

14-0319-cv

United States Court of Appeals
for the
Second Circuit

JUNE SHEW, STEPHANIE CYPHER, PETER OWENS, BRIAN MCCLAIN,
HILLER SPORTS, LLC, MD SHOOTING SPORTS, LLC, CONNECTICUT
CITIZENS' DEFENSE LEAGUE, COALITION OF CONNECTICUT
SPORTSMEN, RABBI MITCHELL ROCKLIN, STEPHEN HOLLY,

Plaintiffs-Appellants,

— v. —

DANNEL P. MALLOY, in his official capacity as Governor of the State of
Connecticut, KEVIN T. KANE, in his official capacity as Chief State's Attorney
of the State of Connecticut, REUBEN F. BRADFORD, in his official capacity as
Commissioner of the Connecticut Department of Emergency Services and Public

(For Continuation of Caption See Inside Cover)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JOINT APPENDIX
Volume 7 of 10 (Pages A-1693 to A-1976)

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Defendants-Appellees.

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EXHIBIT 32



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January 23, 2011 Sunday
Correction Appended
Suburban Edition

SECTION: A-SECTION; Pg. A01**DISTRIBUTION:** Every Zone**LENGTH:** 1758 words**HEADLINE:** In Virginia, high-yield clip seizures rise**BYLINE:** David S. Fallis;James V. Grimaldi**BODY:**

The number of guns with high-capacity magazines seized by Virginia police dropped during a decade-long federal prohibition on assault weapons, but the rate has rebounded sharply since the ban was lifted in late 2004, according to a Washington Post analysis.

More than 15,000 guns equipped with high-capacity magazines - defined under the lapsed federal law as holding 11 or more bullets - have been seized by Virginia police in a wide range of investigations since 1993, the data show.

The role of high-capacity magazines in gun crime was thrust into the national spotlight two weeks ago when 22-year-old Jared Lee Loughner allegedly opened fire with a semiautomatic handgun outside a Tucson grocery store, killing six and wounding 13, including Rep. Gabrielle Giffords (D-Ariz.). Authorities say Loughner used a legally purchased 9mm Glock 19 handgun with a 31-round clip and was tackled while changing magazines.

Of the seized Virginia weapons, 2,000 had magazines with a capacity of 30 or more bullets. Some states, including California and Maryland, still limit magazine capacity to 10 rounds.

Last year in Virginia, guns with high-capacity magazines amounted to 22 percent of the weapons recovered and reported by police. In 2004, when the ban expired, the rate had reached a low of 10 percent. In each year since then, the rate has gone up.

"Maybe the federal ban was finally starting to make a dent in the market by the time it ended," said Christopher Koper, head of research at the Police Executive Research Forum, who studied the assault weapons ban for the National Institute of Justice, the research arm of the Justice Department.

Congress is considering legislation to reinstitute the assault weapon ban's prohibition on high-capacity magazines, a measure strongly opposed by gun rights advocates.

In Virginia, high-yield clip seizures rise The Washington Post January 23, 2011 Sunday Correction Appended

The analysis of the Virginia records, obtained under the state's public information law, provides a rare window into the firepower of guns used in crimes. The Bureau of Alcohol, Tobacco, Firearms and Explosives, which traces guns for local police agencies and regulates the firearms industry, does not track magazine sizes. Academic researchers said they were unaware of any other comprehensive study of firearms magazines.

The pattern in Virginia "may be a pivotal piece of evidence" that the assault weapons ban eventually had an impact on the proliferation of high-capacity magazines on the streets, said Garen Wintemute, head of the Violence Prevention Research Program at the University of California at Davis.

"Many people, me included, were skeptical about the chances that the magazine ban would make a difference back in 1994," Wintemute said. "But what I am seeing here is that after a few years' lag time the prevalence of high-capacity magazines was declining. The increase since the ban's repeal is quite striking."

Guns with high-capacity magazines have appeared in Virginia crimes ranging from the mundane to the murderous. The Post found that 200 guns with high-capacity magazines figured in Virginia homicides, including these incidents:

In Richmond in 2003, Michael Antoine Wilson, 21, used his semiautomatic rifle with its 30-round magazine to shoot his 17-year-old girlfriend to death in front of children and relatives. Then he went to a nearby convenience store, killed two workers and stole a van before turning the gun on himself.

In Roanoke in 2004, Marcus Jerome Nance, 22, used his legally purchased 9mm Glock 17 handgun with a high-capacity magazine to spray 33 bullets into a crowd that had gathered outside a Roanoke gas station after a night-club closing, killing one and wounding two.

In Newport News last year, Antonio Johnson, 34, began shooting at police during a traffic stop with a 9mm semi-automatic handgun outfitted with a 15-round magazine. "Subject shot police officer and then killed himself with weapon," state records say.

In the Arizona shootings, Loughner allegedly used a Glock 19 that he had legally purchased at a Tucson sporting goods store in November. The gun's capacity allowed Loughner to squeeze off more than 30 shots without reloading, authorities said.

The federal assault weapons ban from late 1994 through late 2004 prohibited the manufacturing of magazines capable of holding more than 10 rounds. But the act permitted the sale of magazines manufactured before the ban.

The federal prohibition was spurred by a mass killing in 1989 in Stockton, Calif., where Patrick Edward Purdy, 24, a mentally unbalanced drug addict, fired 110 shots from an AK-47 into a schoolyard, killing five children and wounding 29 others and a teacher. He used a 75-round rotary clip and a 35-round banana clip, one of four he was carrying.

Rep. Carolyn McCarthy (N.Y.) and 57 other Democrats proposed legislation last week to ban the sale or transfer of high-capacity magazines, no matter when they were manufactured. McCarthy's husband and five others were killed in 1993 on the Long Island Rail Road by a gunman armed with a semiautomatic pistol and four 15-round magazines. He fired 30 shots before being subdued while changing magazines.

The bill's prospects are considered slim in the Republican-controlled House. In the Senate, the National Rifle Association says it has a solid 50-senator pro-gun block that could delay any legislation.

The NRA has announced its opposition to proposals that limit magazine capacity.

"These magazines are standard equipment for self-defense handguns and other firearms owned by tens of millions of Americans," according to a statement on its politics Web page, and in a letter circulating to members of Congress. "Law-abiding private citizens choose them for many reasons, including the same reason police officers do: to improve their odds in defensive situations."

The firearms industry also opposes the proposal. "The tragedy in Tucson was not about firearms, ammunition or magazine capacity," said Ted Novin, a spokesman for the National Shooting Sports Foundation, a gun industry group. "It was about the actions of a madman. Period."

The analysis by The Post is possible because of a little-known database of guns seized in Virginia. The database, called the Criminal Firearms Clearinghouse, has information on more than 100,000 firearms recovered by more than 200 local police departments since 1993. A federal law in 2003, known as the Tiahrt Amendment after the congressman who sponsored it, banned the release of federal data on guns recovered in crimes.

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In Virginia, high-yield clip seizures rise The Washington Post January 23, 2011 Sunday Correction Appended

Last year, The Post mined the database to pierce the secrecy imposed by Congress on federal gun-tracing records. The analysis found that a fraction of licensed dealers in Virginia sell most of guns later seized by police. The vast majority of the guns in the database were confiscated because of illegal-possession charges. But thousands were swept up in the wake of assaults, robberies and shootings.

Two months before the ban expired in September 2004, Marcus Nance bought an extended magazine and a 9mm Glock 17 handgun at a Roanoke gun store. Three nights later, down the street from the store, Nance opened fire on a crowded parking lot after arguing and fighting with people in the crowd.

A police officer called to investigate a disturbance heard shots and saw Nance holding a gun at arm's length and firing "randomly into the mass of people" before shooting several rounds into the air.

A police car's dashboard camera recorded the jackhammer sound of gunfire. In a car parked nearby, police found a Glock gun box and two boxes of ammunition, one of them partially empty.

Police went to the gun shop and confirmed that Nance had bought the handgun (\$555), a laser sight (\$380) and two extended magazines (\$135), paying cash in an entirely legal transaction. Police noted: "The magazines in question were manufactured before 1994 and not considered prohibited."

Nance, who said he had been attacked by members of the crowd and shot in self-defense, was convicted of second-degree murder and is in prison.

Koper's 108-page 2004 study for the National Institute of Justice found the ban on assault weapons had mixed results.

"Assault weapons were rarely used in gun crimes even before the ban," he said in the report. But he also concluded that the prohibition on high-capacity magazines might have affected public safety, because such magazines allow shooters to inflict more damage.

"Tentatively I was able to show that guns associated with large-capacity magazines tended to be associated with more serious crimes, more serious outcomes," he said.

Some gun rights activists argue that a ban on high-capacity magazines would violate the Second Amendment right to bear arms. One prominent gun rights activist who takes a less absolute position is Robert A. Levy, chairman of the Cato Institute. He is also the lawyer who brought the case that overturned D.C.'s handgun ban.

But Levy said the government would need to prove that such a ban was effective.

"The burden is on the government, not on the individual to show that the regulation isn't unduly intrusive," Levy said.

Colin Goddard, a lobbyist for the Brady Campaign to Prevent Gun Violence and a victim of the 2007 Virginia Tech shootings, said the high-capacity ban could save lives. The Virginia Tech shooter, Seung Hui Cho, used several 15-round magazines to fire 174 shots and kill 32 people in the worst gun-related mass murder by an individual in U.S. history.

"When you double and triple the amount of the clip size, you don't double or triple the number of deer you kill, you double and triple the amount of innocent people who are killed in shootings like this," said Goddard, 25, who was shot four times by Cho.

Bradley A. Buckles, ATF director from 1999 to 2004, said bureau officials advised Congress to focus on high-capacity magazines, which were "completely unregulated" and had almost no sporting purpose.

"The whole thing with magazine capacity came out of ATF," Buckles said. "It wasn't so much guns, but it was firepower. What made them more deadly than a hunting rifle was the fact that you could have a 20-round, 30-round clip, when most hunting rifles wouldn't have more than five rounds."

Buckles said lawmakers should have extended the ban on high-capacity magazines in 2004. Banning them now, he said, just puts everyone back at square one.

"There are so many millions of them out there, it probably wouldn't make any immediate difference over the course of 20 years," Buckles said. "It is not a short-term solution to anything."

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In Virginia, high-yield clip seizures rise The Washington Post January 23, 2011 Sunday Correction Appended

grimaldij@washpost.com

Research editor Alice Crites contributed to this report.

CORRECTION-DATE: January 24, 2011

CORRECTION:

A Jan. 23 Page One article about guns seized by police in Virginia misstated Maryland's limit on the capacity of gun magazines. Maryland law limits magazines to 20 bullets, not 10.

LOAD-DATE: January 23, 2011

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EXHIBIT 33

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al. <i>Plaintiffs,</i>	:	NO. 3:13-CV-0739 (AVC)
	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al. <i>Defendants.</i>	:	SEPTEMBER 30, 2013

AFFIDAVIT OF KEITH L. MELLO

Keith L. Mello having been duly sworn, testifies and affirms as follows:

1. I am over eighteen years of age and understand the obligations of an oath.
2. I am presently employed as the Chief of Police for the City of Milford, Connecticut
3. I have worked in the Milford Police Department for 32 years, and have been the Chief for the past 8 years. I have spent virtually my entire professional career working in the Milford Police Department.
4. Before becoming a police officer, I served in the United States Army on active duty from 1976 to 1980. I then went on to serve in the Marine Corps Reserves from 1981 until 1985.
5. I am a graduate of the FBI National Academy and the FBI Law Enforcement Executive Development School. In addition, I have a Bachelor's Degree in Business Management and a Master's Degree in Business Administration.
6. While I served on active duty in the United States Army and served in the Marine Corps Reserves, I received training on military firearms including the M-16 assault rifle.
7. Since I completed the terms of my enlistment from the military, I have not received specific training in weapons other than at the police academy. In my role as a police officer and as the Chief of Police, however, I frequently have to deal with issues related to firearms. I am certified in my professional capacity in the Sig Sauer 40 caliber 226, and the M4 5.56mm Patrol Rifle.

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8. I make this declaration based on my personal knowledge from 32 years as a law enforcement officer, my review of law enforcement safety issues from across the nation, and my review of records maintained by the Milford Police Department.
9. After reviewing the firearms and large capacity magazine provisions of the newly enacted "Gun Violence Prevention and Children's Safety Act", Public Act 13-3, as amended by Public Act 13-220, ("the Act"), I have concluded that it is a common sense and sensible gun control law that will improve public and law enforcement safety by removing large ammunition magazines and military style firearms from our communities.
10. It is my reasoned and professional opinion as a Chief of Police that assault weapons and large capacity magazines pose a real and serious threat to the public and law enforcement, and are not needed for reasonable home defense and self defense by citizens.
11. The Act bans a small number of semiautomatic weapons compared to the thousands of weapons that are lawfully available to citizens for self defense and sporting purposes. These assault weapons are a sub-category of all semiautomatic weapons. A semiautomatic weapon is a weapon that fires one round for each squeeze of the trigger. After each shot, the gun automatically loads the next round in the chamber, and arms the firing pin for the next shot, thereby permitting a faster rate of fire compared to manually operated guns.
12. Assault weapons are the types of semiautomatic weapons that have been modeled on and closely resemble fully automatic military weapons. In essence, assault weapons are a civilian version of a military weapon. For example, the M-16 that I trained on in the US Army and Marines was a fully automatic rifle. It is sold on the civilian commercial market as an AR-15 without the fully automatic option.
13. Assault rifles and assault pistols pose a very serious threat to law enforcement on several different levels, and consume significant law enforcement resources. While most officers and police departments are not regularly confronted with situations involving assault weapons, and thankfully most will never experience the horror of having to respond to a mass public shooting incident, it is something that all police departments, including mine, train for constantly.
14. Every day I am concerned that one of my officers or one of the citizens of Milford will be faced with an assailant who possesses one of these military weapons. These weapons have the potential to transform even a routine police interaction into a deadly incident.
15. The presence and prevalence of military style assault weapons on our streets and in the hands of violent individuals has resulted in unnecessary deaths of law enforcement personnel, and has required cities and towns to dedicate massive

amounts of resources to ensure that their law enforcement are capable of responding to, thwarting and surviving situations where criminals use an assault weapon.

16. Our department has expended countless hours training for situations involving assault weapons, procuring resources that will allow us to respond to criminals with assault weapons such as body armor, and obtaining our own assault weapons.
17. There is simply no disputing the fact that assault weapons have been used to kill police and other law enforcement. There are several well known incidents, both here in Connecticut and elsewhere in the country, in which assault weapons and large capacity magazines were used in shootings of law enforcement. (See e.g. Defendants' Exhibit 40, VPC, *Officer Down*). In fact, some of the high profile incidents in which law enforcement officers were shot with assault weapons resulted in law enforcement now carrying their own assault weapons to keep pace with the most heavily armed criminals.
18. Unlawful attacks on law enforcement with assault weapons and large capacity magazine pose a greater threat to law enforcement because they often result in more rounds fired. The military style features of assault pistols and rifles that allow a shooter to hold multiple weapons with large magazines means that a single shooter can fire suppressing fire at law enforcement, and effectively hold-off and overwhelm an initial law enforcement response.
19. I am aware of one incident in Connecticut in which a police officer was killed with a military style assault weapon. In 2004, Newington Police Officer Peter J. Lavery was killed while responding a to domestic disturbance incident. It is my understanding that Officer Lavery was shot multiple times through his bullet proof vest with a modified assault weapon.
20. In a high-profile shootout in April 1986, two agents from the Federal Bureau of Investigation (FBI) were killed by bank robbery suspects wielding a Ruger Mini-14 assault rifle. Five other agents were wounded in the gun battle.
21. In North Hollywood, California in 1997, two shooters wearing full body armor fired approximately 1,100 rounds from illegally converted automatic and semiautomatic weapons, with LCMs, wounding 11 police officers and seven civilians. It required a law enforcement response of hundreds of officers to end the shoot-out.
22. As recently as December 2013, a week after the mass killing of children and educators in Newtown, two first responders were gunned down in Webster, New York by a Bushmaster assault rifle.
23. These are just a few of the high profile and well known incidents involving assault weapons and large capacity magazines in which law enforcement officers were shot. It is not an exhaustive list, and I am sure there are others where officers were shot,

shot at, or feared for their lives because a person had an assault weapons. Many of these incidents probably go unreported and cannot be documented as involving assault weapons.

24. Regrettably, information about the criminal use of assault weapons is not always accurately and completely compiled, perhaps due to constraints on resources, and because, the lack of a uniform nationwide definition of the term since the expiration of the federal assault weapon ban. However, the studies that have been done on the use of assault weapons and large capacity magazines against law enforcement indicate that many officers have been killed by criminals using them.
25. In one study done by the Violence Policy Center, using data obtained from the Federal Bureau of Investigation, it was shown that at least 41 of the 211 law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, were killed with weapons defined as assault weapons under the federal ban. (Exhibit 40, p.5). These data indicate that at least one in five, or 20%, of law enforcement officers slain in the line of duty during this time period was killed with an assault weapon. This is a high number, given that these types of semiautomatic weapons make up only a small percent of firearms.
26. Prohibiting public access to assault weapons and large capacity magazines assists law enforcement because it helps to ensure law enforcement has the greater fire power in any confrontation with criminals. If law enforcement cannot overpower a shooter then it simply cannot protect the public. Law enforcement should not have to confront military weapons while on duty or have to engage in an “arms race” with criminals.
27. While Connecticut has had an assault weapons ban since the enactment of Public Act 93-306, which became effective in 1994, Connecticut law did not prohibit the possession of large capacity magazines until the passage of the 2013 Act. I welcome this addition to Connecticut’s gun regulations, and I think it makes sense.
28. Under the new Act, citizens cannot legally possess a magazine that holds more than 10 rounds, although thousands of citizens will be allowed to keep their existing large capacity magazines (LCM) under the grandfathering provision of the Act. I would actually prefer if the Act had not allowed for “grandfathering” possession of LCMs.
29. Large capacity magazines, some of which routinely hold as many as 20 or 30 rounds and even more, allow a shooter to fire a massive number of rounds without having to take the time to reload. For example, in the mass killing that occurred in Newtown on December 14, 2012, it has been reported, although not yet confirmed by the State Police report, that the shooter fired approximately 154 rounds in about five minutes.
30. Limiting the number of rounds in a magazine means that a shooter intent on firing bullets indiscriminately has to at least pause periodically to change out his magazine. While a trained shooter can change a magazine in seconds in a controlled

environment, the stress of the situation may substantially increase the time it takes a criminal to change the magazine during a criminal attack. In any event, sometimes seconds is all a police officer needs to respond and stop the attack.

31. The short period of time of a magazine change can be of value to victims too, because those fleeting seconds can provide an opportunity for him or her to either flee or attempt to thwart the ongoing gun attack.
32. This exact thing has been reported in at least two mass shootings, and may have occurred in other shooting incidents as well. In the mass shooting on the Long Island Railroad in 1993, victims on the railroad car were able to subdue the shooter when his magazine ran out. In 2011, in the shooting in Tucson, Arizona in which Congresswoman Gabrielle Giffords was shot and a federal judge was killed along with several others, the shooter was tackled while changing magazines.
33. In my opinion, the only situations where firing more than ten rounds may be necessary are in war, by law enforcement attempting to end a confrontation with a criminal, or in a controlled environment at a shooting range or a shooting competition.
34. I understand that Plaintiffs contend that they have a legitimate and even constitutional right to possess a large capacity magazine. In my 32 years in law enforcement, I am not aware of a single incident in Milford, or even Connecticut, in which a responsible gun owner fired more than ten rounds in order to protect her home or herself during a crime attack.
35. In my experience, law enforcement officers rarely fire more than a couple of rounds when they appropriately and legally discharge their weapons. I seriously question any claim that a citizen would realistically face a situation where he or she needed to fire 11 or more rounds to adequately stop an intruder or attacker. In my professional opinion, there is just no rational argument for why a civilian needs to have a 20, 30 or 40 round magazine in her or his home.
36. The only reason that a citizen would be disadvantaged by having to change out a magazine would be if she was engaged in rapid fire of her weapon. This is simply not an appropriate thing to do in a residential setting under almost any circumstance.
37. Aside from assault weapons, the Act leaves many other firearms, including many handguns, rifles and shotguns, available to the public to use for self-defense. Notably, it does not ban the sale or possession of semiautomatic rifles with detachable magazines that have no banned features.
38. The Act allows law enforcement and security personnel to continue to lawfully purchase assault weapons and large capacity magazines. These exemptions serve a vital public interest in ensuring that law enforcement are permitted to personally purchase and use these weapons on duty and off duty when needed.

39. Plaintiffs' claims that they have the same needs as law enforcement to possess these weapons and LCMs are absurd. Plaintiffs are not like law enforcement, even off duty law enforcement, because they do not have the professional obligation to respond to an emergency situation, to provide back up to on duty police officers and to interrupt crimes whenever safe and practicable. Moreover, many law enforcement officers own and possess assault weapons so that they can use them on the job.
40. While the arms race with criminals has escalated over the past decades, the resources provided to police have not increased at the same pace. Unfortunately, many police have to expend their own money to purchase these weapons to use on duty because there just is not enough funding in the police departments to buy one for each officer who would like to have one in his or her cruiser. In Milford, a charitable fund created in the memory of an officer is a funding source for some officers to purchase weapons.
41. The law enforcement exemptions in the Act allow officers to own and possess their own assault rifle that they use on duty. Also, officers are not allowed to own these weapons unless they "qualify" on them and are trained on how to use them appropriately.
42. Federal law permits law enforcement to carry weapons anywhere in the country probably for this reason, to allow them to respond to any crisis situation in the manner in which they were trained.
43. Law enforcement officers are also different from Plaintiffs because they are often the target of threats and violence, even while off duty. At one point in my career, I was the target of a serious and credible threat from a specific individual that required investigation and intervention by federal law enforcement. This is just one personal example of the fact that law enforcement officers sometimes face risks, even when off duty, that I think most average citizens probably do not face.
44. I understand that Plaintiffs claim that the Act does not advance any crime prevention goals. I strongly disagree with their position. The presence of assault weapons on our streets is a huge drain on police resources. Even when these weapons are not being used, they are always a concern and we are constantly dedicating resources to address their presence in our community. Because of the presence of these weapons in our community, our department has to expend thousands of dollars for additional equipment, such as threat level III vests for officers, which cost \$2,600 each, that can more effectively stop a bullet from an AR-15 than lower threat level vests.
45. Simply because a threat is a rare occurrence does not mean it is not real or significant. In Milford, we have not had an officer killed in the line of duty since 1987, but we still train for that situation constantly. Milford has never experienced a mass shooting to my knowledge, and hopefully never will, but we still train for it constantly.

46. Just because assault weapons and large capacity magazines are not “widely used by criminals” does not mean that prohibiting their new possession or transfer to new owners does not advance law enforcement goals. Removing these dangerous weapons from our streets will aid law enforcement because it will deescalate the level of concern about them and minimize the threat that they pose.
47. As a Chief, I have grave concerns about these types of weapons and fear that my officers will be confronted with one of them. I am glad that Connecticut has taken steps to prevent the escalation of weapons on our streets; we will hopefully never have a time when officers routinely have to confront military assault rifles and assault pistols.
48. In my experience, crime prevention is often best achieved through incremental measures. Although studies show that assault weapons are only used in between 2% and 8% of gun crimes nationally, the number of crimes that those percentages represent is large and significant. Moreover, any reduction in the number or lethality of gun crimes in which assault weapons are used will be very meaningful, and will represent lives saved, families preserved and public resources that can be used in better ways. Plaintiffs diminish the value of these potential benefits of the Act, but in my view, any Chief of Police would welcome a policy initiative that could decrease the lethality of up to 8% of gun crime.
49. I understand that Plaintiffs claim that the Act is unconstitutional because it is too vague to be understood. I am not an expert on all of the details of the Act and I am not expert on all the gun laws of the State of Connecticut, but I can speak to the practical experience of how the assault weapons ban that has been the law for twenty years has been enforced in my jurisdiction.
50. In enforcing the 1993 ban over the past twenty years sometimes questions have arisen about whether a gun is banned. These questions arise in part because officers might not know all the listed weapons or features and also because gun manufacturers circumvent the law by making models that are very similar to the banned weapons, but not identical.
51. In my experience, whenever these situations arise the officers do not respond rashly by arresting people immediately, but instead take reasonable steps to determine whether the weapon is covered by the ban. They call the state police SLFU to inquire about a make and model, they call headquarters, or maybe even someone in the department that she or he knows is more knowledgeable about guns. Frequently, the possession of the weapon is not the primary source of probable cause to make an arrest but is simply one of the possible charges against the person.
52. Police officers often have to enforce statutes that can be somewhat complicated to understand, and that require citizens to undertake some effort to determine whether their conduct is prohibited. For example, Connecticut statutes prohibit minors from driving with other minors in the car after a certain time at night. This law can be

confusing for some minors, parents and guardians, and, as a result, they must make some effort to learn the details if they are worried about violating the law.

