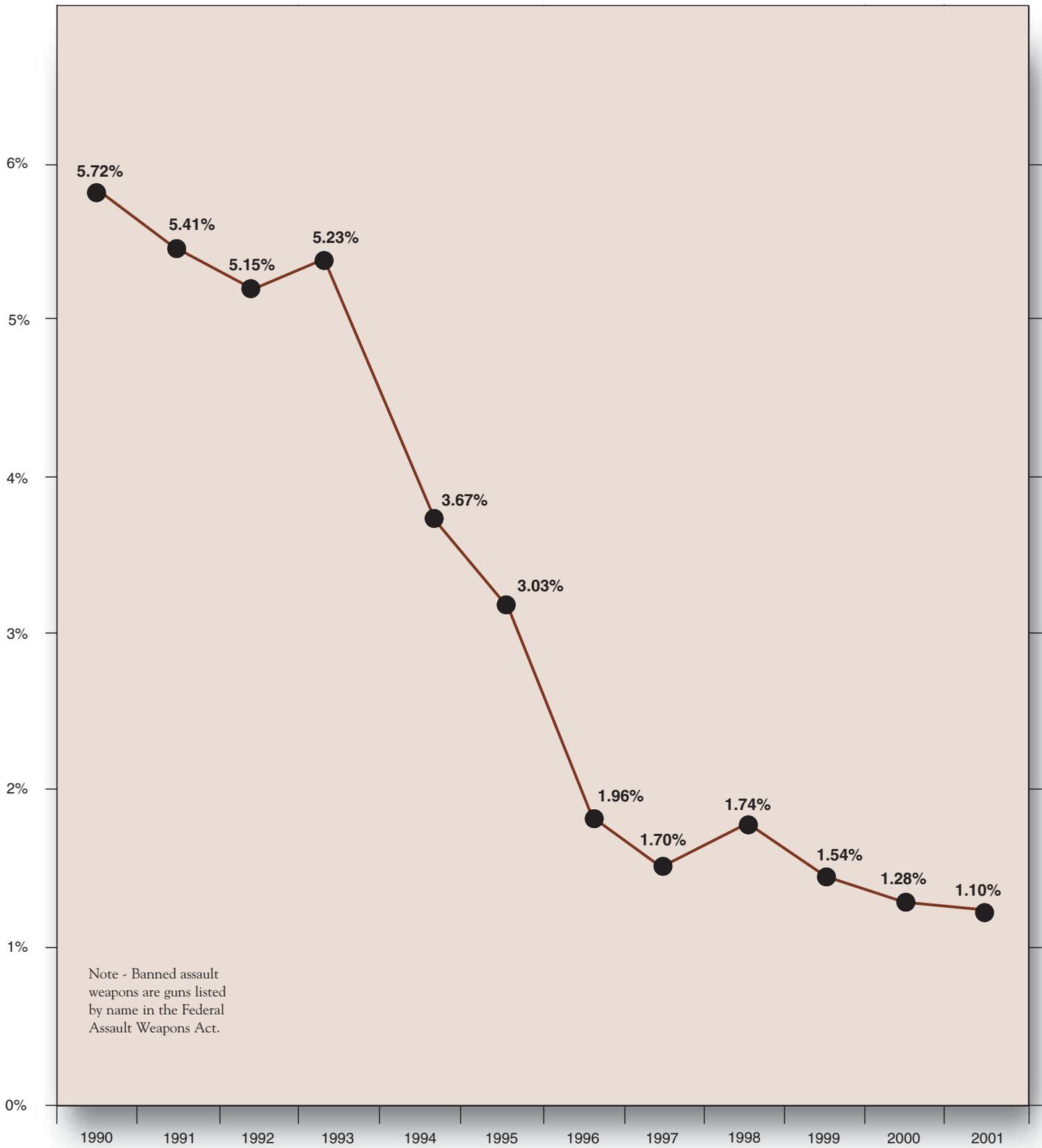
1.61%

**Percentage Decline of Assault
Weapons Traces Between Pre-Ban and
Post-Ban Periods**

66%

of ATF’s traces involved assault weapons named in the Federal ban. See Table 1. In addition, when measured by total crime guns traced, the number of named assault weapons traced in both 2000 and 2001 is less than the number of these guns that were traced in 1993 and 1994. This strongly suggests that over time these deadly guns have become less available for criminal misuse. If this decline is to continue, it is imperative that Congress renew the Assault Weapons Act.