53. The Act is no different. So while I understand that Plaintiffs are concerned about the enforcement of certain provisions, I think their concerns are unwarranted because the Act is like many enforcement schemes that law enforcement officers enforce in Connecticut.

The foregoing is true and accurate to the best of my knowledge and belief.

A-1707

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FURTHER AFFIANT SAYETH NOT.



Keith L. Mello

STATE OF CONNECTICUT)

)ss: Milford, Connecticut

COUNTY OF NEW HAVEN)

Subscribed and sworn to before me, this 30 day of September, 2013.


~~Commissioner of the Superior Court~~
Notary

GERALD V. BUTLER JR.
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2017

CERTIFICATION

I hereby certify that on this 11th day of October, 2013, a copy of the foregoing Affidavit of Keith L. Mello in support of defendants' motion was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Maura Murphy Osborne
Assistant Attorney General

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EXHIBIT 34

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al.	:	NO. 3:13-CV-0739 (AVC)
Plaintiffs,	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
Defendants.	:	SEPTEMBER 16, 2013

AFFIDAVIT OF THOMAS SWEENEY

Thomas Sweeney having been duly sworn, testifies and affirms as follows:

1. I am over eighteen years of age and understand the obligations of an oath.
2. I am a retired Chief of Police. Immediately prior to my retirement, I served as the Chief of Police for Glastonbury, Connecticut from 1999 to 2012. Prior to that I was Chief of Police in Bridgeport from 1990 to 1999. I was also the Deputy Commissioner of Public Safety/Undersheriff for Westchester County, NY where my responsibilities included command of the County Police Division from 1982 to 1990.
3. I have a Bachelor of Science degree in Psychology from Manhattan College and a Master's degree in Criminology from the University of California, Berkeley. I also completed the Police Executive Research Forum's (PERF) Senior Management Institute for Police program and the FBI's National Executive Institute.
4. I make this declaration based on my personal knowledge from 30 plus years as a law enforcement officer and my personal experience combatting gun crime, specifically crime involving assault weapons and large capacity magazines while Chief of Police in Bridgeport. I am familiar with the provisions in the newly enacted "Gun Violence Prevention and Children's Safety Act", Public Act 13-3, as amended by Public Act 13-220, ("the Act"), that relate to firearms and large capacity magazines and I believe these provisions are sensible gun control laws.
5. As I will discuss in more detail below, I was very involved in the legislative process that resulted in the enactment of Connecticut's original assault weapon ban in 1993 and the new Act is a logical extension of Connecticut's 1993 assault weapons ban that responds to developments in the gun market over the past 20 years and also corrects some weaknesses in the 1993 law. The Act will improve public safety by freezing the

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number of large capacity magazines and assault weapons possessed by civilians in Connecticut and over time will reduce the number of these lethal military style firearms and large capacity magazines in our communities.

6. It is my reasoned and professional opinion that assault weapons and large capacity magazines pose a real and serious threat to the public and law enforcement, and are not needed, or necessarily the best choice, for reasonable home and self defense by citizens. The number of weapons and ammunition magazines covered by the Act represent only a small percentage of firearms on the gun market and gun owners in Connecticut will continue to have many different lawful guns and ammunition to choose from for self defense and other lawful purposes.
7. In 1990, I became Chief of Police in Bridgeport, Connecticut's largest city. At that time Bridgeport was experiencing a massive homicide and gun violence problem that was directly related to gang violence and drug trafficking. There were 50-60 homicides annually, and approximately 400 gun shot victims per year. Bridgeport had earned the unfortunate moniker of the "Murder Capitol of New England." During this period, businesses were losing employees and customers who were too frightened to work and shop in Bridgeport and neighborhoods were terrorized by the threat of gun violence.
8. While the bulk of Bridgeport's gun violence at this time involved ordinary handguns, one aspect of the problem in the early 1990s was the increased use of assault style weapons by gangs against their rivals and to guard their drug operations. Police officers increasingly found themselves facing military style assault weapons, including AK-47s, AR-15s and military style semiautomatic pistols, when they searched buildings, executed search warrants and responded to criminal incidents. I recall data gathered in 1993 which showed that the number of assault style weapons recovered by Bridgeport officers had increased 95 percent between 1991 and 1993.
9. The citizens of Bridgeport were terrorized by the presence of these weapons on their streets and their use by criminals in drive-by shootings and for intimidation of neighborhoods immediately around their bases of operation. Parents in neighborhoods with high numbers of shootings were fearful of stray bullets coming through the walls and windows of their homes; some parents even told me that they had their children sleep in bathtubs for greater protection. While Plaintiffs in this case claim they need these weapons to enhance their sense of personal security, the presence of these weapons in civilian hands in Bridgeport had just the opposite effect on the citizens of Bridgeport.
10. Even 20 years later I recall very well three homicides in Bridgeport that involved the use of assault style weapons and the discharge of a very high numbers of rounds by the shooters. In two of those cases, investigators determined that over seventy-five rounds were fired. In one of those cases, the murder victim was not the intended target. In a second homicide, numerous rounds fired by the perpetrators passed through the walls of an occupied dwelling that was behind the intended victim who

intended victim who had been walking down the street. In the third homicide, the murder victim, who was the intended target, was killed and his companion was wounded. A police officer who just happened to be in the area investigating an unrelated matter was also struck in the abdomen during the spray of gunfire.

11. The public safety crisis caused by the proliferation of ordinary handguns and military style assault weapons in the hands of gang members and drug dealers became so severe in Bridgeport that, in 1992, I began to advocate to our elected officials about the critical needs for legislation to address the problem. From 1992-1994, I worked with legislative leaders in the Connecticut General Assembly to curb the proliferation of military style assault weapons and to require the reporting of all secondary sales of handguns by private citizens. Ultimately, in 1993, the General Assembly passed Connecticut's first assault weapons ban, Public Act 93-306 (the "1993 law").
12. The next year, the General Assembly enacted legislation that required registration of private sale or transfer of handguns. Pubic Act 94-1 (July 1994 Sp. Sess.). This legislation addressed the problem of "straw purchasers" who purchased large numbers of handguns and resold them to criminals. I believe the assault weapon ban and the "straw purchaser" legislation effectively ended Connecticut's role as a significant source state for firearms used in crimes in the Tri-State area.
13. The 1993 law was not a perfect law. I would have preferred that it contained an administrative mechanism to periodically update the list of named weapons as new models or exact copies of banned weapons were manufactured and just called something different. I believe the original 1993 ban was one of the earliest assault weapons bans enacted in the nation and lawmakers and law enforcement have learned since how to better address this problem since this "first generation" law was enacted. Even with its imperfections, the 1993 law was an important factor in the dramatic reduction of the overall level of gun violence and the frequency with which assault weapons showed up in crimes in Bridgeport. By the late 1990s, the ban on assault weapons, along with intensive enforcement efforts against violent gangs, illegal gun possession, and gun trafficking, yielded a lowering of the crime rate in Bridgeport to levels not seen since the 1970's. I believe that the 1993 law was a factor in this positive trend and prevented the flood of assault style weapons from spreading to any other city in Connecticut.
14. The assault weapons prohibited under Connecticut's assault weapon ban are essentially versions of military style weapons that have been manufactured without the full automatic fire capability and marketed in the civilian marketplace. These weapons are equipped with features that enable shooters to engage multiple targets rapidly in a combat setting. Unlawful attacks with assault weapons, particularly when large capacity magazines are used, result in more rounds being fired. With large capacity magazines a criminal can continue to rapidly engage targets and shoot longer without having to stop or slow to reload. This allows more rounds to be fired and potentially more injuries to be inflicted on more people. As many of these assault weapons utilize high velocity rifle ammunition that inflict injuries that are likely to be

extremely devastating to the victim's bodies. I expect that when the facts of Newtown tragedy are finally made public in the State Police Report, they will show that a massive number of rounds were fired by the shooter in a short period of time and that the injuries to the children and educators were devastating.

15. Since the Columbine High School shooting, police tactics in responding to mass shooting have evolved. Prior to Columbine, officers were told to establish a perimeter and await the arrival of the better trained and equipped SWAT units who would handle the entry and assault. In many jurisdictions, police officers are currently being trained that the only effective way to terminate a mass shooting situation is for the first responders on scene to move directly to the shooting and to immediately neutralize the shooter. Anything which thwarts or delays the first responders in achieving that objective in the fastest possible time is detrimental to public safety interests and likely to result in more injuries and deaths. Assault style weapons present significant added risk and problems for the law enforcement officers responding to a mass shooting situation. Shooters using such weapons, particularly those with high capacity magazines, may mount a level of suppressing fire that can defeat or delay the efforts of the first responding officers to move directly toward and to end the shooting. Large capacity magazines enable the criminal to shoot longer between reloads and, therefore, reduce the opportunity for the first responders to move or take down the shooter. The high velocity rifle rounds fired by many of the assault weapons easily pass through the "threat level two" soft body armor worn by police in their routine duties. Consequently responding police officers will face a greater risk of being shot or killed and may be unable to swiftly neutralize any shooters.
16. Since the 1980's gun manufacturers have placed increased emphasis on marketing semi-automatic versions of military style weapons in the civilian market. Since the 1993 law, new models of assault style weapons have been introduced. In some cases minor changes were made to previously existing models to circumvent the wording of the 1993 law. The Act addresses the problem of circumvention by updating the list of enumerated weapons, prohibiting "copies or duplicates" of the enumerated weapons and also strengthening the military features test. As I said earlier, I believe these enhancements of the existing law are a logical extension and updating of the 1993 law that respond to Connecticut's experience with changes to assault weapons over the past twenty years.
17. In my view, the lack of "copies or duplicates" language in the 1993 law was a weakness in the law and I am very pleased that the General Assembly and the Governor corrected this flaw and have strengthened the 1993 law in this way. I also favor the strengthening of the military features test from a two-feature test to a one-feature test. I believe this is sound policy because the feature test helps to avoid circumvention.
18. Features like the pistol grip, forward pistol grip and thumbhole stocks allow shooters to steady the weapon during rapid firing, and also make it easier to spray bullets from

the hip or fire the weapon with only one hand. Features like the shroud also promote prolonged rapid firing of the weapon because it helps to disperse the heat on the barrel and prevent the shooter from being burned. Features like a grenade launcher or flare launcher pose obvious and real threats to law enforcement because of the firepower. A flash suppressor allows a shooter to better hide his position from law enforcement, which is an obvious threat. A collapsing or telescoping stock may allow a criminal to more easily conceal an assault weapon in clothing or a pack therefore posing a risk to law enforcement and civilians.

19. These features are appropriately banned because they either help criminals conceal themselves from law enforcement, conceal their weapons, enhance the firepower available to shooters, and prolong any shooting incident where law enforcement and innocent civilians may be indiscriminately murdered.
20. Arguably the most important feature of the Act is the new prohibition on large capacity magazines. This was another weakness of the 1993 law that the legislature corrected in the Act. A criminal with a large capacity magazine can shoot more rounds and not have to slow as often to reload thereby posing greater risks to civilians and law enforcement. With a larger ammunition capacity a shooter can more easily direct suppressing fire to delay or thwart law enforcement's response.
21. There are many firearms that remain legal for Connecticut's lawful gun owners that will more than adequately provide self defense in a home or business. Assault style weapons particularly those using large capacity magazines and high velocity rifle rounds pose too many risks of overpenetration, down range injuries and disproportionate response by civilians. In my professional opinion based on actually dealing with crime for over 30 years, I believe a shotgun would be a wiser choice in the home or business if a gun owner feels he or she needs a long gun for self protection. That weapon requires less accuracy in aiming to be effective in a stress situation and the shot rounds it discharges have less down range distance and risk of overpenetration.
22. The Act is a logical and appropriate extension of the 1993 Act that, in my experience, was an effective tool in combatting gun crime in Connecticut. The 2013 Act corrects some weaknesses in that original 1993 law and appropriately responds to developments in the gun market over the past twenty years. I believe that banning these weapons and large capacity magazines will make law enforcement safer and protect citizens, and will not impede civilians' ability to protect themselves in their homes or businesses.

A-1715

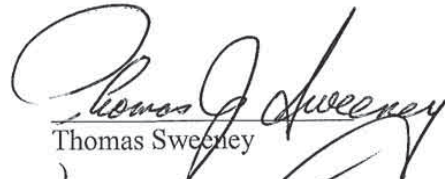
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The foregoing is true and accurate to the best of my knowledge and belief.

FURTHER AFFIANT SAYTH NOT.

STATE OF CONNECTICUT

COUNTY OF HARTFORD


Thomas Sweeney
)
)ss: Glastonbury Connecticut
)

Subscribed and sworn to before me, this 16 th day of September, 2013.


Commissioner of the Superior Court

CERTIFICATION

I hereby certify that on this 11th day of October, 2013, a copy of the foregoing Affidavit of Thomas Sweeney in support of Defendants' motion was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Maura Murphy Osborne
Assistant Attorney General

A-1717

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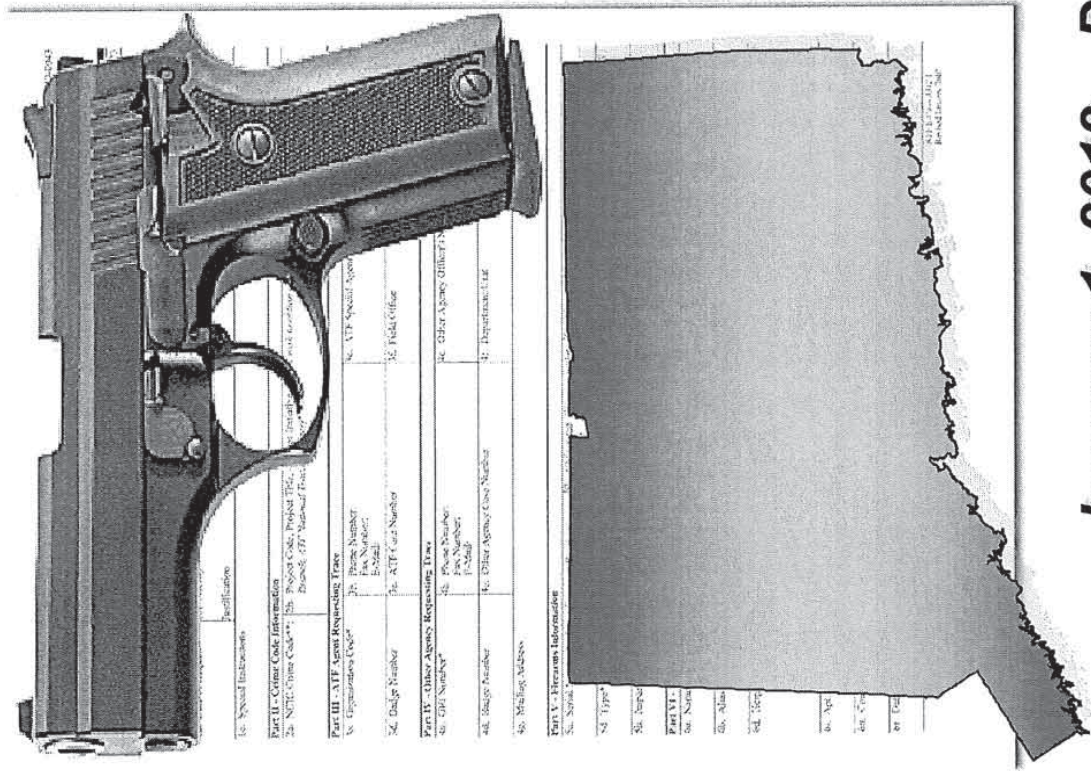
EXHIBIT 35



Connecticut

Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives
Office of Strategic Intelligence and Information
Data Source: Firearms Tracing System

#133666



January 1, 2012 – December 31, 2012



ATF Firearms Trace Data Disclaimer

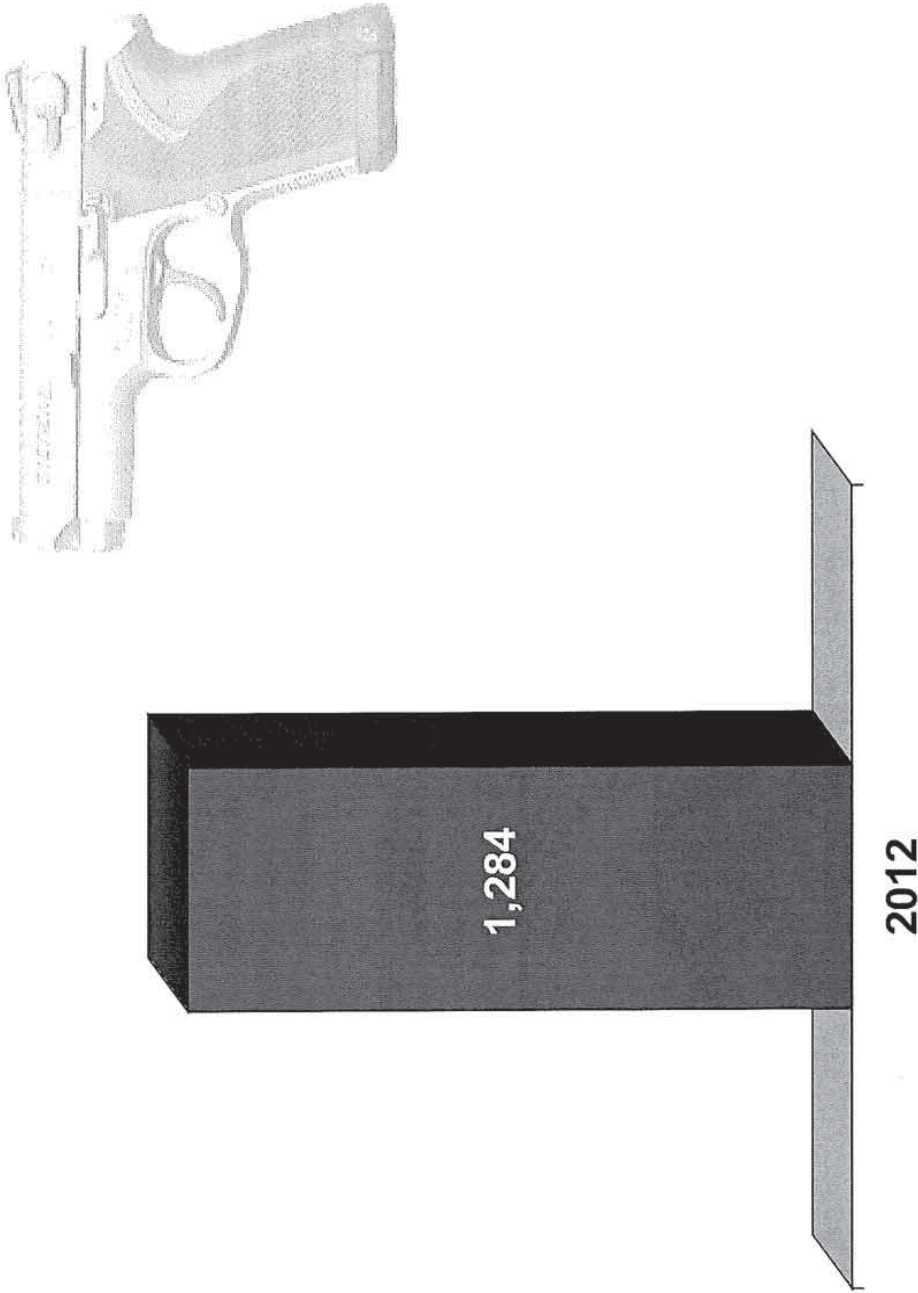


Public L. No. 113-6, Consolidated and Further Continuing Appropriations Act, 2013, Sec. 514

- (1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.
- (2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

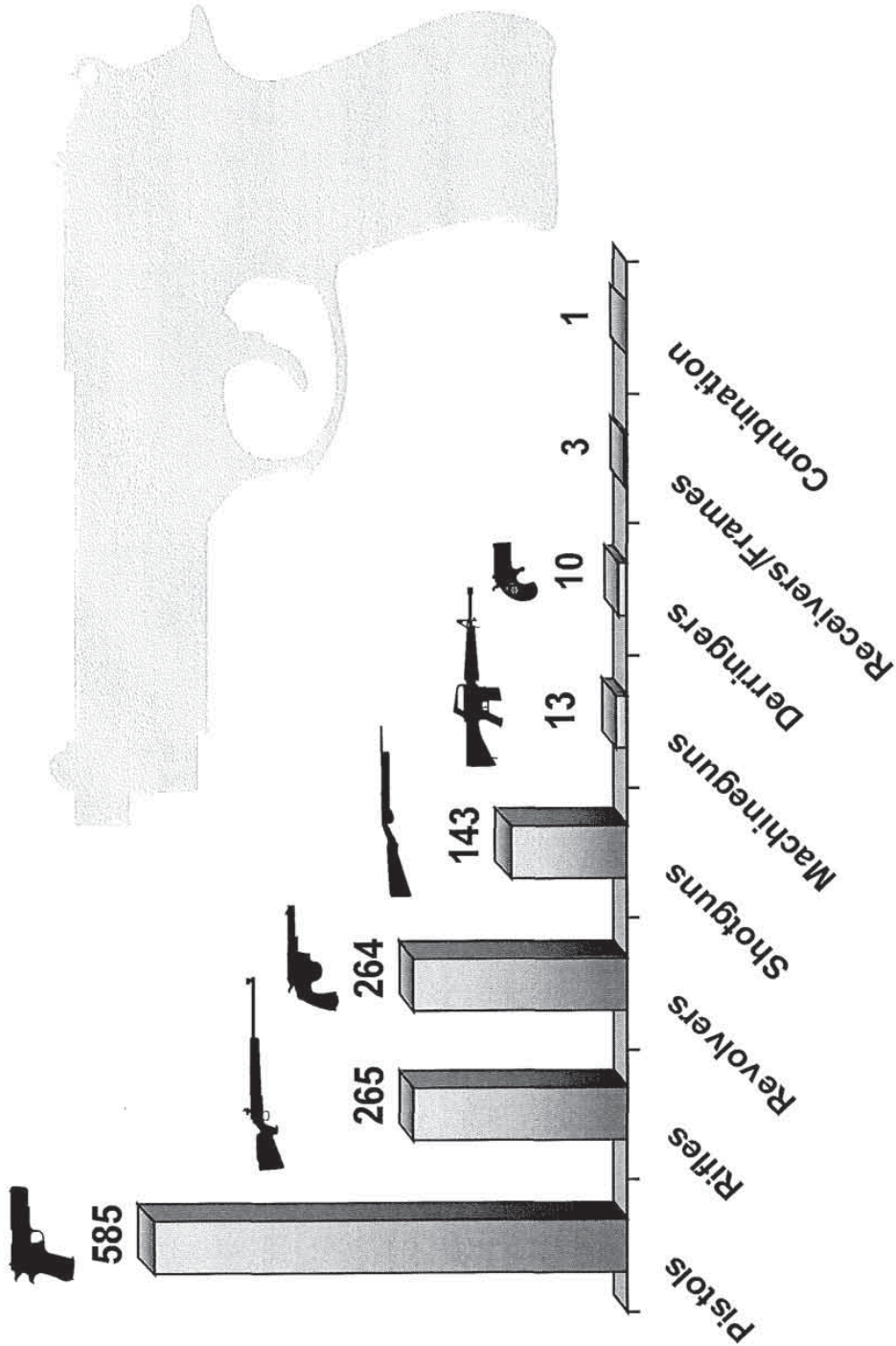
Total Number of Firearms Recovered and Traced in Connecticut by Calendar Year



Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

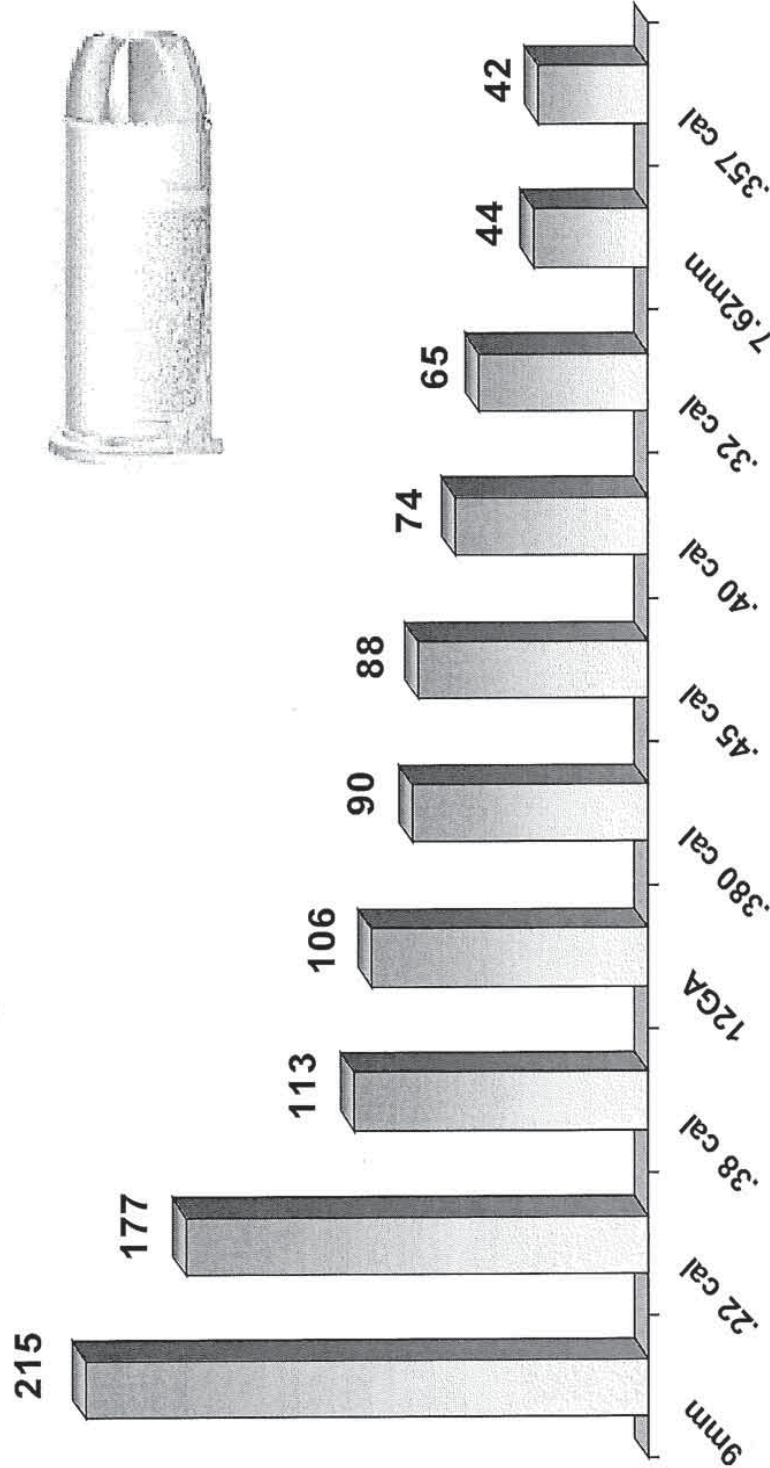
Firearm Types with a Connecticut Recovery

January 1, 2012 – December 31, 2012



Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

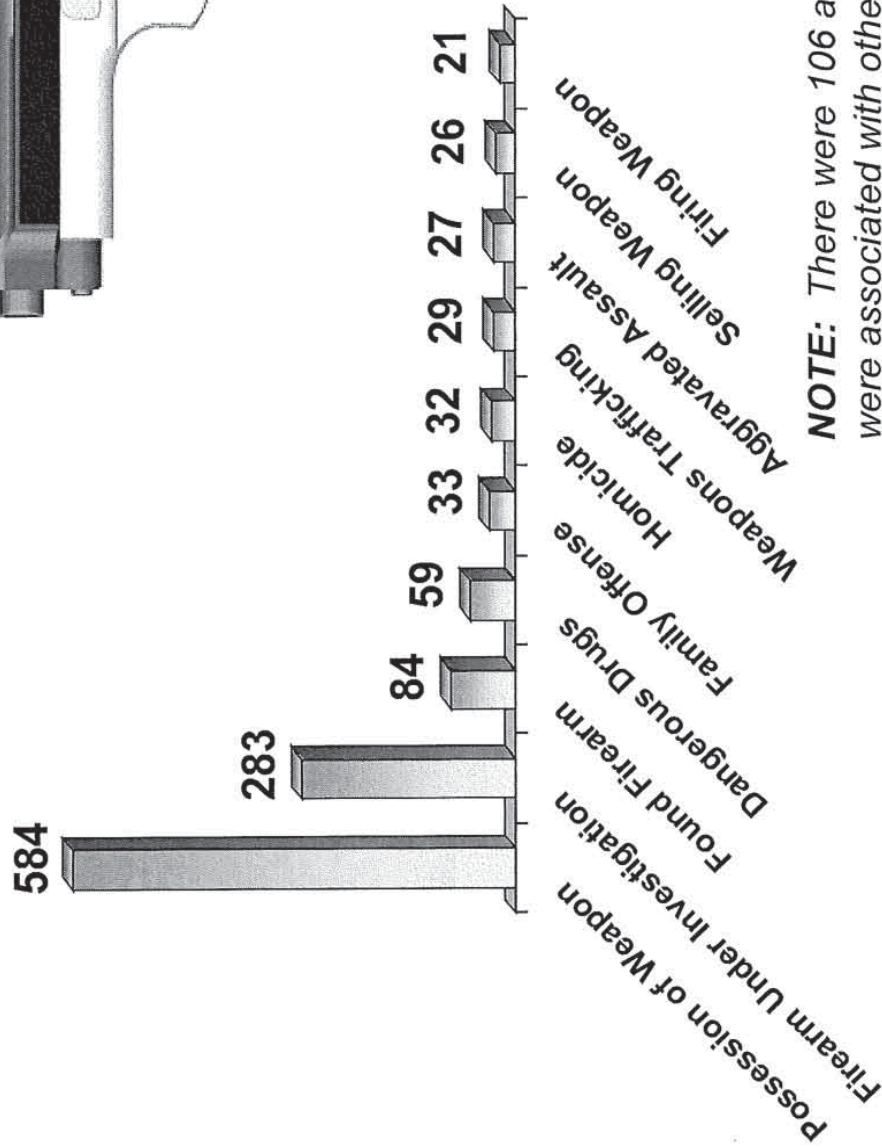
Top Calibers Reported on Firearm Traces with a Connecticut Recovery January 1, 2012 – December 31, 2012



NOTE: There were 270 additional traces that were associated with other calibers.

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

Top Categories Reported on Firearm Traces with a Connecticut Recovery January 1, 2012 – December 31, 2012

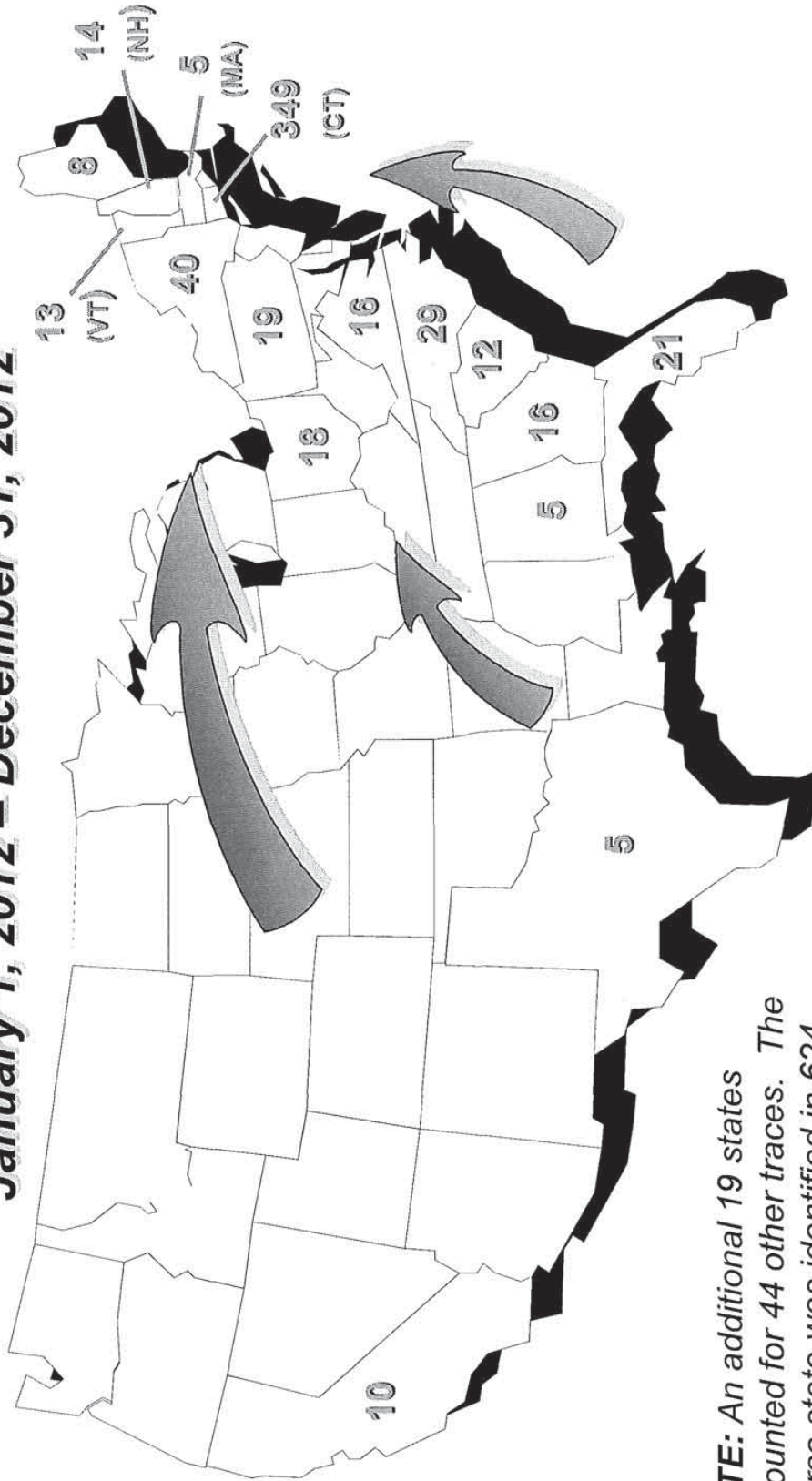


NOTE: There were 106 additional traces that were associated with other categories.

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

Top 15 Source States for Firearms with a Connecticut Recovery

January 1, 2012 – December 31, 2012

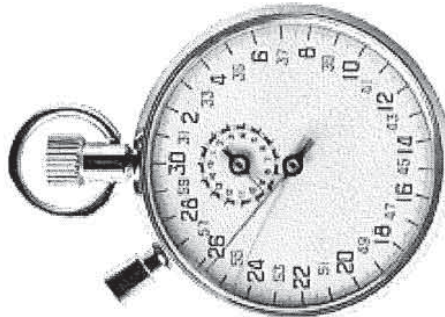
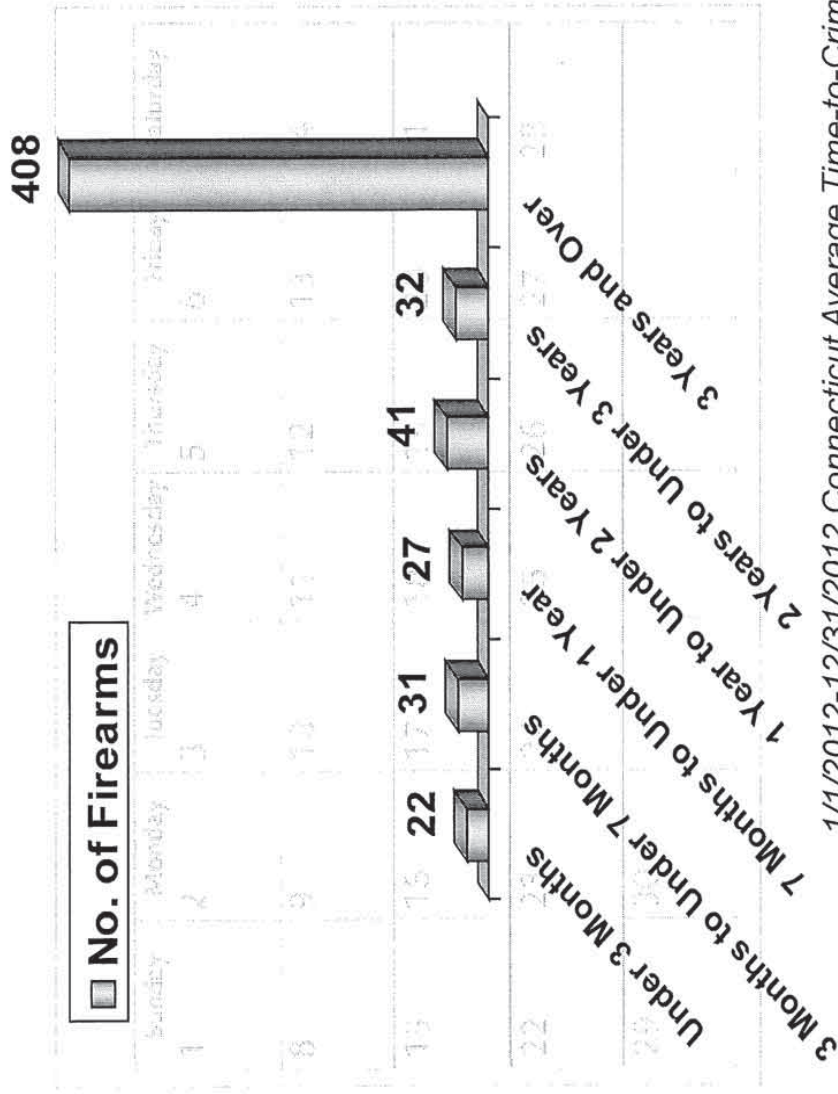


NOTE: An additional 19 states accounted for 44 other traces. The source state was identified in 624 total traces.

* There were 3 states tied with 5 traces each.

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

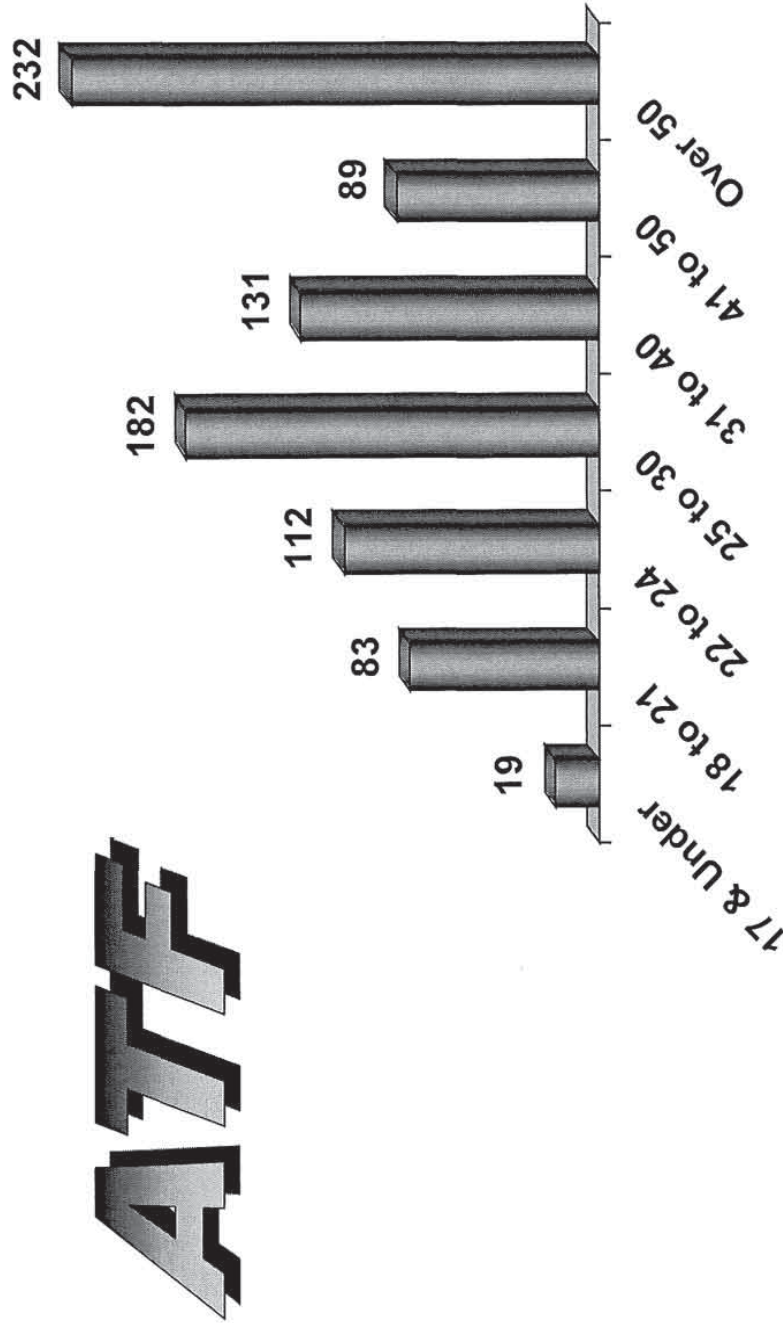
Time-To-Crime Rates for Firearms with a Connecticut Recovery January 1, 2012 – December 31, 2012



1/1/2012-12/31/2012 Connecticut Average Time-to-Crime: **12.27 Years**
 1/1/2012-12/31/2012 National Average Time-to-Crime: **11.12 Years**

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

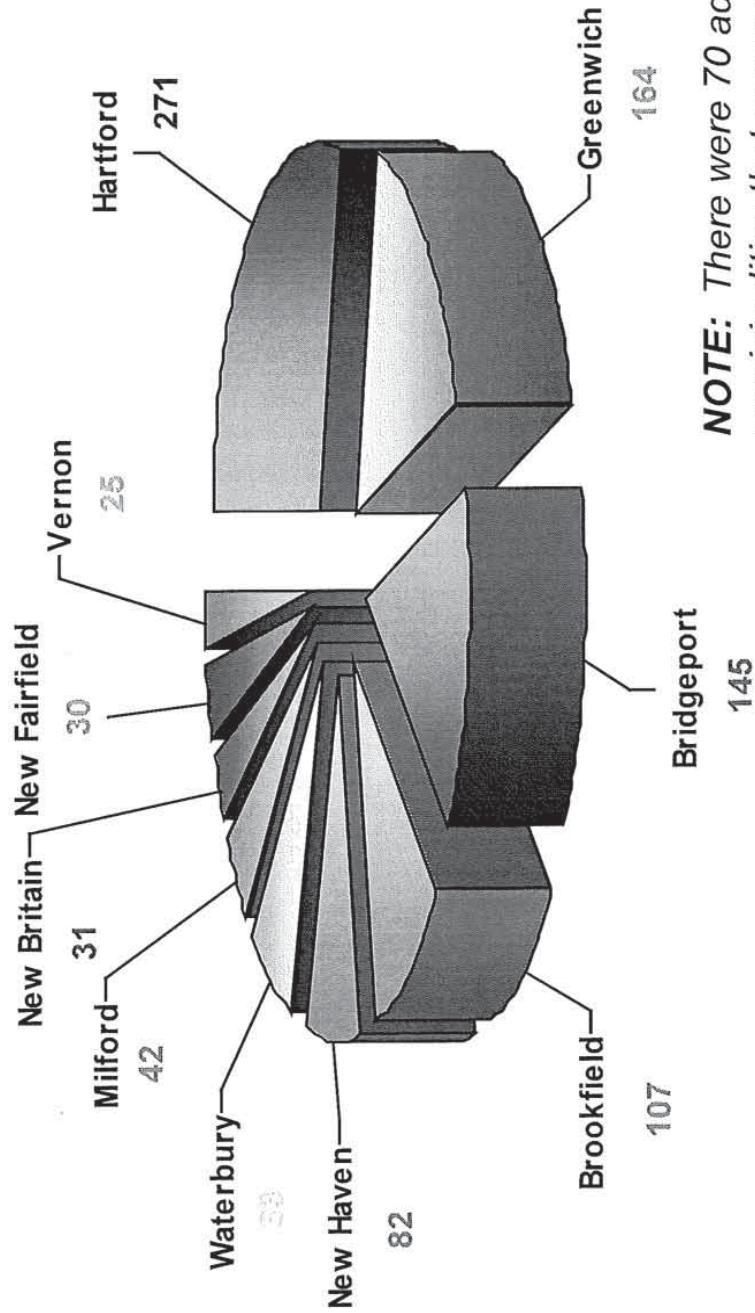
Age of Possessors for Firearms with a Connecticut Recovery January 1, 2012 – December 31, 2012



1/1/2012-12/31/2012 Connecticut Average Age of Possessor: **39 Years**
1/1/2012-12/31/2012 National Average Age of Possessor: **36 Years**

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

Top Recovery Cities for Firearms with a Connecticut Recovery January 1, 2012 – December 31, 2012



NOTE: There were 70 additional municipalities that accounted for 322 other traces. The recovery city could not be determined for two traces.

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

Analytical Criteria Used to Compile the Enclosed Statistics

- **Total Number of Firearms Recovered and Traced**
 - Includes traces with a recovery state of Connecticut. Traces in which the recovery state was not provided were included when the requesting agency state was equal to Connecticut.
 - Includes Firearms Recovered and Traced between 1/1/2012 – 12/31/2012, or, if the recovery date was blank, the trace entry date was between 1/1/2012 – 12/31/2012.
 - Duplicate traces, Firearms Not Recovered, Gun Buyback and Firearms Turned In are not included in this figure.
 - Data was extracted from the Firearms Tracing System (FTS) on May 1, 2013.
 - All traces may not have been submitted or completed at the time of this study.
- **Firearm Types and Calibers with a Connecticut Recovery**
 - Includes same criteria as Total Number of Firearms Recovered and Traced.
- **Top Categories Reported on Firearm Traces with a Connecticut Recovery**
 - Includes same criteria as Total Number of Firearms Recovered and Traced. Beginning in CY 2010, attempted homicide, attempted suicide and negligent vehicular manslaughter are reported in separate categories.
- **Top Source States for Firearms with a Connecticut Recovery**
 - Includes same criteria as Total Number of Firearms Recovered and Traced.
 - Traces must identify a purchaser and the state in which the final dealer is located.
- **Time-to-Crime Rates for Firearms with a Connecticut Recovery**
 - Includes same criteria as Total Number of Firearms Recovered and Traced.
 - Traces must identify a purchaser.
 - Time-to-Crime was calculated for those traces in which the purchase date could be subtracted from the recovery date.
- **Age of Possessors for Firearms with a Connecticut Recovery**
 - Includes same criteria as Total Number of Firearms Recovered and Traced.
 - Includes traces that provide a possessor and the possessor's date of birth.
 - Possessor's age is calculated by subtracting the possessor's date of birth from the recovery date.
- **Top Recovery Cities for Firearms with a Connecticut Recovery**
 - Includes same criteria as Total Number of Firearms Recovered and Traced.
 - Includes traces with a recovery city, or, if the recovery city was not provided, the requesting agency had jurisdiction only within that city.

Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information

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EXHIBIT 36

2005 - 2010, United States
Homicide Firearm Deaths and Rates per 100,000
 All Races, Both Sexes, All Ages
 ICD-10 Codes: X93-X95, *U01.4

Number of Deaths	Population***	Crude Rate	Age-Adjusted Rate**
72,525	1,814,738,751	4.00	4.01

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Reports for All Ages include those of unknown age.

* Rates based on 20 or fewer deaths may be unstable. Use with caution.

** Standard Population is 2000, all races, both sexes.

*** Population estimates are aggregated for multi-year reports to produce rates.

Produced by: National Center for Injury Prevention and Control, CDC

Data Source: NCHS Vital Statistics System for numbers of deaths. Bureau of Census for population estimates.

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EXHIBIT 37



ABOUT US

LAWS & POLICIES

THE SECOND AMENDMENT

STUDIES & STATISTICS

TAKE ACTION

Statistics on Gun Deaths & Injuries

Posted on November 16, 2012

In 2010, guns took the lives of 31,076 Americans in homicides, suicides and unintentional shootings. This is the equivalent of more than 85 deaths **each day** and more than three deaths **each hour**.¹

73,505 Americans were treated in hospital emergency departments for non-fatal gunshot wounds in 2010.²

Firearms were the third-leading cause of injury-related deaths nationwide in 2010, following poisoning and motor vehicle accidents.³

Between 1955 and 1975, the Vietnam War killed over 58,000 American soldiers – less than the number of civilians killed with guns in the U.S. in an average two-year period.⁴

In the first seven years of the U.S.-Iraq War, over 4,400 American soldiers were killed. Almost as many civilians are killed with guns in the U.S., however, *every seven weeks*.⁵

Homicide

Guns were used in 11,078 homicides in the U.S. in 2010, comprising almost 35% of all gun deaths, and over 68% of all homicides.⁶

On average, 33 gun homicides were committed each day for the years 2005-2010.⁷

Regions and states with higher rates of gun ownership have significantly higher rates of homicide than states with lower rates of gun ownership.⁸

Where guns are prevalent, there are significantly more homicides, particularly gun homicides.⁹

Suicide

Firearms were used in 19,392 suicides in the U.S. in 2010, constituting almost 62% of all gun deaths.¹⁰

Over 50% of all suicides are committed with a firearm.¹¹

On average, 49 gun suicides were committed each day for the years 2005-2010.¹²

White males, about 40% of the U.S. population, accounted for over 80% of firearm suicides in 2010.¹³

A study of California handgun purchasers found that in the first year after the purchase of a handgun, suicide was the leading cause of death among the purchasers.¹⁴

Firearms were used in nearly 44% of suicide deaths among persons under age 25 in 2010.¹⁵

More than 75% of guns used in suicide attempts and unintentional injuries of 0-19 year-olds were stored in the residence of the victim, a relative, or a friend.¹⁶

TAKE ACTION



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Note: Users must agree to data use restrictions on the CDC site prior to accessing data). [Jump to text »](#)

LATEST TWEETS

The risk of suicide increases in homes where guns are kept loaded and/or unlocked.¹⁷

Unintentional Deaths and Injuries

In 2010, unintentional firearm injuries caused the deaths of 606 people.¹⁸

From 2005-2010, almost 3,800 people in the U.S. died from unintentional shootings.¹⁹

Over 1,300 victims of unintentional shootings for the period 2005–2010 were under 25 years of age.²⁰

People of all age groups are significantly more likely to die from unintentional firearm injuries when they live in states with more guns, relative to states with fewer guns. On average, states with the highest gun levels had nine times the rate of unintentional firearms deaths compared to states with the lowest gun levels.²¹

A federal government study of unintentional shootings found that 8% of such shooting deaths resulted from shots fired by children under the age of six.²²

The U.S. General Accounting Office has estimated that 31% of unintentional deaths caused by firearms might be prevented by the addition of two devices: a child-proof safety lock (8%) and a loading indicator (23%).²³

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23. *Id.* A loading indicator, also known as a "chamber load indicator," is a safety device that indicates at a glance whether a firearm is loaded and whether a round remains in the chamber. [__]

Law Center to Prevent Gun Violence – Gun Law Information Experts

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WISQARS Injury Mortality Report

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http://webappa.cdc.gov/cgi-bin/broker.exe

2010, United States
Firearm Deaths and Rates per 100,000

All Races, Both Sexes, All Ages

ICD-10 Codes: W32-W34,X72-X74,X93-X95,Y22-Y24,
Y35.0,*U01.4

Number of Deaths	Population	Crude Rate	Age-Adjusted Rate**
31,672	308,745,538	10.26	10.07

[Download Results in a Spreadsheet \(CSV\) File](#)[Help with Download](#)

Reports for All Ages include those of unknown age.

* Rates based on 20 or fewer deaths may be unstable. Use with caution.

** Standard Population is 2000, all races, both sexes.

Produced by: National Center for Injury Prevention and Control, CDC

Data Source: NCHS Vital Statistics System for numbers of deaths. Bureau of Census for population estimates.

SAS Output

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http://webappa.cdc.gov/cgi-bin/broker.exe**Overall Firearm Gunshot Nonfatal Injuries and Rates per 100,000**

2010, United States, All Races, Both Sexes, All Ages

Disposition: All Cases

<u>Number of injuries</u>	<u>Population</u>	<u>Crude Rate</u>	<u>Age-Adjusted Rate**</u>
73,505	308,745,538	23.81	23.97

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Reports for All Ages include those of unknown age.

** Standard Population is 2000, all races, both sexes.

Produced by: National Center for Injury Prevention and Control, CDC

Data Source: NEISS All Injury Program operated by the Consumer Product Safety Commission for numbers of injuries. Bureau of Census for population estimates.

SAS Output

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http://webappa.cdc.gov/cgi-bin/broker.exe**Overall Firearm Gunshot Nonfatal Injuries and Rates per 100,000**

2011, United States, All Races, Both Sexes, All Ages

Disposition: All Cases

<u>Number of injuries</u>	<u>Population</u>	<u>Crude Rate</u>	<u>Age-Adjusted Rate**</u>
73,883	311,591,917	23.71	23.64

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Reports for All Ages include those of unknown age.

** Standard Population is 2000, all races, both sexes.

Produced by: National Center for Injury Prevention and Control, CDC

Data Source: NEISS All Injury Program operated by the Consumer Product Safety Commission for numbers of injuries. Bureau of Census for population estimates.

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EXHIBIT 38

PEDIATRICS

Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings From the Behavioral Risk Factor Surveillance System, 2002

Catherine A. Okoro, David E. Nelson, James A. Mercy, Lina S. Balluz, Alex E. Crosby and Ali H. Mokdad
Pediatrics 2005;116:370-376
DOI: 10.1542/peds.2005-0300

This information is current as of September 8, 2005

The online version of this article, along with updated information and services, is located on the World Wide Web at:

<http://www.pediatrics.org/cgi/content/full/116/3/e370>

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Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings From the Behavioral Risk Factor Surveillance System, 2002

Catherine A. Okoro, MS*; David E. Nelson, MD, MPH*; James A. Mercy, PhD†; Lina S. Balluz, ScD*; Alex E. Crosby, MD, MPH†; and Ali H. Mokdad, PhD*

ABSTRACT. *Objectives.* To examine the prevalence of household firearms and firearm-storage practices in the 50 states and the District of Columbia and estimate the number of children exposed to unsafe storage practices.

Methods. We analyzed data from the 2002 cross-sectional Behavioral Risk Factor Surveillance System survey of 240 735 adults from randomly selected households with telephones in the 50 states and the District of Columbia.

Results. Nationally, 32.6% of adults reported that firearms were kept in or around their home. The prevalence of adults with household firearms ranged from 5.2% in the District of Columbia to 62.8% in Wyoming (median: 40.8%). The prevalence of adults with loaded household firearms ranged from 1.6% in Hawaii, Massachusetts, and New Jersey to 19.2% in Alabama (median: 7.0%), and the prevalence of adults with loaded and unlocked household firearms ranged from 0.4% in Massachusetts to 12.7% in Alabama (median: 4.2%). Among adults with children and youth <18 years old, the prevalence of loaded household firearms ranged from 1.0% to 13.4% (median: 5.3%), and the prevalence of loaded and unlocked household firearms ranged from 0.3% to 7.3% (median: 2.3%); in each instance, Massachusetts had the lowest prevalence and Alabama had the highest. Findings indicate that ~1.69 million (95% confidence interval: 1.57–1.82 million) children and youth in the United States <18 years old are living with loaded and unlocked household firearms.

Conclusions. Substantial state variations exist in the prevalence of household firearms and firearm-storage practices. It is vital that surveillance systems such as the Behavioral Risk Factor Surveillance System continue to monitor the prevalence of household firearms and firearm-storage practices so that future interventions to promote safe storage of firearms can be evaluated and more widely implemented based on their efficacy. *Pediatrics* 2005;116:e370–e376. URL: www.pediatrics.org/cgi/doi/10.1542/peds.2005-0300

10.1542/peds.2005-0300; *firearms, children, youth, behavior, risk taking, telephone, BRFSS.*

ABBREVIATIONS. BRFSS, Behavioral Risk Factor Surveillance System; CI, confidence interval.

Firearm-related injuries remained the second leading cause of injury mortality in 2002, accounting for 30 242 firearm-related deaths.¹ Of all firearm injury deaths, 56.6% were suicides, 39.1% were homicides, 2.5% were unintentional, and an additional 1.8% were legal interventions or of undetermined intent.¹ Furthermore, ~1400 firearm deaths were among persons <18 years old.² In addition, for every firearm-related death, ~4.6 persons in this same population received nonfatal firearm-related injuries.³ In 1997, the estimated lifetime costs of medically treated gunshot injuries in the United States totaled \$1.9 billion, of which \$0.9 billion was paid by the US government.⁴

Unintentional injuries, suicide, and homicide among youth may happen because young persons are able to access an improperly stored household firearm.^{5–10} Approximately 90% of fatal firearm incidents involving children occur within the home, and according to a study of children and youth aged 0 to 14 years by Wintemute et al⁸, 40% of firearm incidents involve a firearm stored in the room in which the shooting occurs. Miller et al⁷ found that twice as many firearm deaths among children and youth <18 years old occur in states with the highest proportion of people living in households with loaded firearms. In addition, Grossman et al⁹ reported that safe storage practices, including keeping firearms stored unloaded, locked, or separate from ammunition, are associated with significant reductions in the risk of unintentional injuries and suicides among children and youth. The National Rifle Association,¹¹ medical organizations,^{12–15} and public health agencies^{16,17} all support safe firearm-storage practices in homes with children and youth. For example, the American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.¹² Efforts to promote proper storage of firearms in homes may help reduce the risk of both fatal and nonfatal injury.^{6,7,9,10,16,18–21}

Despite the fact that national estimates on the

From the *National Center for Chronic Disease Prevention and Health Promotion and †National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Atlanta, Georgia.

Accepted for publication Apr 8, 2005.

doi:10.1542/peds.2005-0300

The findings and conclusions in this report are those of the authors and do not necessarily represent the views of the Centers for Disease Control and Prevention.

No conflict of interest declared.

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PEDIATRICS (ISSN 0031 4005). Published in the public domain by the American Academy of Pediatrics.

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prevalence of household firearms and their manner of storage are available,^{21–23} limited information exists regarding these estimates at the state level.^{22,24–27} Thus, the purposes of this study were threefold: to estimate (1) the prevalence of adults with household firearms and their firearm-storage practices at the state level; (2) the prevalence of loaded and of loaded and unlocked household firearms among adults with children and youth <18 years old at the state level; and (3) by state the number of children and youth exposed to these firearm-storage practices.

METHODS

The Behavioral Risk Factor Surveillance System (BRFSS) is a state-based surveillance system operated by state health departments in collaboration with the US Centers for Disease Control and Prevention. A detailed description of the survey methods used by BRFSS is available elsewhere.^{28–30} Briefly, the primary purpose of BRFSS is to provide state-specific estimates of behaviors that relate to the leading causes of morbidity and mortality in the United States. Trained interviewers collect data on a monthly basis by using an independent probability sample of households with telephones among the noninstitutionalized US population aged ≥18 years. Individual respondents are selected randomly from all adults living in a household. All BRFSS questionnaires and data are available on the Internet (www.cdc.gov/brfss). Because the BRFSS is a surveillance system, the Centers for Disease Control and Prevention's Institutional Review Board has determined that the BRFSS is exempt from its review.

In 2002, all 50 states and the District of Columbia participated, and 240 735 persons aged ≥18 years completed the interview. Firearm-storage questions were added to the BRFSS for the first time in all 50 states and the District of Columbia in 2002. We limited our analyses to the 223 819 BRFSS respondents (88 928 men and 134 891 women) who answered all survey questions on household firearms and who reported whether their households included children and youth <18 years old. Respondents were excluded if they had unknown responses or refused to answer the questions. The median response rate, based on the number of individuals actually reached by telephone, was 76.7% (range: 62.5% [in California] to 99.8% [in Minnesota]).³¹ The more conservative response-rate formula based on Council of American Survey and Research Organizations' guidelines produced a median response rate of 58.3% (range: 42.2% [in New Jersey] to 82.6% [in Minnesota]).³¹

Survey Questions and Definitions of Firearm-Storage Practices

The interviewer began the firearm section of the survey by first informing the respondent that “the next three questions are about firearms. We are asking these in a health survey because of our interest in firearm-related injuries. Please include weapons such as pistols, shotguns, and rifles; but not BB guns, starter pistols, or guns that cannot fire. Include those kept in a garage, outdoor storage area, or motor vehicle.” Presence of firearms in the home was assessed by asking the respondent, “Are any firearms kept in or around your home?” Firearm-storage patterns were derived from 2 questions: “Are any of these firearms now loaded?” and “Are any of these loaded firearms also unlocked? By ‘unlocked’ we mean you do not need a key or combination to get the gun or to fire it. We don’t count a safety as a lock.” We created 3 firearm-storage pattern categories: “any household firearm” (yes/no), “loaded household firearm” (yes/no), and “loaded and unlocked household firearm” (yes/no). However, the state of California used a different set of firearm questions than the other states, and as a result, we were only able to create 2 categories for California: “any household firearm” and “loaded and unlocked household firearm.”

Statistical Analyses

Both SAS (SAS Institute, Cary, NC) and SUDAAN (Research Triangle Institute, Research Triangle Park, NC) were used in all analyses to account for the complex sampling design and to calculate 95% confidence intervals (CIs). BRFSS data were directly

weighted for the probability of selection of a telephone number, the number of adults in a household, and the number of telephones in a household. Finally, data were poststratified to adjust for nonresponse and noncoverage of households without telephones and to force the sum of the weighted frequencies to equal each state's adult population (ie, final weight). These data are representative of >200 million US adults in 2002 (117 million adults without children and youth <18 years old and 83 million adults with children and youth <18 years old). Data from all states are pooled to produce nationally representative estimates.

We first estimated the national and state prevalence of adults with household firearms; second, we estimated the national and state prevalence of adults with any loaded household firearms and any loaded and unlocked household firearms. Next, among adults with children and youth <18 years old, we estimated the national and state prevalence of loaded household firearms and loaded and unlocked household firearms. Finally, to estimate the number of children and youth <18 years old who were exposed to loaded firearms and to loaded and unlocked firearms among households with children and youth, we used the following formula: number of children and youth = [(final weight/number of adults in a household) × *a*] × *b*, where *a* equals the percentage of households with children and youth in which firearms were stored loaded or loaded and unlocked, and *b* equals the average number of children in households in which firearms were stored loaded or loaded and unlocked.

RESULTS

Nationally, 32.6% (95% CI: 32.2–32.9%) of adults reported that firearms were kept in or around their home. The prevalence of adults with household firearms ranged from 5.2% in the District of Columbia to 62.8% in Wyoming (median: 40.8%) (Table 1).

The national prevalence of adults with loaded household firearms and with loaded and unlocked household firearms was 7.6% (95% CI: 7.5–7.8%) and 4.3% (95% CI: 4.2–4.5%), respectively. The prevalence of adults with loaded household firearms ranged from 1.6% in Hawaii, Massachusetts, and New Jersey to 19.2% in Alabama (median: 7.0%), and the prevalence of adults with loaded and unlocked household firearms ranged from 0.4% in Massachusetts to 12.7% in Alabama (median: 4.2%).

Nationally, among adults with children and youth <18 years old, 5.5% (95% CI: 5.3–5.8%) reported having loaded household firearms and 2.5% (95% CI: 2.3–2.6%) reported having loaded and unlocked household firearms. Among adults with children and youth, the prevalence of loaded household firearms ranged from 1.0% in Massachusetts to 13.4% in Alabama (median: 5.3%), and the prevalence of loaded and unlocked household firearms ranged from 0.3% in Massachusetts to 7.3% in Alabama (median: 2.3%) (Table 2). In 7 states (Alabama, Alaska, Arkansas, Georgia, Louisiana, Mississippi, and Montana), the prevalence of loaded household firearms among adults with children and youth was ≥10%; in 6 states (Alabama, Alaska, Arkansas, Idaho, Montana, and Wyoming), the prevalence of loaded and unlocked household firearms among adults with children and youth was >5%.

Although household firearms were less likely to be stored loaded or loaded and unlocked among adults with children and youth than among adults overall, an estimated 1 692 610 children and youth (95% CI: 1 569 320–1 815 910) in the United States were living in households with loaded and unlocked firearms (Table 2). The 6 states with >75 000 children and

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TABLE 1. Prevalence Estimates of Adults With Household Firearms, Loaded Household Firearms, and Loaded and Unlocked Household Firearms, 2002

State	Any Household Firearm, % (95% CI)	Loaded Household Firearm, % (95% CI)	Loaded and Unlocked Household Firearm, % (95% CI)
Alabama	57.2 (55.1–59.4)	19.2 (17.4–20.9)	12.7 (11.2–14.1)
Alaska	60.6 (57.7–63.4)	15.0 (12.9–17.1)	10.8 (8.9–12.6)
Arizona	36.2 (33.4–39.0)	11.3 (9.4–13.2)	7.6 (6.2–9.0)
Arkansas	58.3 (56.4–60.2)	15.9 (14.5–17.3)	10.4 (9.2–11.6)
California*	19.5 (18.0–21.0)	NA	2.2 (1.7–2.7)
Colorado	34.5 (32.8–36.2)	6.9 (6.0–7.8)	4.2 (3.5–4.9)
Connecticut	16.2 (15.0–17.4)	2.1 (1.6–2.6)	1.0 (0.7–1.3)
Delaware	26.7 (24.8–28.7)	6.5 (5.3–7.7)	3.4 (2.5–4.3)
District of Columbia	5.2 (3.8–6.6)	1.9 (1.1–2.6)	0.8 (0.4–1.2)
Florida	26.0 (24.7–27.4)	8.8 (7.9–9.7)	4.9 (4.3–5.5)
Georgia	41.0 (39.1–42.9)	13.4 (12.2–14.7)	7.5 (6.6–8.5)
Hawaii	9.7 (8.7–10.6)	1.6 (1.2–2.1)	1.0 (0.6–1.3)
Idaho	56.8 (55.0–58.6)	11.8 (10.7–12.9)	7.9 (6.9–8.8)
Illinois	19.7 (18.0–21.4)	2.7 (2.0–3.3)	1.4 (0.9–1.9)
Indiana	39.0 (37.6–40.5)	9.3 (8.4–10.2)	5.7 (5.0–6.4)
Iowa	44.0 (42.1–46.0)	3.9 (3.1–4.7)	2.5 (1.9–3.1)
Kansas	43.7 (42.0–45.4)	6.8 (6.0–7.7)	4.1 (3.4–4.8)
Kentucky	48.0 (46.0–50.0)	12.2 (10.9–13.5)	6.6 (5.6–7.6)
Louisiana	45.6 (43.9–47.3)	13.1 (12.0–14.3)	7.2 (6.3–8.1)
Maine	41.1 (38.8–43.3)	3.2 (2.4–4.0)	2.0 (1.4–2.6)
Maryland	22.1 (20.6–23.6)	3.9 (3.1–4.6)	2.3 (1.7–2.9)
Massachusetts	12.8 (11.7–13.8)	1.6 (1.2–2.0)	0.4 (0.2–0.6)
Michigan	40.3 (38.7–41.9)	5.6 (4.8–6.4)	3.2 (2.7–3.8)
Minnesota	44.7 (43.0–46.4)	3.4 (2.7–4.0)	2.3 (1.8–2.8)
Mississippi	54.3 (52.4–56.3)	15.9 (14.5–17.3)	8.9 (7.8–9.9)
Missouri	45.4 (43.4–47.4)	9.9 (8.7–11.1)	5.5 (4.6–6.4)
Montana	61.4 (59.2–63.7)	12.8 (11.3–14.2)	8.6 (7.4–9.8)
Nebraska	42.1 (40.3–43.8)	4.0 (3.3–4.7)	2.3 (1.7–2.8)
Nevada	31.5 (29.2–33.8)	9.1 (7.7–10.5)	5.6 (4.5–6.6)
New Hampshire	30.5 (29.0–32.1)	3.9 (3.3–4.6)	2.1 (1.7–2.6)
New Jersey	11.3 (9.6–13.1)	1.6 (1.1–2.1)	0.9 (0.5–1.3)
New Mexico	39.6 (37.8–41.3)	10.0 (9.0–10.9)	6.6 (5.8–7.4)
New York	18.1 (16.7–19.4)	2.3 (1.7–2.8)	1.3 (0.9–1.7)
North Carolina	40.8 (38.9–42.7)	11.5 (10.3–12.6)	6.8 (5.9–7.7)
North Dakota	54.3 (52.2–56.3)	3.3 (2.6–4.0)	2.0 (1.5–2.5)
Ohio	32.1 (30.3–33.9)	5.4 (4.6–6.3)	3.6 (2.9–4.3)
Oklahoma	44.6 (43.1–46.1)	13.0 (12.0–13.9)	7.7 (6.9–8.5)
Oregon	39.8 (37.7–41.8)	10.3 (9.1–11.5)	7.1 (6.1–8.1)
Pennsylvania	36.5 (35.3–37.6)	5.4 (4.9–6.0)	3.5 (3.1–3.9)
Rhode Island	13.3 (11.9–14.7)	2.1 (1.4–2.8)	1.5 (0.8–2.1)
South Carolina	45.0 (43.0–47.1)	13.5 (12.0–14.9)	8.1 (7.0–9.1)
South Dakota	59.9 (58.3–61.6)	6.0 (5.2–6.8)	4.1 (3.5–4.8)
Tennessee	46.4 (44.3–48.4)	12.0 (10.7–13.3)	6.6 (5.6–7.5)
Texas	35.9 (34.5–37.4)	12.2 (11.3–13.2)	7.9 (7.1–8.7)
Utah	45.3 (43.1–47.5)	5.4 (4.5–6.3)	3.3 (2.6–3.9)
Vermont	45.5 (43.8–47.2)	3.7 (3.0–4.5)	2.4 (1.9–2.9)
Virginia	35.9 (33.9–38.0)	8.6 (7.4–9.8)	5.0 (4.1–5.9)
Washington	36.2 (34.4–38.0)	7.1 (6.2–8.0)	4.3 (3.6–5.0)
West Virginia	57.9 (55.9–59.8)	9.4 (8.2–10.5)	5.5 (4.6–6.3)
Wisconsin	44.3 (42.5–46.2)	3.4 (2.7–4.1)	2.2 (1.6–2.8)
Wyoming	62.8 (60.8–64.7)	12.8 (11.4–14.1)	8.3 (7.3–9.4)
Median	40.8	7.0	4.2
Range	5.2–62.8	1.6–19.2	0.4–12.7

Data are based on self-reports. NA indicates not available.

* California's firearm questions differed from those of other states.

youth living in households with loaded and unlocked firearms were Alabama, California, Florida, Georgia, North Carolina, and Texas.

DISCUSSION

To our knowledge, this is one of the first studies to comprehensively examine both the prevalence of adults with household firearms and firearm-storage patterns at the state level. Our study findings are similar to national studies that have shown that, regardless of whether children and youth live in the

home, approximately one third of US homes contain firearms.^{21–23} According to our study, during 2002, an estimated 33% of all adults lived in households with firearms, and an estimated 4% of adults lived in households with firearms stored in the least safe manner (ie, loaded and unlocked). Household firearms were less likely to be stored in an unsafe manner by adults with children and youth <18 years old; nonetheless, >1.6 million children lived in households with loaded and unlocked firearms.