TABLE 1 - Banned Assault Weapons as a Percentage of All Crime Guns, 1990 – 2001



This decline is extremely significant to law enforcement and has clearly enhanced public safety, especially since these military-style weapons are among the deadliest ever sold on the civilian market. For example, if the Assault Weapons Act had not been passed, there is every reason to believe the rate at which they would have been traced would have at least stayed relatively constant throughout the 1990s. After all, the rate remained fairly steady above 5% of ATF traces in each year from 1990–1993, before the ban was enacted.⁴¹

If this pre-ban rate—which CGS has calculated was 4.82%—continued after the ban took effect, approximately 60,000 additional assault weapons would have been traced to crime in the last 10 years. See Table 2.⁴² If the ban is allowed to lapse, it is likely that these weapons would comprise more and more of the guns recovered in crime into the future.

Table 2—Potential Additional Assault Weapon Crime Traces By Year, Without Federal Assault Weapons Act

1995	-	1358	crime traces
1996	-	3663	crime traces
1997	-	5679	crime traces
1998	-	5698	crime traces
1999	-	6228	crime traces
2000	-	6733	crime traces
2001	-	7884	crime traces
2002	-	7884*	crime traces
2003	-	7884*	crime traces
2004	-	7884*	crime traces

Total: 60,895

***Estimated**

FINDING #2: The gun industry’s efforts to evade the Federal Assault Weapons Act through the sale of “copycat” guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among crime guns.

METHOD

In addition to looking at assault weapons named in the Federal Act, an evaluation of copycat weapons is necessary. Many of these copycat guns should be covered under the original Act’s intent to ban “copies or duplicates” of listed firearms in any caliber. ATF has never defined this phrase nor identified any firearms that might be considered “copies or duplicates.”⁴³ The gun industry has sought to exploit this by selling guns they have advertised as “copies” of banned guns to take advantage of their notorious image.

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.⁴⁴ 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 pre-dated 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.

RESULTS

CGS found 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%. As with Finding #1, this measures the decline in the *average* percentage of assault weapons traces from the pre-ban to the post-ban period. The *year-by-year* percentage of assault weapons traced has been even lower than