We found substantial state variations in the prev-

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TABLE 2. Prevalence Estimates of Loaded Household Firearms and Loaded and Unlocked Household Firearms Among Adults With Children and Youth <18 Years Old and the Estimated Number of Children and Youth Living With Loaded and Loaded and Unlocked Firearms, 2002

State	Loaded Household Firearm, % \pm 95% CI	Estimated No. of Children and Youth Living with Loaded Firearms, N (95% CI)	Loaded and Unlocked Household Firearm, % \pm 95% CI	Estimated No. of Children and Youth Living with Loaded and Unlocked Firearms, N (95% CI)
Alabama	13.4 \pm 2.5	145 560 (113 730–177 380)	7.3 \pm 2.0	76 110 (54 630–97 590)
Alaska	10.7 \pm 2.8	19 970 (14 480–25 470)	6.6 \pm 2.4	12 380 (7670–17 090)
Arizona	7.1 \pm 2.1	108 630 (74 080–143 180)	4.4 \pm 1.8	67 980 (38 480–97 480)
Arkansas	11.6 \pm 2.1	80 080 (63 690–96 480)	6.6 \pm 1.7	40 500 (29 610–51 400)
California*	NA	NA	1.0 \pm 0.6	84 440 (37 890–130 990)
Colorado	4.0 \pm 1.1	43 300 (30 850–55 750)	1.9 \pm 0.8	17 820 (10 110–25 540)
Connecticut	1.8 \pm 0.7	18 150 (9280–27 020)	0.5 \pm 0.3	3390 (850–5930)
Delaware	4.6 \pm 1.4	7910 (4960–10 860)	2.0 \pm 1.0	2890 (1400–4380)
District of Columbia	1.9 \pm 1.6	1420 (230–2610)	0.6 \pm 0.7	660 (0–1450)
Florida	6.5 \pm 1.4	248 430 (186 560–310 300)	3.2 \pm 1.0	128 860 (80 580–177 150)
Georgia	10.3 \pm 1.6	228 650 (189 220–268 080)	4.9 \pm 1.1	104 700 (78 130–131 270)
Hawaii	1.2 \pm 0.5	4040 (1790–6300)	0.6 \pm 0.3	1650 (840–2470)
Idaho	9.1 \pm 1.5	30 740 (25 360–36 120)	5.2 \pm 1.2	17 030 (12 960–21 090)
Illinois	2.2 \pm 0.9	70 620 (36 590–104 650)	1.0 \pm 0.7	28 650 (7080–50 230)
Indiana	7.8 \pm 1.3	111 810 (91 480–132 140)	3.8 \pm 0.9	51 410 (37 990–64 840)
Iowa	2.1 \pm 1.0	16 100 (7370–24 840)	1.4 \pm 0.8	10 080 (2860–17 290)
Kansas	5.5 \pm 1.2	40 540 (30 290–50 800)	2.4 \pm 0.8	16 330 (9830–22 820)
Kentucky	9.6 \pm 2.0	94 600 (73 690–115 500)	4.3 \pm 1.4	37 460 (26 970–47 950)
Louisiana	10.0 \pm 1.7	113 360 (90 900–135 820)	4.4 \pm 1.2	54 630 (37 130–72 140)
Maine	1.8 \pm 1.1	6030 (2180–9890)	0.9 \pm 0.8	2260 (400–4110)
Maryland	3.6 \pm 1.2	42 860 (27 070–58 650)	1.8 \pm 0.9	20 820 (9240–32 390)
Massachusetts	1.0 \pm 0.5	15 680 (8260–23 100)	0.3 \pm 0.2	4880 (800–8970)
Michigan	4.0 \pm 1.1	104 160 (73 680–134 630)	1.9 \pm 0.8	49 560 (28 050–71 070)
Minnesota	2.7 \pm 1.0	30 560 (17 640–43 480)	1.8 \pm 0.8	19 770 (9110–30 430)
Mississippi	11.1 \pm 1.9	87 350 (70 220–104 470)	4.7 \pm 1.2	36 780 (26 470–47 090)
Missouri	7.1 \pm 1.8	80 400 (60 150–100 650)	3.0 \pm 1.2	35 180 (21 420–48 950)
Montana	11.1 \pm 2.3	22 500 (17 660–27 340)	6.4 \pm 1.7	11 700 (8420–14 980)
Nebraska	3.2 \pm 1.1	12 070 (7520–16 620)	1.7 \pm 0.8	7170 (3400–10 930)
Nevada	5.9 \pm 1.7	36 220 (24 260–48 180)	2.6 \pm 1.1	14 560 (7510–21 610)
New Hampshire	2.8 \pm 0.9	7750 (5360–10 150)	1.1 \pm 0.6	2530 (1240–3820)
New Jersey	1.2 \pm 0.6	23 150 (10 870–35 420)	0.5 \pm 0.4	7710 (1900–13 520)
New Mexico	7.5 \pm 1.4	34 850 (27 850–41 850)	4.0 \pm 1.0	16 190 (11 960–20 410)
New York	1.8 \pm 0.7	95 640 (50 910–140 370)	1.0 \pm 0.5	52 430 (19 490–85 370)
North Carolina	7.7 \pm 1.7	168 360 (126 570–210 160)	3.8 \pm 1.2	82 110 (51 760–112 450)
North Dakota	2.4 \pm 1.0	3730 (1980–5470)	1.6 \pm 0.8	2880 (1270–4500)
Ohio	2.9 \pm 1.0	83 050 (52 380–113 730)	1.4 \pm 0.7	33 610 (14 860–52 350)
Oklahoma	8.9 \pm 1.3	78 680 (64 780–92 570)	4.4 \pm 0.9	40 560 (29 790–51 330)
Oregon	6.1 \pm 1.6	57 990 (41 620–74 370)	3.0 \pm 1.1	26 550 (15 520–37 570)
Pennsylvania	4.0 \pm 0.8	113 360 (88 180–138 530)	2.0 \pm 0.6	54 500 (37 990–71 010)
Rhode Island	1.8 \pm 0.9	4720 (2290–7150)	0.6 \pm 0.5	1950 (150–3740)
South Carolina	8.9 \pm 1.8	83 610 (64 840–102 380)	4.4 \pm 1.3	42 200 (28 850–55 550)
South Dakota	3.8 \pm 1.1	9390 (4830–13 950)	2.3 \pm 0.9	6000 (1750–10 250)
Tennessee	9.7 \pm 2.0	136 340 (104 570–168 100)	3.5 \pm 1.3	43 370 (27 530–59 210)
Texas	8.1 \pm 1.3	434 300 (348 180–520 410)	4.2 \pm 0.9	199 670 (152 140–247 190)
Utah	4.3 \pm 1.1	28 090 (19 750–36 420)	2.1 \pm 0.8	11 910 (6380–17 430)
Vermont	3.2 \pm 1.0	4220 (2740–5690)	1.5 \pm 0.8	1660 (780–2530)
Virginia	6.3 \pm 1.4	121 210 (88 320–154 090)	2.9 \pm 0.9	49 210 (32 570–65 850)
Washington	5.0 \pm 1.4	70 710 (50 350–91 060)	1.8 \pm 0.8	24 790 (14 240–35 340)
West Virginia	6.4 \pm 1.7	27 030 (19 400–34 660)	3.1 \pm 1.2	10 690 (6510–14 870)
Wisconsin	2.8 \pm 1.3	41 140 (22 590–59 700)	1.3 \pm 1.0	14 940 (4570–25 320)
Wyoming	9.4 \pm 1.9	12 640 (9750–15 530)	5.1 \pm 1.4	7540 (5100–9970)
Median	5.3	42 000	2.3	19 770
Range	1.0–13.4	1420–434 300	0.3–7.3	660–199 670

Data are based on self-reports. NA indicates not available.

* California's questions to assess loaded and unlocked firearms differed from those of other states.

alence of adults with household firearms, from 10% in Hawaii to 63% in Wyoming (the prevalence in the District of Columbia was 5%). Furthermore, among adults with children and youth, a >24-fold difference was found between Massachusetts and Alabama in the percentage of loaded and unlocked household firearms. Few national studies have reported population-based representative estimates of firearm-storage patterns. In a 1993 report, the US Department of Justice estimated that 49% of homes

in the United States had household firearms,³² a level of firearm ownership typically reported in the 1980s and early 1990s.^{23,33} Using this national estimate and data from his study, Hemenway et al³⁴ estimated that 10% of US homes had a firearm that was currently loaded and unlocked; this finding is more than double our estimate using a more direct approach (4.3%). The difference between our estimates may be a result of a secular decline in the proportion of households that reported having firearms and,

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hence, the proportion of households that were likely to engage in unsafe storage practices. In addition, it is also possible that a proportion of the households that formerly stored firearms loaded and unlocked have since implemented safe storage practices in their homes.

These findings are consistent with an earlier BRFSS study conducted using 1991–1995 data from 21 states.²⁶ Specifically, Powell et al²⁶ reported that the prevalence of adults with household firearms ranged from 12% in New Jersey to 57% in Idaho. For these 21 states, our 2002 prevalence estimates ranged from 11% in New Jersey to 58% in West Virginia (Idaho: 57%). For 18 states, the authors reported that the prevalence of children living in households with a loaded firearm ranged from 2% in Connecticut and Delaware to 12% in Mississippi. For these same states, our prevalence estimates ranged from 1% in New Jersey to 11% in Mississippi.

Our study had some limitations. First, because BRFSS excludes households without telephones, our findings may have overestimated the prevalence of firearms in households, because low income is associated with both lack of telephone service and a lower prevalence of firearms.³⁵ Second, although the validity of self-reported firearm storage is not known, previous studies suggest that self-reports of firearm ownership are valid.^{36,37} However, our findings represent self-reports of the presence of a household firearm, not firearm ownership. Nevertheless, the interviews were conducted with a randomly selected adult in the home. As a result, some participants may not have known about a firearm that was kept by another household member.^{38–40} For example, female respondents in particular have been shown to underreport firearms in the home. Likewise, female respondents who are aware of a household firearm kept by their spouse may be less likely to know how it is stored.^{38,39} Thus, we may have underestimated firearm prevalence and unsafe storage practices in US households.

Our estimates on the prevalence of household firearms also lacked an appraisal of the types of firearms available (ie, handgun or long gun). For example, adults keeping a handgun for protection may be more apt to store it loaded, whereas adults keeping a rifle for sport may keep it locked and unloaded until needed.^{34,41,42} The population characteristics of adults owning only a handgun may also differ from adults owning only a long gun. In addition, as mentioned previously, California used a different set of questions to assess both firearm prevalence and loaded and unlocked firearms. Thus, comparison of California's firearm prevalence estimates to that of the other 49 states and the District of Columbia should be done cautiously.

These results demonstrate the wide range of household firearm prevalence and storage of household firearms among the states, and we estimate that >1.6 million children live in homes with firearms stored in the least safe manner. A better understanding of firearm owners' attitudes, beliefs, and gun-storage behaviors is needed to effectively develop

and evaluate community-based education programs that promote safe firearm storage.⁴³ In addition, there is an absence of direct empirical evidence on how firearm safety technologies (ie, locking, protection, sensor and tracking technology) impact injury.²⁷ These state-level prevalence estimates of household firearms and storage practices will permit future assessment of changes in the risk profile of US households as firearm safety technologies and strategies to encourage safe firearm storage are developed, implemented, and evaluated.^{22,27}

Public health measures are needed to encourage the safe storage of household firearms. Such measures could include counseling of parents by primary care providers, especially pediatricians, regarding safe firearm storage.^{12,15,44} However, although studies have shown that parents are open to screening and counseling about firearm storage and safety,^{5,45,46} these services are rarely performed.^{47,48} There is also conflicting evidence on the effectiveness of parental safe-firearm-storage counseling.^{5,45,46,49,50} Other strategies to decrease child access to firearms in the home may include child-access-prevention laws, currently in place in 18 states, specifically designed to limit children's access to and use of firearms in the home^{18,51}; safe firearm-storage-promotion programs^{52,53}; and the provision of safety devices.^{43,54} These and other measures may help reduce the number of children exposed to unsafe firearm-storage practices and, in turn, decrease the number of firearm-related injuries and deaths among children and youth. However, many of these prevention strategies have not been based on preliminary effectiveness data, nor have they been evaluated adequately, generally because of scant funding for evaluation of these programs.²⁷ It is crucial that firearm-injury-prevention programs incorporate evaluation into implementation efforts and that a sustained body of research be developed to study the effects of prevention programs on the rates of firearm-related morbidity and mortality.²⁷

It is important to identify, implement, and evaluate effective methods to prevent firearm-related morbidity and mortality—from counseling youth and adults with depressive symptoms, to evaluating firearm safety technologies, to a variety of safe storage options. This is of utmost importance for the most vulnerable segments of our population—children and youth, persons with depressive symptoms, and those who have threatened suicide. Surveillance systems such as the BRFSS can be used to effectively monitor the prevalence of household firearms and firearm-storage practices so that future interventions to promote safe storage of firearms can be evaluated and more widely implemented based on their efficacy.

ACKNOWLEDGMENTS

We thank the state Behavioral Risk Factor Surveillance System coordinators for help in collecting the data used in this analysis; members of the Behavioral Surveillance Branch for assistance in developing the database; Henry Roberts, PhD, and Tara Strine,

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MPH, for statistical expertise; and Lynda Doll, PhD, for constructive review of this manuscript. We also thank 3 anonymous reviewers for insightful comments that contributed to the final version of this manuscript.

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Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings From the Behavioral Risk Factor Surveillance System, 2002

Catherine A. Okoro, David E. Nelson, James A. Mercy, Lina S. Balluz, Alex E. Crosby and Ali H. Mokdad
Pediatrics 2005;116;370-376
 DOI: 10.1542/peds.2005-0300

This information is current as of September 8, 2005

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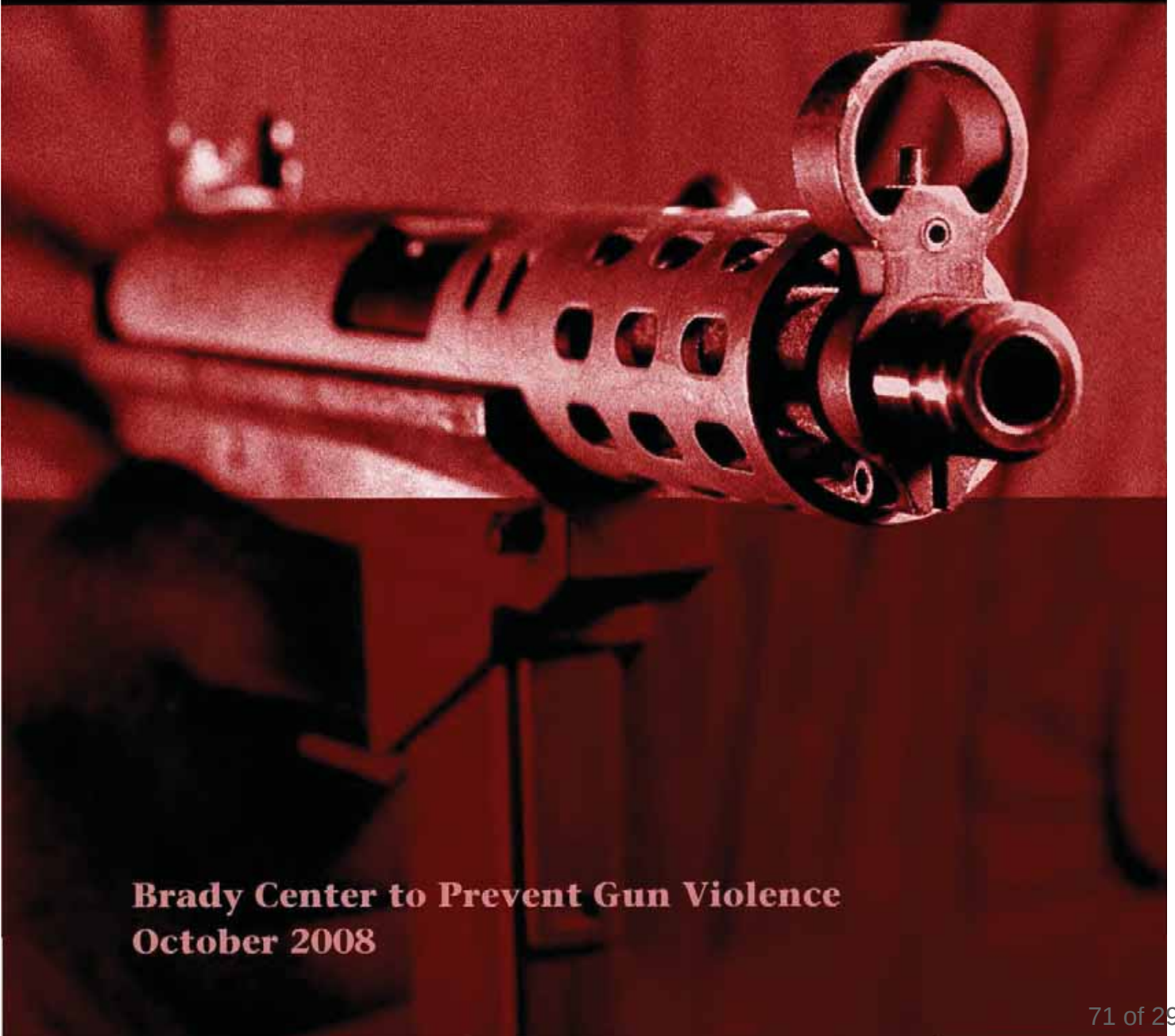


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EXHIBIT 39

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Assault Weapons "Mass Produced Mayhem"



**Brady Center to Prevent Gun Violence
October 2008**

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Assault Weapons: “Mass Produced Mayhem”

**Brady Center to Prevent Gun Violence
October 2008**



October 2008

ACKNOWLEDGEMENTS

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. Through its project, *Gun Industry Watch*, the Brady Center works to monitor and publicly expose gun industry practices that contribute to gun violence, with the goal of bringing about life-saving industry reform. The programs of the Brady Center complement the legislative and grassroots mobilization efforts of its sister organization, the Brady Campaign to Prevent Gun Violence and its network of Million Mom March Chapters.

Assault Weapons: "Mass Produced Mayhem" was written by Brian J. Siebel. Thanks go to Robyn Steinlauf, Sarah McLemore, Molly Warren, Lindsay Brooker, Talesia Simon, Natalie Durham, and Elizabeth Haile for their assistance in preparing this report. If you have questions about any part of this report, or would like a copy, please write to *Gun Industry Watch*, Brady Center to Prevent Gun Violence, 1225 Eye Street, N.W., Suite 1100, Washington D.C. 20005. The report and other Gun Industry Watch reports are also available at www.bradycenter.org/gunindustrywatch and www.gunlawsuits.org.

A Note About the Title

The phrase "mass produced mayhem" is taken from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives's description of assault weapons in its "Assault Weapons Profile" (April 1994).

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Executive Summary

Assault weapons are military-style weapons of war, made for offensive military assaults. It is no accident that when a madman, Gian Luigi Ferri, decided to assault the law offices at 101 California Street in San Francisco, he armed himself with two TEC-9 assault weapons with 50-round magazines, which enabled him to kill eight people and wound six others.¹ Or that the Columbine high school shooters, who killed 12 students and a teacher, included a TEC-9 assault pistol in their arsenal.² Or that the Branch-Davidians at Waco, Texas, accumulated an arsenal of assault weapons to prepare for battle against the federal government, including 123 AR-15s, 44 AK-47s, two Barrett .50 calibers, two Street Sweepers, an unknown number of MAC-10 and MAC-11s, 20 100-round drum magazines, and 260 large-capacity banana clips.³ Or that James Huberty used an UZI assault pistol and a shotgun to kill 21 people and wound 19 others at a McDonald's in San Ysidro, California.⁴ Or that Patrick Purdy used an AK-47 assault rifle to kill five children and wound 29 others and a teacher at an elementary school in Stockton, California. Equipped with a 75-round "drum" magazine, Purdy was able to shoot 106 rounds in less than two minutes.⁵ The list of horrific attacks goes on.⁶

The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has called assault weapons "mass produced mayhem."⁷ They have been weapons of choice for gangs, drug dealers, and mass killers. They have been used to slaughter innocents in numerous high-profile shootings, and have been used to outgun police officers on the streets. They are of no use for hunters and are counterproductive for lawful defense of one's home. Law enforcement throughout the nation has called for them to be banned. Presidents Gerald Ford, Jimmy Carter, Ronald Reagan, Bill Clinton, and George W. Bush did not agree on much, but they all supported an assault weapons ban.

For ten years, from 1994-2004, federal law banned these weapons of war. Although this now-expired law was limited in scope, and was circumvented by many gun manufacturers, it reduced the use of assault weapons in crime. The experience suggests that a stronger, more comprehensive law would enhance public safety even more.

In the four years since the federal ban expired, hundreds of people have been killed in this country with military-style assault weapons. This report lists incidents in which at least 163 people have been killed and 185 wounded in with assault weapons, including at least 38 police officers killed or wounded by them. Moreover, as these incidents are only those that we could find reported in the press, the actual tally of fatalities and injuries is almost certainly much higher.

Since the federal assault weapon expired in 2004, politicians from President George W. Bush to Senator John Warner have called for its renewal. But on this issue, the two major presidential candidates offer two starkly opposing views: Senator Barack



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Obama has stated as recently as his convention acceptance speech that it is imperative that criminals be denied the use of assault weapons. Senator John McCain, who has opposed the NRA on gun shows and other issues, has been firm in his opposition to assault weapon bans. The question should be asked of the candidates, "Senator, why should civilians be allowed to wield these weapons of war?"

This report provides the factual basis for answering that question, and makes the evidentiary case for an assault weapons ban. The report also outlines how the availability of assault weapons to criminals has altered the balance of power on urban streets between police and criminals, placing police officers in grave risk of harm.

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



AK-47 Assault Rifle (Many variants)



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Assault Weapons Are Designed to Slaughter People

Assault weapons are semiautomatic versions of fully automatic guns designed for military use. These guns unleash extraordinary firepower. When San Jose, California, police test-fired an UZI, a 30-round magazine was emptied in slightly less than two seconds on full automatic, while the same magazine was emptied in just five seconds on semiautomatic.⁸

As the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) has explained:

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.**⁹

ATF has also described semiautomatic assault weapons as “large capacity, semi-automatic firearms designed and configured for rapid fire, combat use.... Most are patterned after machine guns used by military forces.”¹⁰ In short, as a Montgomery County, Alabama Sheriff has said: “[T]here’s only one reason for owning a gun like that – killing people. There’s no other use other than to kill people. That’s all they’re made for.”¹¹

Assault weapons have distinct features that separate them from sporting firearms.¹² While semiautomatic hunting rifles are designed to be fired from the shoulder and depend upon the accuracy of a precisely aimed projectile, the military features of semiautomatic assault weapons are designed to enhance their capacity to shoot multiple human targets very rapidly. Assault weapons are equipped with large-capacity ammunition magazines that allow the shooter to fire 20, 50, or even more than 100 rounds without having to reload. Pistol grips on assault rifles and shotguns help stabilize the weapon during rapid fire and allow the shooter to spray-fire from the hip position. Barrel shrouds on assault pistols protect the shooter’s hands from the heat generated by firing many rounds in rapid succession. Far from being simply “cosmetic,” these features all contribute to the unique function of any assault weapon to deliver extraordinary firepower. They are uniquely military features, with no sporting purpose whatsoever.¹³

Accordingly, ATF has concluded that assault weapons “are not generally recognized as particularly suitable for or readily adaptable to sporting purposes” and instead “are attractive to certain criminals.”¹⁴ An ATF survey of 735 hunting guides, conducted during the administration of President George H.W. Bush, found that sportsmen do not use assault weapons.¹⁵ These findings were confirmed in a second study performed by ATF under the Clinton Administration.¹⁶



A researcher hired by the Department of Justice to analyze the effect of the 1994 federal ban on assault weapons confirmed that the firepower of assault weapons gives them greater destructive potential. His analysis found that:

attacks with semiautomatics – including assault weapons and other semiautomatics equipped with large capacity magazines – result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms.¹⁷

This contradicts the National Rifle Association's ("NRA") assertion that there are only "cosmetic" differences between the guns affected by the assault weapon ban and other firearms.