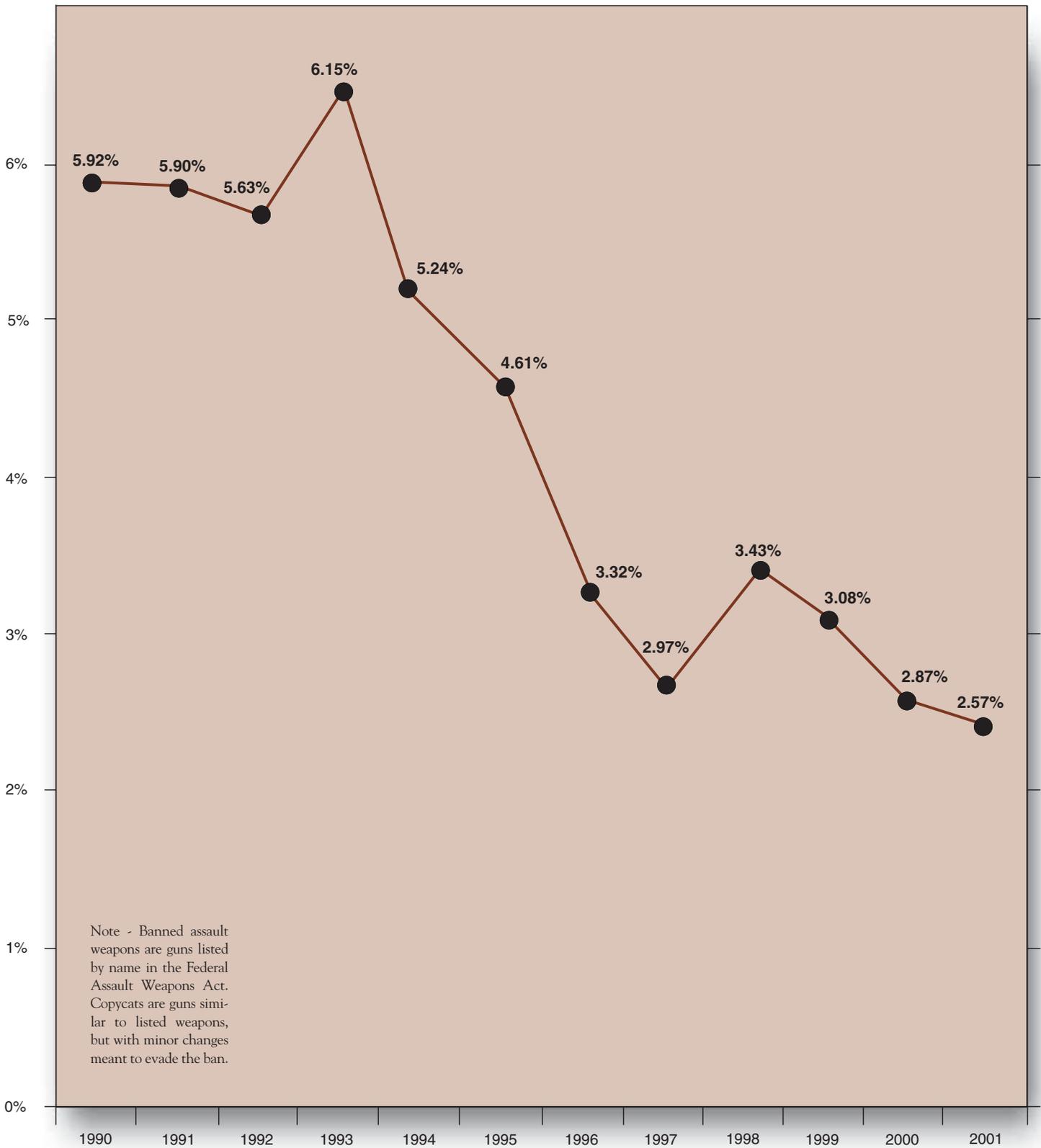
Percentage Decline of Assault Weapons Traces—Including Copycats—Between Pre-Ban and Post-Ban Periods

45%

Percentage Decline of Assault Weapons Traces—Including All Guns in H.R. 2038 and S. 1431—Between Pre-Ban and Post-Ban Periods

37%

**TABLE 3 - Banned Assault Weapons and Copycats
as a Percentage of All Crime Guns, 1990 – 2001**



the average of 3.1% since 1999. By 2001, the last year for which CGS has data, only 2.57% of ATF's crime gun traces involved assault weapons named in the Act. See Table 3.

Moreover, even if all of the guns listed in H.R. 2038 and S. 1431 (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%**.

Thus, the data suggests that although, to some extent, criminals are substituting copycat assault weapons for guns banned by name, this substitution effect is far from complete.

CONCLUSION

Enacted into law in 1994, the Federal Assault Weapons Act was designed to reduce the use in crime of military-style semiautomatic firearms, seen by law enforcement authorities as posing a special threat to public safety. The Act was narrowly drawn to ban certain named assault weapons and their “copies and duplicates,” along with other guns that have certain specified military features. Soon after the Act went into effect, assault weapon manufacturers sought to evade it by producing copycat assault weapons that were either renamed or differed in design in minor ways from the banned weapons. The industry's success in introducing such copycat guns, along with the federal government's failure to move against copycats under the “copies and duplicates” language of the statute, has raised concerns about whether the Act has had any measurable impact on the use of assault weapons in crime.

This study has demonstrated that, since the Act became law, assault weapons banned by name in the Act have declined from almost 5% of guns traced to crime in the pre-ban period to only 1.6% in the years following the ban—a decline of 66%. The absolute number of named assault weapons traced to crime also has declined, even though the absolute number of crime gun traces has steadily increased. Moreover, even if copycat guns are included, assault weapons have declined from almost 6% of traced guns to about 3%—a decline of 45%. This suggests that although, to some extent, criminals are substituting copycat assault weapons for guns banned by name, this substitution effect is far from complete. Put another way, the Federal Assault Weapons Act has contributed to a substantial reduction in the use of assault weapons in crime, despite the industry's efforts to evade the law through the sale of copycat assault weapons.

Like most laws, the Assault Weapons Act is not perfect. It should be strengthened to cover a more comprehensive set of military-style weapons. Nevertheless, it has reduced the use of high-firepower assault weapons available for criminal use. Its loss, through Congressional inaction, would be a serious blow to public safety.

APPENDICES

Appendix 1: Assault Weapons Named in the 1994 Assault Weapons Act by Group

Israel Military Industries Action Arms UZI



Israel Military Arms Galil



North China Industries 56, 84, 86, 320, AKM, AKS; Polytechnologies AK47, AK47/S, AKS; Mitchell Arms AK



Colt AR-15



Beretta AR 70



Steyr AUG



Fabrique Nationale FN/FAL, FN/LAR, and FNC



SWD M-10, M-11, M-11/9, and M-12



Intratec TEC-9, TEC-DC9 and TEC-22



Street Sweeper/Striker 12 (including USAS 12)



Appendix 2: AK Series and AR-15 Series Copycat Assault Weapons Identified by the California Department of Justice

American Arms

AK-C47
AK-F39
AK-F47
AK-Y39

American Spirit

USA Model

Armalite

AR10 (all)
Golden Eagle
M15 (all)

Arsenal Co. of Bulgaria

SLG (all)
SLR (all)

B-West

AK-47 (all)

Bushmaster

XM15 (all)

Colt

Law Enforcement (6920)
Match Target (all)
Sporter (all)

Dalphon

BFD

DPMS

Panther (all)

Eagle Arms

EA-15 E1
EA-15 A2 H-BAR
M15 (all)

Frankford Arsenal

AR-15 (all)

Hesse Ltd.

HAR 15A2 (all)
Model 47 (all)
Wieger STG 940 Rifle

Internationale Ordnance

AK-47 (all)
M-97
RPK

Kalashnikov

Hunter Rifle/Saiga

Knights Mfg. Co.

RAS (all)
SR-15 (all)
SR-25 (all)

Les Baer Custom, Inc.

AR (all)

MARS

Pistol

MAADI Co.

AK47
ARM
MISR (all)
MISTR (all)

Mitchell Arms, Inc.

M-76
M-90
RPK

North China Industries

MAK90
NHM90
NHM90-2
NHM91
RPK Rifle
Hunter Rifle

Ohio Ordnance Works

ROMAK 991
AK-74

Olympic Arms

AR-15
CAR-97
PCR (all)

Ordnance, Inc.

AR-15

Pac West Arms

All Models

Palemtto Armory

SGA (all)

Professional Ordnance, Inc.

Carbon 15 Rifle
Carbon 15 Pistol

Rock River Arms, Inc.

Car A2
Car A4 Flattop
LE Tactical Carbine
NM A2 DCM Legal
Standard A2
Standard A4 Flattop

Valmet

Hunter Rifle
76S

Wilson Combat

AR-15

Wum Wum

All Models

Additional Copycat AK and AR-15 Series Models*

American Arms

ZCY308

Armsco

AK22

Armscorp of the Phillippines

AR15
AK22
AK47
AK47/22

Arsenal Co. of Bulgaria

AK74

Charter Arms

AK7 series
AKC47
AR15

FEG

AK47
AK47S
AK47SAM85
AKN Hungarian

Imez

Saiga

Jager, Armi

AK22
M/AK22

Knights Mfg. Co.