TEC-9, TEC-DC-9, and TEC-22 Assault Pistol



Steyr AUG Assault Rifle



Assault Weapons Threaten Law Enforcement and Terrorize Civilians

Since the federal assault weapons ban expired in September 2004, assault weapons have again flooded our streets, causing mayhem. Law enforcement agencies throughout the United States have reported an upward trend in assault weapons violence, forcing many police departments to invest in expensive assault weapons to keep from being outgunned by criminals. However, even with greater firepower and the availability of bulletproof vests, many officers have lost their lives to assault weapon attacks. Hundreds of civilians have also been victimized by assault weapons, many of them in multiple-victim attacks. In an appendix to this report, we list more than 200 assault weapons shootings and attacks that have occurred since the federal ban expired – and the list does not purport to be comprehensive. Assault weapons may not be used in the majority of crimes – handguns are – but they are disproportionately used in crime compared to their numbers in circulation. Moreover, assault weapons have special appeal to terrorists. They have no place in a civilized society.

Police Outgunned

Law enforcement has reported that assault weapons are the “weapons of choice” for drug traffickers, gangs, terrorists, and paramilitary extremist groups. As Los Angeles Police Chief William Bratton said:

There is a reason that these weapons are so appealing to criminals. They are designed to be easily concealed and kill as many people as possible as quickly as possible. Congress must act and act now to protect the American public and our police officers from these deadly weapons. This is about public safety and law enforcement.¹⁸

Law enforcement officers are at particular risk from these weapons because of their high firepower, which often leaves them outgunned by criminals. A researcher for the Department of Justice found that:

[A]ssault weapons account for a larger share of guns used in mass murders and murders of police, crimes for which weapons with greater firepower would seem particularly useful.¹⁹

Indeed, numerous law enforcement officers have been killed with high-firepower assault weapons.²⁰ In black sidebars on the following pages, we list ten cases of officers down since the federal assault weapons ban expired in September 2004. Unfortunately, there have been many more.²¹



OFFICERS DOWN

San Antonio, Texas. September 8, 2008.

A man shot two police officers with an assault rifle when the police attempted to arrest him. A standoff between the suspect and police followed, ending hours later when the suspect shot and killed himself.²²

Tucson, Arizona. June 1, 2008.

A man shot at several houses with an assault rifle, then lead police in pursuit across Tucson for more than an hour. During the chase, the gunman shot at police multiple times, fatally shooting one officer and injuring two Sheriff's deputies.²³

Philadelphia, Pennsylvania. May 3, 2008.

Officer Stephen Liczbinski was shot and killed by an assault rifle as he was responding to a robbery at a Bank of America branch. Three men robbed the bank and were fleeing when Officer Liczbinski stopped their car and exited his patrol car. At that time, one of the bank robbers opened fire with an SKS assault rifle, striking Liczbinski numerous times. One suspect was eventually shot and killed by police and the other two were arrested and charged with murder.²⁴

Miami, Florida. September 13, 2007.

Police spotted a vehicle driving erratically and followed it until it stopped in a residential complex. The suspect got out and hopped a fence to the rear of the home; the officers exited their patrol car and went to the front of the home and were granted permission to search by a female resident. The suspect grabbed a high-powered, military-style assault rifle and fired at the police officers through a window, killing Officer Jose Somohano. The suspect then exited the house and shot three other officers as he escaped. The shooter was caught later that day but would not relinquish his assault rifle so he was shot and killed by police officers.²⁵

Floyd County, Indiana. June 18, 2007.

Two officers responded to a domestic disturbance call between a mother and her son. The officers were speaking with the mother on the driveway when the 15-year-old son ambushed both officers from an upstairs window and shot at them with a high-powered assault rifle. One officer was killed and the other was seriously wounded.²⁶

In addition, police departments have found that the ban's expiration has led to increased criminal access to assault weapons and levels of violent crime, forcing many to outfit their officers with assault rifles of their own.²⁷ An informal survey of about 20 police departments conducted by the International Association of Chiefs of Police revealed that since 2004, all of the agencies have either added assault weapons to patrol units or replaced existing weapons with military-style assault weapons.²⁸

"We're in an arms race," said Police Chief Scott Knight, chairman of the firearms committee of the International Association of Chiefs of Police.²⁹ Indeed, data collected from ATF found that, since 2005, the first full year after the federal ban on assault weapons expired, ATF recorded an 11% increase in crime gun tracings of AK-47-type assault weapons.³⁰

The Chicago Police Department reported a 10% increase in the number of assault weapons seized. Superintendent Phil Cline said, "[t]hese are guns that can shoot up to 30 rounds with a couple pulls of the trigger. And it puts our police in grave danger out there. So, we'd like still to see some kind of ban, either by the state or federally."³¹

In 2006, law enforcement in Miami noted the effect of the expiration of the assault weapons ban on the rash of crimes used with these now-legal weapons.



County state attorney Katherine Fernandez-Rundle stated that the AK-47 is the "favorite weapon" of dangerous gangs gaining influence in Miami.³² Miami-Dade Police Director Robert Parker stated "there was nothing positively gained by the lifting of the ban on assault weapons by the government."³³

Just over a year later, Miami police said that the amount of assault weapons they recovered, and homicides using assault weapons, had continued to increase. While just four percent of homicides in Miami in 2004 were committed with assault weapons, in 2007, it was one in five.³⁴ "It's almost like we have water pistols going up against these high-powered rifles," said John Rivera, president of the Dade County Police Benevolent Association. "Our weaponry and our bulletproof vests don't match up to any of those types of weapons."³⁵

The death of Miami police officer Sgt. Jose Somohano - killed by a shooter wielding a MAK-90 three years to the day after the federal ban expired - prompted Miami Police Chief John Timoney for the first time to authorize officers to start carrying assault weapons. The Chief blamed the expiration of the federal ban for the current "arms race" between police and drug gangs using assault weapons:

This is really a failure of leadership at the national level. We are absolutely going in the wrong direction here. The whole thing is a friggin disgrace.³⁶

He added:

Two or three years ago, we had the lowest homicide rate since 1967 in Miami. Then the homicides skyrocketed with the availability of AK-47s. And it went from 3% of all homicides being committed with AKs, up to 9% two years ago, then 18% last year, and this year it is around 20%. And it's going up.... We're being flooded with these AK-47s."³⁷

Shootings involving assault weapons were among the reasons U.S. Attorney R. Alexander Acosta set up an anti-gang task force of federal, state, and local law enforcement officials in Florida in 2007. Fifteen federal prosecutors were assigned to the effort. Said Acosta of assault weapons:

These bullets are very powerful: they go through walls, they go through cars, and if you just spray the general vicinity you're going to get innocent bystanders. A shooting that might have been an injury previously is now a death.³⁸

Pittsburgh law enforcement also has noticed an increase in criminal use of assault weapons since the expiration of the ban. Firearms like the AK-47 and Soviet SKS Carbine have become the weapons of choice for street criminals. Pittsburgh's Assistant Chief of Police William Mullen blamed the expiration of the ban for this



OFFICERS DOWN

Biloxi, Mississippi. June 5, 2007. A gunman with an AK-47 ambushed police officers in a shootout, killing one, then shooting himself. The gunman lured police by firing shots in the neighborhood and waiting. After shooting one officer, the gunman unloaded an additional round into the patrol car. The gunman had a cache of backup guns and ammunition waiting inside his home.³⁹

Chantilly, Virginia. May 8, 2006. A teenager with an AK-47 and 5 handguns engaged in a firefight at a police station in suburban Virginia, killing Detective Vicky Armel immediately and wounding two other officers, one of whom, Officer Michael Garbarino, died nine days later from his injuries.⁴⁰

Las Vegas, Nevada. February 1, 2006. A 22-year-old fired at least 50 rounds from an assault rifle, shooting two Las Vegas police officers and killing one, before being shot and killed by the surviving officer.⁴¹

Livingston County, Kentucky. June 2, 2005. A deputy was shot when he responded to a domestic disturbance call placed by a couple's 18-year-old daughter. When the officer entered the home, a male fired at least 8 rounds from an assault rifle at him, hitting him four times and killing him. The officer was able to fire one round which killed the gunman.⁴²

Ceres, California. January 9, 2005. A 19-year-old Marine armed with an SKS assault rifle shot two police officers, killing one, in a gun battle outside a liquor store.⁴³

increase and noted, "[t]here's a lot more assault weapons in the area in districts now than ever before."⁴⁴

In Houston, where homicides were up significantly in 2006, Police Chief Harold Hurtt said the AK-47 assault rifle had become "a weapon of choice" among warring gangs.⁴⁵

Palm Beach County police have noted an alarming trend of AK-47 use in violent crimes. Sheriff's Lieutenant Mike Wallace said: "It seems to be the weapon of choice right now. It's a weapon of war, and the function is to kill and maim. When somebody gets hit with that, it causes horrendous damage."⁴⁶ Sergeant Laurie Pfiel of the same office said: "[Criminals] don't have .38s anymore. They have AK-47s."⁴⁷

Martin County Sheriff's Office Captain Ed Kirkpatrick of Florida details the effect of criminal possession of assault weapons on effective law enforcement: "Everyone is taking more precautions. When you stop a car in the middle of the night, you [didn't] think about it. Now you do. These are very powerful weapons."⁴⁸

Franklin County, North Carolina Sheriff Pat Green said: "I've been in this business 25 years, and it's just getting worse," referring to a report that they have been finding more and more assault weapons at crime scenes in the state.⁴⁹ In South Carolina, Lieutenant Ira Parnell, head of the State Law Enforcement Division's firearms lab, noted that investigators are seeing an increase in criminal use of AK-47 and SKS assault rifles.⁵⁰

Fort Wayne, Indiana police reported a significant spike in seizures of assault weapons since the ban expired, from two in 2003, to nine in 2004, eight in 2005, 29 in 2006, and 20 in 2007. "[W]e're certainly seeing them more and more," said Police Chief Rusty York.⁵¹ Similarly, Omaha, Nebraska police seized 39 assault rifles in 2007, up from nine in 2006.⁵²



In San Francisco, Police Officers Association President Gary Delanges said: "Just about every crook you run into out there [who] is a drug dealer or a gang banger's got one of these weapons. And it's putting our officers' lives at risk."⁵³ Deputy Chief Morris Tabak displayed some of the seized assault weapons, including a .22 caliber gun modified to hold 100 rounds. "These are what could be described only as anti-personnel weapons," he said.⁵⁴

Israeli Military Industries Action Arms UZI Assault Rifle



Civilians Massacred

Assault weapons have been used to perpetrate some of the most horrific crimes, including mass murders, ever committed in the United States. Some of the most infamous ones are cited in the Executive Summary of this report. Unfortunately, this gruesome death toll has grown since the expiration of the 10-year federal ban on assault weapons.

As can be seen from the following examples, assault weapons have been used to kill civilians engaged in common activities of life, in all types of circumstances and places. The Appendix lists more than 200 examples from just the last four years.

- **Teens slaughtered at a swimming hole in Wisconsin**

On July 31, 2008, a man used an assault rifle to massacre a group of teenagers, killing three and injuring a fourth near Niagara, Wisconsin. The teens were gathered along a river to go swimming when the gunman emerged from surrounding woods and began shooting.⁵⁵



- **Apartment employees shot by a disgruntled tenant in Virginia**

On March 19, 2008, in Virginia Beach, Virginia, a man shot five people, killing two, with an AK-47 assault rifle and .9mm handgun before killing himself. The man was about to be evicted from his apartment and targeted the apartment complex's employees in his attack.⁵⁶

- **Churchgoers gunned down in Colorado**

On December 9, 2007, a man armed with an assault rifle attacked a missionary training center in Arvada and a church in Colorado Springs. He killed two people and injured two others in Arvada, and killed two and injured three others, including two teenage sisters, in Colorado Springs. He was injured by a security guard and then shot himself.⁵⁷

- **Mall shoppers massacred in Nebraska, Washington, and New York**

On December 5, 2007, nine people were shot to death and five others were injured after a 20-year-old shooter, armed with a military-style assault rifle, attacked shoppers in a department store in an Omaha, Nebraska mall.⁵⁸

On November 20, 2005, a 20-year-old male opened fire in a Tacoma, Washington mall, wounding six. The shooter took four hostages, all of whom were released unharmed.⁵⁹

On February 13, 2005, a gunman fired more than 60 shots from an AK-47 assault rifle in the Hudson Valley Shopping Mall in Ulster, New York, wounding two and causing tens of thousands of dollars of damage before being apprehended. A few hours earlier, the shooter had purchased armor-piercing ammunition from a nearby Wal-Mart.⁶⁰

- **Birthday party celebrants spray-fired in Louisiana**

On September 15, 2007, at least 28 bullets were fired from an AK-47 at an outdoor birthday party for five-year-old twins in the courtyard of a housing complex in Kenner, Louisiana. A 19-year-old was killed and three children were wounded, ages 7, 8 and 13.⁶¹

- **Pregnant woman and child shot while sleeping in Illinois**

On June 25, 2006, in Calumet City, Illinois, a 22-year old pregnant woman and her three-year old son were shot and killed while they were sleeping when an unknown gunman fired 30 rounds from an AK-47 into their home at 1:15 a.m.⁶²



- **Family massacred in a home robbery in Indiana**

On June 2, 2006, in Indianapolis, Indiana, seven family members, four adults and three children, were shot and killed in their home by a robber armed with an assault rifle. Nearly 30 shell casings were found.⁶³

- **Two young girls shot in their homes in Illinois**

On March 11, 2006, 10-year-old Siretha White was killed by a shot to her head as she was celebrating her birthday in her living room. A spray of bullets from an assault weapon peppered the house from a nearby fight.⁶⁴

Just over a week earlier, on March 3, 2006, a stray bullet from an assault rifle struck a 14-year-old honor student as she was looking out the window of her home, killing her instantly.⁶⁵

- **College students murdered while camping in Florida**

On January 7, 2006, two college students camping in the Ocala National Forest in Florida were randomly targeted by a man who shot and killed them with a stolen AK-47.⁶⁶

- **Domestic violence leads to mass shootout on courthouse steps in Texas and triple-slaying in Ohio**

On February 25, 2005, in Tyler, Texas, a gunman who was reportedly fighting with his ex-wife over child support for their two youngest children, shot over 50 rounds from an SKS assault rifle on the steps of his local courthouse, killing his ex-wife and a bystander. The shooter's 23-year-old son and three law enforcement officers were wounded in a shootout.⁶⁷

Just a day earlier in Akron, Ohio, a man shot and killed his girlfriend and her seven-year-old son using an AR-15 assault weapon, then fired more than 100 rounds at a dozen law enforcement officers as he fled the murder scene. The gunman was arrested the next morning inside the apartment of a Kent State University student, who he also murdered with the AR-15 assault weapon. Police subsequently seized 21 weapons kept by the suspect, including an Uzi and an AK-47.⁶⁸

- **Hunters gunned down in the woods in Wisconsin**

On November 21, 2004, near Hayward, Wisconsin, a 36-year-old man opened fire with an SKS semiautomatic rifle, killing six members of a hunting party and wounding two after being asked to leave another hunter's property.⁶⁹



Crime Use Disproportionate

The firepower of assault weapons makes them especially desired by violent criminals and especially lethal in their hands. Prior to the Act, although assault weapons constituted less than 1% of the guns in circulation,⁷⁰ they were a far higher percentage of the guns used in crime. ATF's analysis of guns traced to crime showed that assault weapons "are preferred by criminals over law abiding citizens eight to one.... Access to them shifts the balance of power to the lawless."⁷¹

In arguing against assault weapon bans, the NRA and its supporters have cited Justice Department studies based on surveys of state and federal prisoners to claim that assault weapons are used in only 2% of crimes nationally. These studies, however, actually confirm the disproportionate use of assault weapons in crime. More than 80% of these prisoners used *no firearm* in the commission of their crime. Within the category of inmates who used guns to commit crimes, semiautomatic assault weapons were actually used in 6.8% of state prosecutions and 9.3% of federal prosecutions.⁷² Both percentages are much higher than the estimated 1% of guns in circulation that are assault weapons.⁷³

In addition, research by Dr. Garen Wintemute of the University of California at Davis has found that gun buyers with criminal histories were more likely to buy assault weapons than buyers without such histories. Wintemute further found that the more serious the offender's crimes, the more likely he is to buy assault weapons. Assault weapon buyers also are more likely to be arrested after their purchases than other gun purchasers.⁷⁴

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



Terrorists Armed

As our nation wages a war on terrorism – at home and abroad – one salient fact is especially unassailable: terrorists and assault weapons go together. The assault weapon's capacity to mass-murder within a matter of seconds makes it an ideal weapon for domestic and foreign terrorists alike. The oft-seen file footage of Osama Bin Laden,



aiming his AK-47 at an unknown target, is now a familiar reminder of the incontrovertible connection between terrorism and assault weapons.

After America's bombing of terrorist camps in Afghanistan after 9/11, the *Chicago Tribune* reported that, among the mounds of rubble found at a training facility in Kabul for a radical Pakistan-based Islamic terrorist organization, was a manual entitled "How Can I Train Myself for Jihad" containing an entire section on "Firearms Training."⁷⁵ Tellingly, the manual singles out the United States for its easy availability of firearms and advises al-Qaeda members living in the United States to "obtain an assault weapon legally, preferably AK-47 or variations." Further, the manual sets forth guidelines for how would-be terrorists should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms.

As the following examples indicate, terrorists have sought and obtained assault weapons in the U.S.

- **Conspirators armed to attack within the United States**

On May 7, 2007, five New Jersey men were indicted for conspiring to attack the United States Army base at Fort Dix, NJ. Over several months, the conspirators managed to stockpile numerous assault weapons, along with shotguns and various other small arms, and used these weapons in tactical training for their attack. The men had also arranged to purchase five fully automatic AK-47s and several M-16s at the time of their arrest.⁷⁶

On March 16, 2005, in New York, Artur Solomonyan, an Armenian, and Christian Dewet Spies, of South Africa, were indicted for smuggling a small arsenal of assault weapons into the U.S. from Russia and Eastern Europe. The two men, who had entered the U.S. illegally, stored these weapons in storage lockers in New York, Los Angeles, and Fort Lauderdale. When approached by an FBI informant with ties to terrorist organizations, Solomonyan and Spies offered to sell him AK-47s and machine guns, along with RPG-launchers, mines, and other military-grade ordnance.⁷⁷

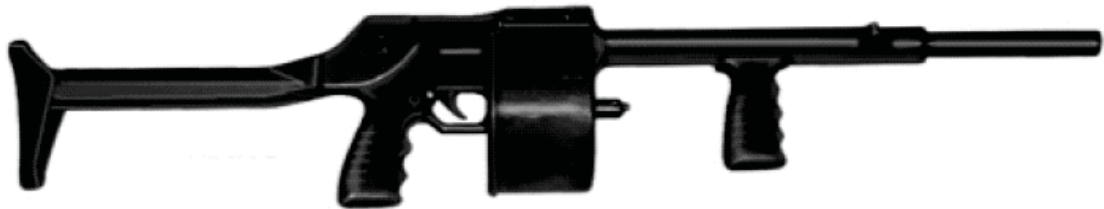
In late April 2004, Michael J. Breit of Rockford, Illinois, was arrested after firing his AK-47 in his apartment. Federal agents recovered seven guns, more than 1,300 rounds of ammunition, pipe bomb making components and other explosives, a list of government officials and political and public figures with the word "marked" written next to them, and a written plan for 15 heavily armed men to kill 1,500 people at a Democratic presidential event. Breit's library included *The Turner Diaries*, the anti-government cult novel that inspired Timothy McVeigh, and *Guns, Freedom and Terrorism*, the book authored by NRA CEO Wayne LaPierre, investigators said.⁷⁸

In September 2001, Ben Benu, Vincente Pierre and his wife were arrested in Virginia for illegally buying assault weapons and other guns. The arrests were part of the post-September 11th sweep of terrorism suspects. They were alleged to be part of a militant group called Muslims of America (also linked to a terrorist group called Al



Fuqra). They bought guns including an SKS assault rifle, a 9mm pistol, and AK-47 ammunition.⁷⁹

Street Sweeper/Striker 12 Assault Shotgun



- **Arming terrorists and criminals abroad with assault weapons bought here**

On May 6, 2008, Phoenix gun dealer George Iknadosian and two associates were arrested after receiving a shipment of weapons intended for sale to a Mexican drug cartel. An undercover investigation by ATF indicated that Iknadosian sold at least 650 AK-47 assault rifles for trafficking to Mexico but that the actual number might have been closer to 1,000. Such weapons feed the on-going conflict between drug traffickers and Mexican authorities, a conflict which resulted in more than 2,000 law enforcement deaths in an 18-month period.⁸⁰

Over several months in 2006, Adan Rodriguez purchased more than 100 assault rifles, along with many other weapons, from Dallas area gun shops on behalf of Mexican drug traffickers who paid him in cash and marijuana. Rodriguez's arrest was one of several key arrests in a five-year crack-down on weapons smuggling to Mexico. AK-47's, AR-15's, and other high-powered assault weapons, obtained either at gun shows or through straw purchasers, fuel an on-going war between major Mexican cartels and police and military officials. Over 4,000 people were killed in this drug-related violence during an 18-month period in 2007-2008.⁸¹

On September 10, 2001, Ali Boumelhem was convicted on a variety of weapons charges plus conspiracy to ship weapons to the terrorist organization Hezbollah in Lebanon. He and his brother had purchased an arsenal of shotguns, hundreds of rounds of ammunition, flash suppressors and assault weapons components at Michigan gun shows. Had it not been for a police informant, these purchases would have eluded any scrutiny.⁸²

Stephen Jorgensen purchased hundreds of firearms, including AK-47 clones called MAK-90s, with plans to ship them overseas from Tampa, Florida. Jorgensen bought 800 MAK-90s, loading them on to small planes. US customs officials say the guns were headed to the FARK guerilla movement in Colombia, a group on the U.S. terrorism watch list. Jorgensen was caught because he illegally exported the guns.⁸³



In June 2001 federal agents arrested Keith Glaude when he tried to purchase 60 AK-47 assault rifles and 10 machine guns in Florida. He told authorities that he intended to ship the guns to an Islamic extremist group in his native Trinidad. Previously, that group had acquired over 100 assault weapons in Florida that it used in a 1990 attempt to overthrow the government of Trinidad and Tobago.⁸⁴

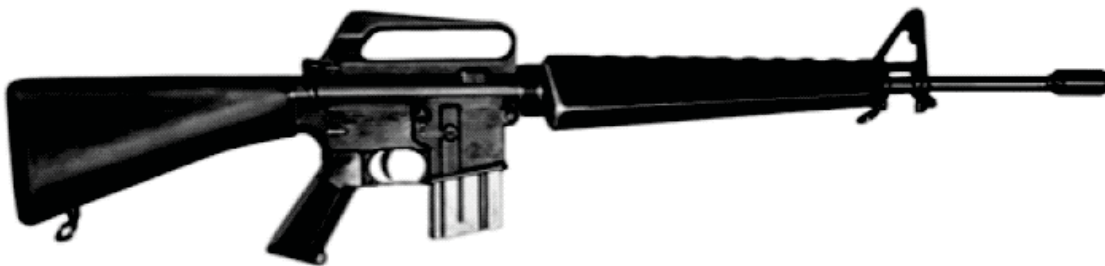
- **Using assault weapons in terrorist attacks**

Over a period of weeks in 2002, John Mohammed, a convicted felon, and his juvenile cohort, Lee Boyd Malvo, terrorized the entire metropolitan Washington, D.C. area by engaging in a series of sniper attacks on randomly-selected victims. In all, they shot 16 victims with a Bushmaster XM-15 E2S .223 caliber semiautomatic assault rifle that one of the snipers allegedly shoplifted from a Tacoma, Washington gun store. Each of the victims was randomly gunned down while going about simple activities of daily living, like closing up a store after work,⁸⁵ filling a car with gas at a service station,⁸⁶ mowing a lawn,⁸⁷ or loading one's car in a mall parking lot.⁸⁸ Both shooters have been convicted of their offenses.