Stoner SR50

MAADI-Griffin

(model unknown)

Machine Crafters, Inc.

AKS

Ohio Ordnance Works

AK47

Ratmil

WUM 1
WUM 2

Rock Island Armory

AR15

Russian

AK47

Sendra Corp.

AR15

SGW Enterprises

AR15
CAR15
LAR-AR

U.S.A. Military Surplus

AR15

Valmet

M62
M71
M78
M82

Zastava

AK47
AKY39

* Model names are listed as they appear in the ATF trace data. Additional copycat models may exist, but were not included if they did not appear as crime guns in the trace data.

Appendix 3: Assault Weapons Identified in H.R. 2038 and S. 1431

Rifles:

AK	Kel-Tec Sub Rifle SUB series	Scorpion
AKM	M1 Carbine	AB10
AKS	Saiga	Uzi
AK-47	SAR-8	
AK-74	SAR-4800	
ARM	SKS with detachable magazine	
MAK90	SLG 95	
Misr	SLR9 95 or 96	
NHM 90	Steyr AUG	
NHM 91	Ruger Mini 14	
SA 85	Tavor	
SA 93	Thompson Center Arms Co.	
VEPR	1927 series	
AR-10	Thompson M1	
AR-15	Thompson 1927 Commando	
Bushmaster XM15	Uzi	
Armalite M15	Galil	
Olympic Arms PCR	Uzi Sporter	
AR70	Galil Sporter	
Calico Liberty	Galil Sniper Rifle (Galatz)	
Dragunov SVD Sniper Rifle		

Shotguns:

Armcor 30 BG
SPAS 12
LAW 12
Striker 12
Streetsweeper

Pistols:

Dragunov SVU	Calico M-110
Fabrique National FN/FAL	MAC-10 series
FN/LAR	MAC-11
FNC	MPA3
Hi-Point Carbine	Olympic Arms OA
HK-91	TEC-9
HK-93	TEC-DC9
HK-94	TEC-22
HK-PSG-1	

ENDNOTES

- ¹ 18 U.S.C. § 921(30)(A).
- ² ATF, *Assault Weapons Profile* at 20 (1994).
- ³ *Id.* at 19.
- ⁴ Dep't of Treasury, *Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, at 38 (1998).
- ⁵ ATF, *Assault Weapons Profile* at 19-20.
- ⁶ Jim Stewart & Andrew Alexander, *Deadly Numbers for Assault Guns*, *The Atlanta Constitution*, May 21, 1989, at A1.
- ⁷ On March 21, 1989, ATF announced a temporary suspension of the importation of five assault weapons. On March 29, 1989, ATF expanded the scope of the suspension to cover all assault weapons “indistinguishable in design, appearance and function to the original five” and established a working group to decide whether to make this import ban permanent. On March 30, 1989, a gun importer challenged ATF’s authority to suspend the importation of these weapons. The Eleventh Circuit Court of Appeals upheld ATF’s authority to issue the import suspensions. *Gun South, Inc. v. Brady*, 877 F.2d 858 (11th Cir. 1989). ATF then issued its working group report and, pursuant to 18 U.S.C. § 925(d)(3), made the import ban permanent. ATF, *Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles* (July 6, 1989).
- ⁸ In April 1998, ATF determined that the 1989 ban on the importation of assault rifles remained valid and expanded the import ban to include rifles with the “ability to accept a detachable large capacity military magazine” because those weapons “cannot fairly be characterized as sporting rifles.” ATF, *Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles* (1998).
- ⁹ Numerous other states have passed assault weapons bans since California, including Connecticut, Hawaii, Maryland, Massachusetts, New Jersey and New York.
- ¹⁰ Roberti-Roos Assault Weapons Control Act of 1989, Cal. Penal Code §§ 12275-88.
- ¹¹ Hearings on S. 639 and S. 653 Before the Committee on the Judiciary, U.S. Senate, 103d Cong. 1 (Aug. 3, 1993) (statement of Hon. Joseph Biden).
- ¹² 18 U.S.C. § 922(v)(1) and (w)(1).
- ¹³ 18 U.S.C. § 922(v)(2) and (w)(2).
- ¹⁴ 18 U.S.C. § 922(a)(30).
- ¹⁵ Matt Wickenheiser, *As Sales Soar, Bushmaster Shrugs At Bid to Renew Gun Ban*, *Portland Press Herald*, May 14, 2003.
- ¹⁶ Eric M. Weiss, *United in Loss, Families Grieve Independently; Sniper Case Leaves Split Legacy*, *The Washington Post*, October 4, 2003.
- ¹⁷ Bushmaster Firearms 2002 product catalog at 2.
- ¹⁸ Congressional Research Service, *Foreign Terrorists and the Availability of Firearms and Black Powder in the United States*, May 16, 2003, at 9.
- ¹⁹ Bushmaster Firearms 2002 product catalog at 1-3, 5, 42.
- ²⁰ *Id.* at 19, 38, 46, 48.
- ²¹ Intratec brochure, “Intratec—Your Choice Keeps America Working.”
- ²² Richard Willing, *Advocates of gun control protest law’s loopholes*, *USA Today*, April 27, 1999; Harriet Chiang, *State justices hear S.F. massacre case, Families want gunmaker held liable*, *San Francisco Chronicle*, May 10, 2001.
- ²³ Richard Willing, *Advocates of gun control protest law’s loopholes*, *USA Today*, April 27, 1999.
- ²⁴ *Id.*; Larry Celona, *Anatomy of a Nightmare: How NYPD’s Most Perilous Job Cost 2 Cops Their Lives*, *New York Post*, March 12, 2003. Intratec’s corporate name was Navegar, Inc.
- ²⁵ Olympic Arms website, <http://www.olyarms.com/faq.html>, visited February 27, 2004.
- ²⁶ Ken Ramage (ed.), *Gun Digest 2002* at 322.
- ²⁷ Jeffrey A. Roth and Christopher S. Koper, *Impacts of the 1994 Assault Weapons Ban: 1994-96* (U.S. Department of Justice National Institute of Justice 1999) at 1, 9 (available at <http://www.ncjrs.org/pdffiles1/173405.pdf>).
- ²⁸ *Id.* at 6, 9.
- ²⁹ *Id.*
- ³⁰ *Id.* at 6-7.
- ³¹ *Id.*
- ³² *Id.* at 10.
- ³³ Douglas Weil and Rebecca Knox, *Estimating the Impact in Baltimore of the Maryland Ban on the Sale of Assault Pistols and High Capacity Magazines* (Center to Prevent Handgun Violence 1995) at 2, 4.

³⁴ See report released on November 5, 2003, accessible at <http://feinstein.senate.gov/03Releases/r-assaultwepsrate1.htm>.

³⁵ Unfortunately, this year the U.S. Congress passed an amendment to the Consolidated Appropriations Act of 2004, Public Law No. 108-199 (Division B, Title I), barring ATF from continuing to release this valuable data to the public.

³⁶ ATF, *The Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Market in 27 Communities*, at 5 (1999).

³⁷ During these years, 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. Therefore, CGS has calculated the percentage of traced guns that are assault weapons. In this connection, however, two facts are worth noting. First, as researchers for the National Institute of Justice found, two cities that comprehensively traced firearms before the ban took effect—St. Louis and Boston—showed similar post-ban declines in the percentage of assault weapons they traced to crime that the researchers found in national data. NIJ Report at 6-7. Second, since the data show there were fewer assault weapons traced nationally in 2000 and 2001 than were traced in 1993 or 1994, even the absolute number of traces of these dangerous weapons has declined over time.