On March 1, 1994, terrorist Rashid Baz opened fire on a van of Hasidic students crossing the Brooklyn Bridge, killing one student and wounding another. Baz used a Cobray M-11 assault pistol in the crime. He assembled it from a mail-order kit.⁸⁹

On January 25, 1993, Pakistani national Mir Aimal Kasi killed 2 CIA employees and wounded 3 others outside the entrance to CIA headquarters in Langley, Virginia. Kasi used a Chinese-made semiautomatic AK-47 assault rifle equipped with a 30-round magazine purchased from a Northern Virginia gun store.⁹⁰ After fleeing the country, he was arrested in Pakistan in June 1997 and convicted by a Virginia jury in November of that year.⁹¹

Colt AR-15 Assault Rifle



Assault Weapons Have No Sporting or Self-Defense Purpose

Prior to passage of the federal assault weapons ban, the importation of certain types of assault weapons from overseas was banned during the Reagan and George H.W. Bush Administrations. These import bans were ordered by ATF under the 1968 Gun Control Act, which bars the importation of guns that are not “particularly suitable for or readily adaptable to sporting purposes.”⁹²

Under the Reagan Administration, ATF blocked the importation of certain models of shotguns that were not suitable for sporting purposes. In 1989, during the George H.W. Bush Administration, ATF expanded this list to permanently ban the importation of 43 types of semiautomatic assault rifles that were also determined not to have a sporting purpose. Later, in 1998, President Clinton banned the importation of 58 additional foreign-made “copycat” assault weapons in order to close a loophole in the existing import ban.⁹³

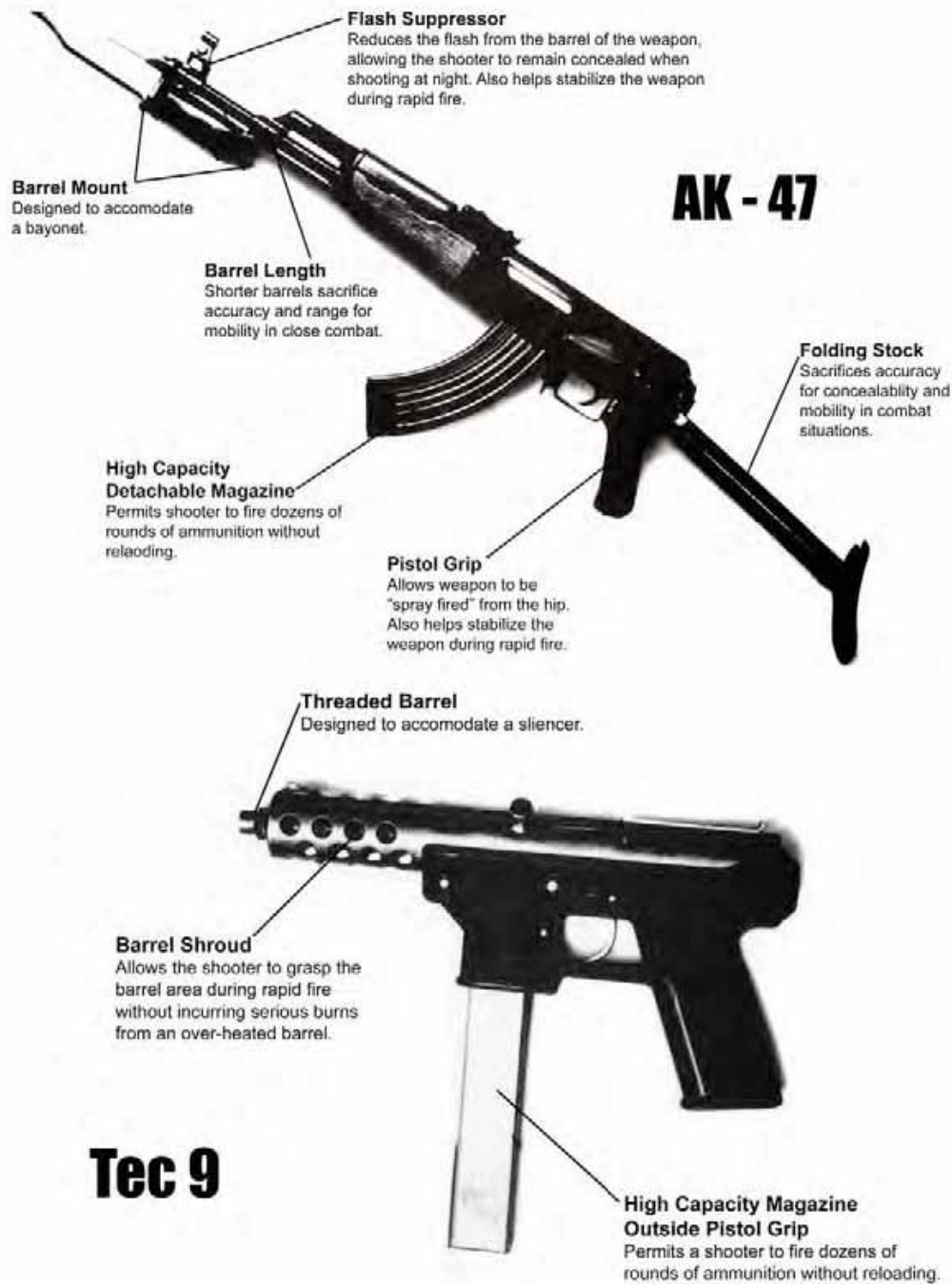
Assault weapons, as opposed to hunting rifles, are commonly equipped with some or all of the following combat features that have no sporting value:

- **A high-capacity ammunition magazine** enabling the shooter to continuously fire dozens of rounds without reloading. Standard hunting rifles are usually equipped with no more than three or four-shot magazines.
- **A folding or telescoping stock**, which sacrifices accuracy for concealability and for mobility in close combat.
- **A pistol grip or thumbhole stock**, which facilitates firing from the hip, allowing the shooter to spray-fire the weapon. A pistol grip also helps the shooter stabilize the firearm during rapid fire.
- **A barrel shroud**, which allows the shooter to grasp the barrel area to stabilize the weapon, without incurring serious burns, during rapid fire.
- **A flash suppressor**, which allows the shooter to remain concealed when shooting at night, an advantage in combat but unnecessary for hunting or sporting purposes. In addition, the flash suppressor is useful for providing stability during rapid fire, helping the shooter maintain control of the firearm.
- **A threaded barrel designed to accommodate a flash suppressor or silencer**. A silencer is useful to assassins but clearly has no purpose for sportsmen. Silencers are also illegal.
- **A barrel mount designed to accommodate a bayonet**, which obviously serves no sporting purpose.



Combat Hardware Commonly Found on Assault Weapons

Assault weapons generally include features that are useful for offensive assaults on people, but have no sporting or self-defense function. Some of these are shown below.



- **A grenade launcher or flare launcher**, neither of which could have any sporting or self-defense purpose.
- **A shortened barrel** designed to reduce the length of an assault rifle to make it more concealable. This reduces accuracy and range.⁹⁴

In addition to utilizing military features useful in combat, but which have no legitimate civilian purpose, assault weapons are exceedingly dangerous if used in self defense, because the bullets many of the weapons fire are designed to penetrate humans and will penetrate structures, and therefore pose a heightened risk of hitting innocent bystanders. As Jim Pasco, executive director of the Fraternal Order of Police has explained: **“An AK-47 fires a military round. In a conventional home with dry-wall walls, I wouldn’t be surprised if it went through six of them.”**⁹⁵ A bullet fired in self-defense that penetrated a home’s walls, could strike bystanders in neighboring rooms, apartments, or houses.

High capacity magazines containing more than 10 rounds, which were also banned as part of the Federal Assault Weapons Act, are also not useful for self-defense, as former Baltimore County Police Department Colonel Leonard J. Supenski has testified:

The typical self-defense scenario in a home does not require more ammunition than is available in a standard 6-shot revolver or 6-10 round semiautomatic pistol. In fact, because of potential harm to others in the household, passersby, and bystanders, too much firepower is a hazard. Indeed, in most self-defense scenarios, the tendency is for defenders to keep firing until all bullets have been expended.⁹⁶

Assault weapons were designed for military use. They have no legitimate use as self-defense weapons.



Sportsman Jim Zumbo Speaks Out “Assault” Rifles are “Terrorist” Rifles

A long-standing writer for *Outdoor Life* magazine, Jim Zumbo, created a huge controversy within the gun lobby when he admitted in an online blog that assault rifles have no place as hunting weapons. Zumbo wrote:

“I must be living in a vacuum. The guides on our hunt tell me that the use of AR and AK rifles have a rapidly growing following among hunters, especially prairie dog hunters. I had no clue. Only once in my life have I ever seen anyone using one of these firearms.

I call them ‘assault’ rifles, which may upset some people. Excuse me, maybe I’m a traditionalist, but I see no place for these weapons among our hunting fraternity. I’ll go so far as to call them ‘terrorist’ rifles. They tell me that some companies are producing assault rifles that are ‘tackdrivers.’

Sorry, folks, in my humble opinion, these things have no place in hunting. We don’t need to be lumped into the group of people who terrorize the world with them, which is an obvious concern. I’ve always been comfortable with the statement that hunters don’t use assault rifles. We’ve always been proud of our “sporting firearms.

This really has me concerned. As hunters, we don’t need the image of walking around the woods carrying one of these weapons. To most of the public, an assault rifle is a terrifying thing. Let’s divorce ourselves from them. I say game departments should ban them from the prairies and woods.”⁹⁷

Israel Military Industries Action Arms Galil Assault Rifle



“Dangerous and Unusual Weapons” Are Not Protected by the Second Amendment

The Second Amendment does not provide constitutional protection for military-style assault weapons. In *District of Columbia v. Heller*,⁹⁸ the Supreme Court recently ruled that the Second Amendment protects an individual right to keep and bear arms for self-defense in the home.⁹⁹ However, the Court also went out of its way to indicate that the right is limited in a number of ways. One limitation, the Court held, is that not all “arms” are protected.

We also recognize another important limitation on the right to keep and carry arms. [*U.S. v.*] *Miller* said, as we have explained, that the sorts of weapons protected were those “**in common use at the time.**” We think that limitation is fairly supported by the historical tradition of prohibiting carrying of “**dangerous and unusual weapons.**”¹⁰⁰

Assault weapons are certainly “dangerous and unusual weapons” according to any reasonable analysis of that phrase. They are military-style offensive weapons designed to slaughter human beings.¹⁰¹ This differentiates them from all hunting rifles and shotguns, as well as common handguns, which are often used in crime but have also been used in self-defense.

Moreover, assault weapons have never been “in common use” at **any** time. As semi-automatic versions of machine guns developed for use during the World Wars of the 20th Century, they are a relatively recent invention. In addition to being banned by the federal government for 10 years, they have been banned in several states.¹⁰² Plus, ATF has twice concluded, after thorough analyses in 1989 and 1998, that assault weapons have no “sporting purpose.”¹⁰³ This conclusion has blocked them from being imported into the United States.

Another factor suggesting that the Second Amendment does not protect assault weapons is that state supreme courts have consistently upheld the constitutionality of assault weapon bans as reasonable regulations designed to protect public safety under broadly-worded right-to-bear-arms provisions in state constitutions.¹⁰⁴ The *Heller* Court relied on these state constitutional provisions, many of which were adopted in the 18th and 19th centuries, to support its interpretation that the Second Amendment protects an individual right to bear arms. Courts construing the Second Amendment, post-*Heller*, can be expected to apply a similar standard of review, and uphold a federal assault weapons ban.



A Strong Federal Assault Weapons Ban Should Be Enacted

In response to mass shootings and mounting public pressure, Congress finally passed a nationwide ban on assault weapons 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.¹⁰⁵

Those factors are just as prevalent today. Indeed, after 9/11, the need may be greater.

Unfortunately, the 1994 statute's scope and effectiveness were limited in several important ways. First, the law included a 10-year sunset provision allowing it to lapse when it was not re-enacted in 2004. Second, the law contained a list of assault weapons banned by make and model, but this list was not comprehensive. Third, the statute also banned guns by reference to their military features, but required guns to have **two** of these features (in addition to being semiautomatic firearms capable of accepting a detachable, high-capacity ammunition magazine) in order to be banned. The requirement of two military features created a loophole that allowed gun makers to continue manufacturing and selling stripped-down assault weapons.¹⁰⁶

The result was a piece of legislation that was valuable at keeping many of the most dangerous assault weapons out of criminals' hands, but one that also had an opening for gun manufacturers to evade the ban. Some manufacturers evaded the ban by developing guns, like the Bushmaster XM-15, Intratec's AB ("After Ban")-10, and Olympic Arms PCR ("Politically Correct Rifle"), with only minor changes in features to banned weapons.

Effect of the 1994 Ban

According to a study published by the Brady Center in 2004 entitled *On Target: The Impact of the 1994 Federal Assault Weapons Act*, the federal assault weapons ban reduced the incidence of assault weapons use in crime. In the five-year period (1990-1994) before enactment of the ban, assault weapons named in the Act constituted 4.82% of the crime gun traces ATF conducted nationwide. In the post-ban period after 1995,¹⁰⁷ these assault weapons made up only 1.61% of the guns ATF has traced to crime – a drop of 66% from the pre-ban rate.¹⁰⁸ Moreover, ATF trace data showed a steady year-by-year decline in the percentage of assault weapons traced, suggesting that the longer the statute was in effect, the less available these guns became for



criminal misuse. Indeed, the absolute number of banned assault weapons traced also declined. An initial report issued by the Department of Justice supported these findings.¹⁰⁹ These findings were further supported in a later report by one of the same researchers.¹¹⁰

This analysis was based on crime gun trace data compiled by ATF of more than 1.4 million crime guns recovered across the United States between 1990 and 2001.¹¹¹ If the ban had not been enacted, and had the banned assault weapons continued to make up the same percentage of crime gun traces as before the Act's passage, it was estimated that approximately 60,000 more of the banned assault weapons would have been traced to crime in the 10 years the law was in effect. Former ATF officials at Crime Gun Solutions, LLC, including the former Special Agent in Charge of ATF's National Tracing Center, analyzed the data for the Brady Center.

On Target also looked at the problem of "copycat" assault weapons developed by the gun industry to enable the continued sale of high-firepower weapons. The study found that industry efforts to evade the federal ban through the sale of these "copycat" weapons was able to diminish, but not eliminate, the 1994 Act's beneficial effects. Even including copycats of the federally banned guns, there was still 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 lesson to be drawn from this study is that a new assault weapons ban should be passed to reduce criminal use of these dangerous weapons, but it should be stronger and more comprehensive than the original federal ban to reduce indirect evasion through the manufacture of "copycat" weapons. One model for a strong assault weapons ban is the law California enacted in 2000 that bans military-style weapons capable of accepting high-capacity ammunition magazines that have even a single combat feature.¹¹² Representative Carolyn McCarthy has introduced similar strong assault weapons legislation in the U.S. House of Representatives.¹¹³

Support by Law Enforcement, the Public, and Presidents

The law enforcement community has long supported strong assault weapons bans. Every major national law enforcement organization in the country supported the Federal Assault Weapons Act and urged its renewal, including the Law Enforcement Steering Committee, Fraternal Order of Police, National Sheriffs' Association, International Association of Chiefs of Police, Major City Chiefs Association, International Brotherhood of Police Officers, National Association of Police Organizations, Hispanic American Police Command Officers Association, National Black Police Association, National Organization of Black Law Enforcement Executives, Police Executive Research Forum, and Police Foundation.

In poll after poll, the American people, regardless of party affiliation, have consistently supported a federal ban on assault weapons. In an ABC/Washington Post poll conducted in August-September 1999, 77% of adults supported a nationwide ban



on the sale of assault weapons.¹¹⁴ That same percentage held firm through the end of 2003 when an NBC News/Wall Street Journal poll found that 78% of adults nationwide expressed support for renewing the federal ban.¹¹⁵ In September 2004, just after the assault weapons ban expired, a Harris poll found that a substantial majority of Americans, 71%, favored reinstatement of the ban.¹¹⁶ As more time has passed without a federal assault weapons ban in effect, support for a ban has grown. For example, a 2007 poll from Illinois found that 80% of voters favored banning semiautomatic assault weapons.¹¹⁷ Newspaper editorial boards have also continued their strong support for getting assault weapons off our nation's streets.¹¹⁸

Presidents across the political spectrum have supported an assault weapons ban. Former Presidents Ford, Carter, and Reagan wrote Congress in support of the 1994 ban to "urge you to listen to the American public and to the law enforcement community and support a ban on the further manufacture of these weapons."¹¹⁹ In 2004, Presidents Ford, Carter, and Clinton wrote to urge re-authorization of the ban.¹²⁰ President George W. Bush also stated that he supported the ban and would sign its reauthorization if it passed Congress.

- **Senator Obama Opposes Assault Weapons for Civilians, While Senator McCain Supports Them**

Of the Presidential candidates, Senator Barack Obama supports banning assault weapons. He also addressed the issue in his acceptance speech to the 2008 Democratic Convention, saying, "The reality of gun ownership may be different for hunters in rural Ohio than they are for those plagued by gang violence in Cleveland, but don't tell me we can't uphold the Second Amendment while keeping AK-47s out of the hands of criminals."

Senator John McCain has consistently opposed an assault weapon ban, saying it "represented an arbitrary restriction on the constitutional rights of law-abiding citizens."



Conclusion

Assault weapons are weapons of war that are sought after and used by street gangs, drug dealers, and terrorists, but are of no use to law-abiding persons who own guns for sporting purposes and self-defense. Law enforcement and an overwhelming majority of the American public realize that these guns have no place in civilian hands, and should be banned. For 10 years, America attempted to limit the mayhem caused by assault weapons and the high-capacity ammunition magazines that they utilize. Although the gun industry worked hard to evade the federal ban by marketing assault weapons stripped of enough features to get by, gun makers were not wholly effective at neutralizing the federal ban's effect. Even accounting for the industry's evasive efforts, the use of assault weapons in crime declined substantially. Unfortunately, President Bush and the 108th Congress allowed it to lapse.

We need to enact a new, stronger federal assault weapons ban to keep these dangerous guns off the streets – a law that will ban all military-style weapons and with no sunset provision.

The lives of our law enforcement officers and our citizens hang in the balance.

Beretta AR 70 Assault Rifle



APPENDIX: Examples of Assault Weapon Violence Since Federal Ban Expired

- **North Tulsa, Oklahoma. October 6, 2008.** A man accidentally shot his roommate with an SKS assault rifle. The victim and shooter were arguing with the victim's estranged wife and another man when the shooter fired warning shots, hitting his roommate inadvertently.¹
- **Madison, Illinois. October 6, 2008.** A 12-year-old boy died after getting caught in the middle of a gunfight. More than 40 shots were fired as a man with an assault rifle exchanged fire with gunmen in cars.²
- **Springfield, Missouri. October 4, 2008.** A 21-year-old shot two men with an AR-15 Assault Rifle during an argument at a nightclub.³
- **Kansas City, Missouri. October 2, 2008.** Two men, one armed with an assault rifle, shot at two undercover police officers. The officers returned fire, injuring the two assailants.⁴
- **Brownsville, Texas. September 30, 2008.** Two men armed with an AK-47 Assault Rifle and .38 revolver shot multiple rounds at a group of men gathered outside a home twice in one night. There was a long-standing argument between the shooters and one of the victims. Nobody was hurt in either incident.⁵
- **Battle Creek, Michigan. September 28, 2008.** A felon with an assault weapon shot two teenagers in retaliation for a shooting several weeks prior.⁶
- **Jackson, Mississippi. September 26, 2008.** Two men armed with an assault rifle shot repeatedly at a house, hitting a woman and a one year old boy inside.⁷
- **Lenoir, North Carolina. September 21, 2008.** A former police officer and army veteran, who was armed with an assault rifle, shot two sheriff's deputies, killing one of them.⁸
- **San Antonio, Texas. September 18, 2008.** A gunman with an AK-47 assault rifle fired more than 15 rounds at a home, hitting a woman sleeping inside twice.⁹

¹ *Man accidentally shot by roommate*, KJRH-TV 2, Tulsa, Oklahoma, Oct. 6, 2008.

² *12 Year Old Shot Dead In Madison, Illinois Overnight*, ASSOCIATED PRESS, Oct. 7, 2008.

³ Dirk Vanderhart, *Shooting prompted by conflict over woman, hat*, SPRINGFIELD NEWS-LEADER, Oct. 7, 2008.

⁴ *KCMO Officers Fired on with Assault Rifle*, WDAF-TV 4, Kansas City, Missouri, Oct. 2, 2008.

⁵ *Police: 10-year grudge prompts downtown shooting*, BROWNSVILLE HERALD, Oct. 3, 2008.

⁶ Trace Christenson, *B.C. man faces attempted murder charge*, BATTLE CREEK ENQUIRER, Oct. 2, 2008.

⁷ *2 men charged in shooting denied bond*, ASSOCIATED PRESS, Oct. 2, 2008.

⁸ Dee Henry, *Armed and dangerous*, HICKORY DAILY HERALD, Sept. 22, 2008.



- **Charlotte, North Carolina. September 15, 2008.** Two people were sitting in a car outside an apartment building when a man shot at them with an assault rifle. One person in the car was hit twice and the other individual was injured by shattered glass.¹⁰
- **Houston, Texas. September 9, 2008.** One person died and two were injured in an overnight shooting. The assailants were carrying several weapons, including an assault rifle.¹¹
- **San Antonio, Texas. September 8, 2008.** A man shot two police officers with an assault rifle when the police attempted to arrest him. A standoff between the suspect and police followed, ending hours later when the suspect shot and killed himself.¹²

Tulsa, Oklahoma. September 7, 2008. A gunman with an assault weapon opened fire on a car carrying five teenagers home from church. Four of the five passengers were hit: Donivan Crutcher died from his wounds, Adrion Crutcher sustained damage to his spinal cord, Jeremy Williams lost the sight in his left eye, and Jahmal Bryant was in the intensive care unit. Four days later, a suspect was arrested in connection with the shooting.¹³

- **Birmingham, Alabama. September 5, 2008.** A man shot and killed his landlord with an SKS assault rifle after the two argued over stolen property.¹⁴
- **Dayton, Ohio. August 26, 2008.** A 31-year-old man sustained severe leg injuries when he was shot multiple times with an assault rifle.¹⁵
- **Hope Mills, North Carolina. August 25, 2008.** An 18-year-old shot a man in the head with an assault rifle. The victim was leaving the shooter's house by car, along with a woman and baby, when the incident occurred.¹⁶
- **Miami, Florida. August 23, 2008.** An intoxicated customer was shot with an AK-47 assault rifle after being kicked out of a strip club. The shooter was then shot by another man, who was also carrying an assault rifle.¹⁷

⁹ *Shooter Opens Fire On Home, Sleeping Woman Hit Twice*, WOAI – TV 4 San Antonio, Sept. 18, 2008.

¹⁰ *Apartment Complex Evacuated After Double Shooting*, WSOC-TV 9, Sept. 16, 2008.

¹¹ *Suspects in Triple Shooting Had Assault Rifle, Multiple Weapons*, FOX 26 TV Houston, Sept. 10, 2008.

¹² *SAPD Details Monday Shooting Investigation*, KSAT12-TV, San Antonio, Texas, Sept. 10, 2008.

¹³ *Arrest made in deadly drive-by*, TULSA WORLD, Sept. 12, 2008.

¹⁴ *Landlord Killed After Argument Over Stolen Copper*, NBC13-TV, Birmingham, Alabama, Sept. 8, 2008.

¹⁵ *Man Targeted By Shooter With Assault Rifle*, WHIOTV, Dayton, Ohio, Aug. 27, 2008.

¹⁶ *Three charged in Hope Mills shooting*, THE FAYETTEVILLE OBSERVER, Aug. 28, 2008.

¹⁷ *2 Dead in Shootout At Strip Club*, NBC6-TV, Miami, Florida, Aug. 23, 2008.