³⁸ Including all of 1994 in the pre-ban analysis makes the results more conservative than they otherwise might be, as from 1990-1993, the rate of assault weapons traces remained above 5% each year. See Table 1.

³⁹ Dep't of Justice, Bureau of Justice Statistics, *Guns Used in Crime*, July 1995.

⁴⁰ See Hearing Before the Subcommittee on Crime and Criminal Justice of the Committee of the Judiciary on the Public Safety and Recreational Firearms Use Protection Act, 103d Cong 79 (April 25, 1994) (statement of Rep. Reynolds). In addition, an expert analysis completed by Professor James Alan Fox, noted criminologist at Northeastern University, established that the TEC-9 was four to five times more likely to be traced to criminal activity than other handguns. This disproportionality was even more pronounced for overall violent offenses and murder. See Declaration of James Alan Fox in 101 California Street Litigation.

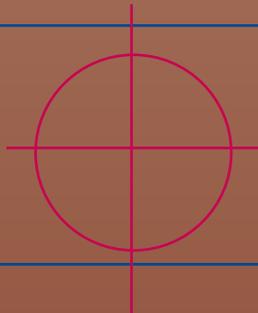
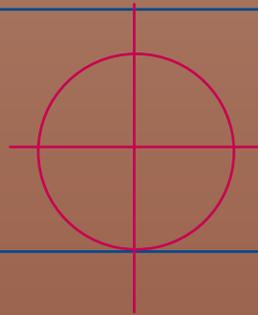
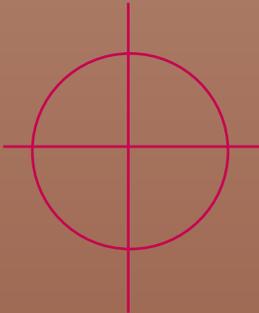
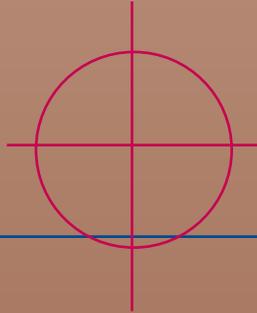
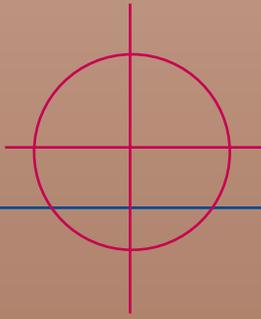
⁴¹ In 1994, the year the Federal Assault Weapons Act was passed, assault weapons traces as a percentage of overall

traces began to decline. We are not attributing this decline to the Federal Act. By this time, however, several state assault weapons laws had been passed, and these could have begun to have an effect on overall assault weapons traces. Indeed, as researchers for the National Institute of Justice measured, after the federal law was passed, there was a higher decline in states that had not passed their own assault weapons laws than in states that had. Jeffrey A. Roth and Christopher S. Koper, *Impacts of the 1994 Assault Weapons Ban: 1994-96* (Dep't of Justice National Institute of Justice 1999), at 6-7 (available at <http://www.ncjrs.org/pdffiles1/173405.pdf>).

⁴² CGS calculated the number of assault weapons that would have been traced to crime in each year from 1995 through 2001 if the 4.82% rate held and then subtracted from this number the number of assault weapons that were actually traced in each of those years. For the years 2002-2004, CGS applied the differential in the year 2001. This is a fairly conservative estimate since the differential increased in every year between 1995 and 2001.

⁴³ The California Department of Justice, pursuant to California's assault weapons ban, has defined copycat AK-47 and AR-15 assault weapons and published a list of them on its website (available at <http://caag.state.ca.us/firearms/awguide/>). Crime Gun Solutions has considered all of these guns in its tracing analysis of copycat assault weapons.

⁴⁴ Cal. Penal Code § 12276(e).



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