- **Youngsville, North Carolina. August 22, 2008.** A 12-year-old boy accidentally shot an 11-year-old neighbor with an AK-47 assault rifle.¹⁸
- **San Antonio, Texas. August 20, 2008.** A man was chased by a group of young men outside an apartment complex and was shot twice with an assault rifle.¹⁹
- **West Valley City, Utah. August 15, 2008.** Three men in an SUV shot at another car with an assault rifle and then led police on a high-speed chase. The police recovered drugs, alcohol, live casings, and an assault rifle from the car.²⁰

Newark, New Jersey. August 14, 2008. 15-year-old Bukhari Washington was killed after a bullet fired from a Chinese-made Norinco SKS assault rifle struck his bed while he slept. The gun was fired accidentally when its owner, 19-year-old Terrance Perry, was “fiddling” with it in the apartment below. Washington was a student at Christ the King Preparatory School and interned at a nursing home for people with HIV and AIDS.²¹

- **Birmingham, Alabama. August 11, 2008.** A 17-year-old girl was in a car that was sprayed by bullets from an AK-47. The girl exited the car and tried to run home when she was shot twice, once in the chest and again in her left hand, severing it. She died moments later from her injuries.²²
- **New Orleans, Louisiana. August 10, 2008.** One man was injured and another man died after being shot with an AK-47 assault rifle.²³
- **New Orleans, Louisiana. August 8, 2008.** A gunman carrying an assault rifle shot two people.²⁴
- **Niagara, Wisconsin. July 31, 2008.** A man with an assault rifle massacred a group of teenagers, killing three and injuring a fourth. The group was gathered along a river to go swimming when the gunman emerged from surrounding woods and began shooting.²⁵

¹⁸ *Sheriff says boy, 11, shot with AK-47*, THE NEWS & OBSERVER, Aug. 24, 2008.

¹⁹ *Man Chased Down and Shot to Death*, WOAI-TV, San Antonio, Texas, Aug. 21, 2008.

²⁰ *Shooting triggers high-speed chase; 3 arrested*, THE SALT LAKE TRIBUNE, Aug. 15, 2008.

²¹ Jonathan Schuppe, *Senseless Shot, Random Death: Respected teen is slain in bed, to Newark's grief*, THE STAR-LEDGER, Aug. 15, 2008.

²² Dan Barry, *Gunshot, then silence: And the sorrow spreads*, NEW YORK TIMES, Aug. 17, 2008.

²³ Nicole Dungca & Ramon Antonio Vargas, *Two die Sunday in separate slayings*, THE TIMES-PICAYUNE, Aug. 11, 2008.

²⁴ Leslie Williams, *Mob scene follows double shooting*, THE TIMES-PICAYUNE, Aug. 9, 2008.

²⁵ *Niagara, Wisconsin shooting suspect caught*, THE CHICAGO TRIBUNE, Aug. 1, 2008.



- **Pittsburgh, Pennsylvania. July 31, 2008.** Two men with an assault rifle shot and killed two cousins as they talked outside a home.²⁶
- **Orlando, Florida. July 30, 2008.** A man with an assault rifle shot and killed two teenagers and another man over stolen property.²⁷
- **Dallas, Texas. July 29, 2008.** A Dallas Morning News deliveryman was shot multiple times with an assault rifle while delivering papers early in the morning. His 14-year-old son was with him, but was not injured.²⁸
- **Kansas City, Missouri. July 28, 2008.** Three men broke into a home and held up the occupants at 1:30 in the morning. The men were armed with an assault rifle with a bayonet attached.²⁹
- **Detroit, Michigan. July 27, 2008.** Three people died, including a 17-year-old girl, after being shot with an assault rifle while leaving a bar.³⁰
- **Salt Lake City, Utah. July 26, 2008.** A 19-year-old airman shot a 22-year-old with an assault rifle after the two argued at a nightclub. The airman shot another person several months earlier.³¹
- **Chattanooga, Tennessee. July 24, 2008.** Two men armed with an SKS assault rifle shot a 28-year-old man in the head and back.³²

Oakland, California. July 23, 2008. 23-year-old Amanda Hunter was killed when she was accidentally shot in the head with an assault rifle. Hunter was attempting to remove the weapon from her home when it fell to the ground and fired. Her boyfriend, the owner of the weapon and a convicted felon, was arrested for weapons related charges including being a felon in possession of a firearm.³³

- **New Orleans, Louisiana. July 15, 2008.** A man died after being shot repeatedly with an AK-47 while asleep in his trailer.³⁴

²⁶ Jill King Greenwood, *72 killings set bloody pace in city, county*, PITTSBURGH TRIBUNE-REVIEW, Aug. 2, 2008.

²⁷ Vincent Bradshaw & Willoughby Mariano, *Flurry of bullets near Orlando playground kills three*, THE ORLANDO SENTINEL, July 31, 2008.

²⁸ Scott Goldstein, *Father, son survive shooting during News delivery*, THE DALLAS MORNING NEWS, Aug. 7, 2008.

²⁹ Mike Rice, *Home invasion robbery reported in Gladstone*, KANSAS CITY STAR, July 28, 2008.

³⁰ Candice Williams, *Girl, 17, two men fatally shot outside Detroit bar*, THE DETROIT NEWS, July 27, 2008.

³¹ *Airman's arrest for shooting not his first*, STANDARD-EXAMINER, July 29, 2008.

³² Jacqueline Koch, *Police investigate assault-rifle shooting*, CHATTANOOGA TIMES FREE PRESS, July 25, 2008.

³³ *Oakland woman killed when assault rifle accidentally fires*, July 24, 2008, available at: http://www.insidebayarea.com/ci_9977524 (last visited Sept. 26, 2008).

³⁴ Ramon Antonio Vargas, *AK-47 fire kills sleeping former rapper*, THE TIMES PICAYUNE, July 16, 2008.



- **Daytona Beach, Florida. July 13, 2008.** A distraught man fired 30 rounds into the side of an occupied building with an AK-47 assault rifle.³⁵
- **Eatonville, Florida. July 8, 2008.** A father and son were shot during a robbery with an AK-47 assault rifle.³⁶
- **Youngstown, Ohio. July 8, 2008.** A man beat up and attempted to shoot his girlfriend with an assault weapon.³⁷
- **Edwardsville, Illinois. July 7, 2008.** Two 19-year-olds repeatedly shot at a sheriff's deputy with an assault weapon as he pursued them during a car chase.³⁸
- **Van Buren, Michigan. July 6, 2008.** Two 19-year-olds with an assault rifle shot and killed a man they had argued with earlier.³⁹
- **Beaumont, Texas. July 5, 2008.** One person was injured when a man shot an assault rifle into a crowd standing outside a nightclub.⁴⁰
- **Dallas, Texas. July 4, 2008.** A gunman shot at an apartment building with an AK-47 assault rifle, killing a 17-year-old girl inside. The gunman had been arguing with the girl's stepfather outside.⁴¹
- **Buena Vista, Michigan. July 3, 2008.** A gunman shot an AK-47 multiple times into a car carrying two teenage girls, hitting one in the leg.⁴²

³⁵ Julie Murphy, *Outlaws clubhouse shot up. Police: man fires 30 rounds, accuses members of rape*, DAYTONA BEACH NEWS JOURNAL, July 17, 2008.

³⁶ *Shooting may be linked to Orlando Incident*, WESH.COM, Orlando, FL, July 8, 2008, available at: <http://www.wesh.com/print/16817435/detail.html> (last visited Sept. 26, 2008).

³⁷ *Man charged with assault over domestic dispute*, VINDY.COM, July 9, 2008, available at: <http://www.vindy.com/news/2008/jul/09/man-charged-with-assault-over-domestic-dispute/> (last visited Sept. 26, 2008).

³⁸ Sandord J. Schmidt, *Two accused of shooting at deputy*, THE TELEGRAPH.COM, July 8, 2008, available at: http://www.thetelegraph.com/news/county_15966__article.html/madison_accused.html (last visited Sept. 26, 2008).

³⁹ Susan L. Oppat, *2 Van Buren teens charged in slaying*, THE ANN ARBOR NEWS, July, 10, 2008.

⁴⁰ Heather Nolan, *Beaumont police seek help in investigating shooting at night club*, BEAUMONTENTERPRISE.COM, July 7, 2008, available at: http://www.beaumontenterprise.com/news/local/beatmont_police_seek_public_s_help_in_investigaton_07-07-2008_10_43_01.html (last visited Sept. 26, 2008).

⁴¹ Seema Mathur, *Teen hit by stray bullet at dallas apartment*, CBS11TV.COM, July 6, 2008, available at: <http://cbs11tv.com/local/dallas.teen.shot.2.764557.html> (last visited Sept. 26, 2008).

⁴² *Buena Vista gunman fires AK-47, strikes girl*, WNEM.COM, July 8, 2009, available at: <http://www.wnem.com/print/16821122/detail.html> (last visited Sept. 26, 2008).



Warsaw, North Carolina. July 2, 2008. 18-year-old high school football star Derrick Barden was killed after being shot with an AK-47. Three teenagers were charged with his death, which occurred as a group of people played with an AK-47 outside of an apartment complex.⁴³

- **Adairsville, Georgia. June 29, 2008.** A man carrying an AK-47 assault rifle shot a woman twice in the chest during a robbery attempt.⁴⁴
- **Overtown, Florida. June 28, 2008.** A 15-year-old died after he was shot with an assault weapon during a drive-by shooting.⁴⁵
- **Mobile, Alabama. June 27, 2008.** A 6-year-old boy was shot three times and a man twice when a group of men fired AK-47 and SKS assault weapons at the two cars they were riding in.⁴⁶
- **Powhatan, Virginia. June 25, 2008.** A 17-year-old with an assault weapon shot and killed an 18 year old after the two argued.⁴⁷
- **Powhatan County, Virginia. June 24, 2008.** An 18-year-old high school student was shot and killed with an assault rifle following an altercation at a gas station. A juvenile was also wounded in the shooting.⁴⁸
- **Anderson, South Carolina. June 22, 2008.** A man fired more than 30 rounds from an assault rifle at a group of people, killing a 16-year-old who was hit three times and wounding a man.⁴⁹
- **Opa Locka, Florida. June 22, 2008.** A man shot an AK-47 assault rifle at a business, injuring three people inside.⁵⁰

⁴³ Steve Herring, *Three teens charged in player's shooting*, GOLDSBORO NEWS-ARGUS, July 9, 2008.

⁴⁴ Hayden Jennings, *Suspect arrested in Adairsville shooting*, ROMENEWSWIRE.COM, June 30, 2008, available at: <http://www.romenewswire.com/index.php/2008/06/30/suspect-arrested-in-adairsville-shooting/> (last visited Sept. 26, 2008).

⁴⁵ David Ovalle, *2 deaths raise 2008 homicides to 136*, THE MIAMI HERALD, July 2, 2008.

⁴⁶ Ron Colquitt, *Four suspects denied bail*, THE PRESS-REGISTER, June 28, 2008.

⁴⁷ *Authorities: Powhatan teen's killer was 17-year-old*, INRICH.COM, June 30, 2008, available at: <http://www.inrich.com/cva/ric/news.PrintView.-content-articles-RTD-2008-06-30-0195.html> (last visited Sept. 26, 2008).

⁴⁸ Linda Dunham & Reed Williams, *Suspects in fatal shooting surrender: Sheriff: Trio wanted in Powhatan teen's death face murder charges; suspected weapon found*, RICHMOND TIMES-DISPATCH, June 29, 2008.

⁴⁹ Craig Stanley, *Westside student, shooting victim, is remembered*, INDEPENDENTMAIL.COM, June 27, 2008, available at: <http://www.independentmail.com/news/2008/jun/27/westside-student-shooting-victim-remembered/> (last visited Sept. 26, 2008).

⁵⁰ *3 shot in Opa Locka*, NBC6.NET, June 22, 2008, available at: <http://www.independentmail.com/news/2008/jun/27/westside-student-shooting-victim-remembered/> (last visited Sept. 26, 2008).



- **Little Rock, Mississippi. June 21, 2008.** A man died after being shot in the head with an AK-47 assault rifle. The gunman and victim had argued over a dice game.⁵¹
- **Elyria, Ohio. June 14, 2008.** A woman died after being shot with an AK-47 assault rifle during a robbery.⁵²
- **Miami, Florida. June 13, 2008.** A man shot six people at a graduation party with an assault rifle. One of the victims died.⁵³
- **Lavaca County, Texas. June 11, 2008.** A 14-year-old boy died after being accidentally shot by his grandfather with an AK-47 assault rifle.⁵⁴
- **Longview, Texas. June 10, 2008.** A man opened fire with an AK-47 assault rifle after arguing with his girlfriend, injuring three people, including a 7-year-old girl.⁵⁵
- **Wilkes, North Carolina. June 6, 2008.** A 17-year-old was seriously injured after being shot with an AK-47 assault rifle. Several teenagers were playing with the gun when it was fired.⁵⁶
- **Shreveport, Louisiana. June 1, 2008.** A 25-year-old man was seriously injured after being shot multiple times with an assault rifle while in his car.⁵⁷
- **Tucson, Arizona. June 1, 2008.** A man shot at several houses with an assault rifle, then lead police in pursuit across Tucson for more than an hour. During the chase, the gunman shot at police multiple times, fatally shooting one officer and injuring two Sheriff's deputies.⁵⁸

⁵¹ Tim Doherty, *Foxworth man held in slaying* THE HATTIESBURG AMERICAN, June 24, 2008.

⁵² Matt Suman, *AK-47 used in deadly Gas USA robbery*, THEMORNINGJOURNAL.COM, June 25, 2008 available at:

http://www.zwire.com/site/news.cfm?newsid=19801129&BRD=1699&PAG=461&dept_id=46371&rft=6 (last visited Sept. 26, 2008).

⁵³ *Teen shot and killed while leaving graduation party*, WSVN.COM, Miami Gardens, FL, available at: <http://www.wsvn.com/news/articles/local/MI88522/> (last visited Sept. 26, 2008).

⁵⁴ *Teen shot, killed in hunting accident*, KSAT.COM, June 12, 2008, available at:

http://www.zwire.com/site/news.cfm?newsid=19801129&BRD=1699&PAG=461&dept_id=46371&rft=6 (last visited Sept. 26, 2008).

⁵⁵ *3 wounded in Longview gunfire*, THE DALLS MORNING NEWS, June 10, 2008.

⁵⁶ *Wilkes teens play with rifle, one shot*, GOBLUERIDGE.NET, June 9, 2008, available at:

http://www.goblueridge.net/index.php?option=com_content&task=view&id=3821&Itemid=1 (last visited Sept. 26, 2008).

⁵⁷ Katrina Webber, *Violent weekend in Shreveport leaves 3 with gunshot wounds*, KSLA NEWS 12, June 2, 2008, available at: <http://www.ksla.com/Global/story.asp?S=8410023&nav=0RY5RQCK> (last visited Sept. 26, 2008).

⁵⁸ Brady McCombs & Alexis Huicochea, *Officer on life support after crosstown pursuit*, ARIZONA DAILY STAR, June 2, 2008.



- **New Orleans, Louisiana. May 26, 2008.** Two people were injured when a gunman carrying an AK-47 assault rifle fired more than twenty rounds at them.⁵⁹
- **Jackson, Mississippi. May 26, 2008.** Five people were shot, one fatally, at a Memorial Day barbecue. A man left the party after an argument and returned with an assault rifle and fired indiscriminately into the crowd.⁶⁰
- **Shreveport, Louisiana. May 19, 2008.** A 15-year-old shot a 14-year-old with an assault weapon.⁶¹
- **Brooklyn, Connecticut. May 14, 2008.** A 16-year-old boy with Asperger syndrome shot an assault rifle near a group of people playing basketball in a park who he had argued with earlier.⁶²
- **Miami, Florida. May 14, 2008.** A man was shot multiple times after his car was sprayed with bullets from an assault weapon.⁶³
- **San Jacinto, California. May 12, 2008.** A SWAT team was called in after a man and woman armed with assault rifles shot at security guards and then Sheriff's deputies. The two were killed in the resulting shootout.⁶⁴
- **Raceland, Louisiana. May 12, 2008.** Three men attacked three other men in their car, killing all three. Each victim was shot multiple times with an AK-47 assault rifle.⁶⁵

Calabash, North Carolina. May 8, 2008. James Murdock, 25, was killed in a drive-by shooting. Murdock was sitting in a car when a dark SUV pulled up and fired at him with an assault rifle. He died at the scene. Two men were charged with the murder.⁶⁶

- **San Jacinto, California. May 8, 2008.** A 26-year-old man shot at Sheriff's deputies with an assault rifle. The man was killed when the policemen returned fire.⁶⁷

⁵⁹ *Pair gunned down by AK-47*, WDSU.COM, May 27, 2008, available at:

<http://www.wdsu.com/news/16401761/detail.html> (last visited Sept. 26, 2008).

⁶⁰ Kathleen Baydala, *Man arrested in fatal holiday party shooting*, THE CLARION LEDGER, May 28, 2008.

⁶¹ *Arrest made in shooting of 14 year old boy*, KSLA NEWS 12, May 20, 2008, available at:

http://www.ksla.com/Global/story.asp?S=8350809&nav=menu50_11_16_4 (last visited Sept. 26, 2008).

⁶² Dustin Racioppi & Don Bond, *Conn. teen with autism held in assault rifle shooting*, THE METRO WEST DAILY NEWS, May 15, 2008, available at:

<http://www.metrowestdailynews.com/archive/x2118739287/Conn-teen-with-autism-held-in-assault-rifle-shooting> (last visited Sept. 26, 2008).

⁶³ *Man shot with high-powered assault weapon*, LOCAL 10 NEWS, May 14, 2008, available at:

<http://www.local10.com/print/16261614/detail.html> (last visited Sept. 29, 2008).

⁶⁴ Gillian Flaccus, *Deputies kill 2 in gun battle on Calif. Reservation*, ASSOCIATED PRESS ARCHIVE, May 14, 2008.

⁶⁵ Raymond Legendre, *Grand jury to consider Raceland triple-slaying case*, THE COURIER, August 11, 2008.

⁶⁶ Shannan Bowen, *Two charged in Calabash murder*, STAR-NEWS, May 20, 2008.



- **Ripon, Wisconsin. May 6, 2008.** A 19-year-old accidentally shot and killed an 18-year-old friend with an assault rifle while the two were at a friend's house.⁶⁸

Stafford, Virginia. May 5, 2008. Aaron Poseidon Jackson shot his children, 1-year-old Aaron and 2-year-old Nicole, with a .38 caliber handgun, then shot their mother, Latasha Thomas, with an AK-47. When police arrived at the home, Jackson, wearing a bulletproof vest and surrounded by guns and ammunition, was found dead from a self inflicted gunshot wound.⁶⁹

- **Burien, Washington. May 4, 2008.** A man died when he was shot in the head with an assault rifle after arguing with the shooter in a bar. The shooter left after the initial incident but returned with the gun.⁷⁰
- **Chicago, Illinois. May 4, 2008.** A college student died after being shot with an assault rifle when she was caught in crossfire from a gang while in a car.⁷¹
- **Cordova, New Mexico. May 4, 2008.** A man killed his 17-month-old son by shooting him in the chest with an assault rifle.⁷²
- **Philadelphia, Pennsylvania. May 3, 2008.** A police officer was shot and killed by an assault rifle as he was responding to a bank robbery. Three men robbed the bank and were fleeing when the officer stopped their car and exited his patrol car. At that time, one of the bank robbers opened fire with an SKS assault rifle, striking the officer numerous times. One suspect was eventually shot and killed by police and the other two were arrested and charged with murder.⁷³
- **San Antonio, Texas. May 2, 2008.** Two teens armed with an assault rifle shot at a man after he tried to stop a fight between groups of teenagers.⁷⁴

⁶⁷ Jose Arballo Jr., Steve Fetbrandt & Michelle DeArmond, *Soboba member killed in gun battle with deputies*, THE PRESS-ENTERPRISE, May 8, 2008.

⁶⁸ *Teen charged with negligent homicide in Ripon shooting posts bond*, NBC 15 NEWS, Feb. 29, 2008, available at: <http://www.nbc15.com/home/headlines/15839617.html> last visited (Sept. 29, 2008).

⁶⁹ Keith Epps & Ellen Biltz, *Gunman heavily armed*, FREDERICKSBURG.COM, May 7, 2008, available at: <http://fredericksburg.com/News/FLS/2008/052008/05072008/377460> (last visited Sept. 26, 2008).

⁷⁰ Casey McNerthney, *Man shot after Burien bar fight dies*, SEATTLE POST-INTELLIGENCER, May 5, 2008.

⁷¹ Annie Sweeney & Stefano Esposito, *We had so many plans*, THE CHICAGO SUN-TIMES, May 6, 2008.

⁷² Isaac Paul Vasquez, *Police allege father killed son*, KFOXTV.COM, May 4, 2008, available at: <http://www.kfoxtv.com/news/16157794/detail.html> (last visited Sept. 26, 2008).

⁷³ Joseph A. Gambardello, *Liczbinski suspect's girlfriend to stand trial*, PHILADELPHIA INQUIRER, July 17, 2008; *Officer shot, killed after bank robbery*, NBC 10.COM, May 3, 2008; See Sergeant Stephen Liczbinski, www.odmp.org, available at: <http://www.odmp.org/officer/19359-sergeant-stephen-liczbinski> (last visited Sept. 30, 2008).

⁷⁴ *Man shot at after breaking up fight*, KSAT TV 12, May 2, 2008, available at: <http://www.ksat.com/news/16136482/detail.html> (last visited Sept. 26, 2008).



- **Compton, California. April 29, 2008.** A 19-year-old with an assault rifle exchanged fire with Sheriff's deputies. No one was injured in the incident.⁷⁵
- **Chicago, Illinois. April 21, 2008.** The owner of a plumbing company was shot in the stomach by an employee using an AK-47 and died as a result. The employee also shot at three police officers later in the evening.⁷⁶
- **York, Pennsylvania. April 11, 2008.** A man died after he was shot multiple times with an assault rifle. The victim and shooter had argued earlier.⁷⁷
- **Miami, Florida. April 5, 2008.** A 16-year-old boy died and his mother was injured when they were shot with an assault rifle outside of their home by people they had previously argued with.⁷⁸
- **Sharonville, Ohio. April 3, 2008.** A 14-year-old girl was shot in the leg when a man fired an assault weapon randomly into the street. The bullet went through a car door and hit the victim.⁷⁹
- **Miami, Florida. April 3, 2008.** A 20-year-old with over thirteen firearms, including four AK-47s, and more than 5,000 rounds of ammunition, was arrested after threatening over the internet that he was going to carry-out a Virginia Tech style massacre.⁸⁰
- **Tarpon Springs, Florida. March 30, 2008.** A man fired several rounds from an assault weapon toward another man who was exiting his car.⁸¹
- **Donaldsonville, Louisiana. March 22, 2008.** A five-year-old boy and a man were injured after being shot with an assault rifle on the street.⁸²
- **Virginia Beach, Virginia. March 19, 2008.** A man shot five people, killing two, with an AK-47 assault rifle and .9 mm handgun before killing himself. The man was

⁷⁵ *Suspect arrested in connection to Compton shootout*, CBS2.COM, May 1, 2008, available at: <http://cbs2.com/local/Compton.Shooting.Arrest.2.713125.html> (last visited Sept. 26, 2008).

⁷⁶ Lisa Donovan et. al., *SWAT will go on patrol*, CHICAGO SUN TIMES, Apr. 22, 2008.

⁷⁷ Kristin Thorne, *York man killed in shooting involving assault rifle*, ABC27 NEWS, Apr. 11, 2008, available at: <http://cfc.whtm.com/printstory.cfm?id=510600> (last visited Sept. 29, 2008).

⁷⁸ *Teen killed, mother injured in shooting*, NBC6.NET, Apr. 6, 2008, available at:

<http://www.nbc6.net/news/15806302/detail.html> (last visited Sept. 26, 2008).

⁷⁹ *Teenage girl accidentally shot in Sharonville*, WCPO 9 NEWS, Apr. 3, 2008, available at: http://www.wcpo.com/news/local/story.aspx?content_id=c473d379-e54d-4b46-a24d-397f12369149 (last visited on Sept. 29, 2008).

⁸⁰ *Police: Man threatened to re-enact Virginia Tech-style killings*, ASSOCIATED PRESS, Apr. 4, 2008.

⁸¹ *Tarpon Springs man arrested in assault rifle attack*, TBO.COM, Mar. 31, 2008, available at: <http://suncoastpasco.tbo.com/content/2008/mar/31/tarpon-springs-man-arrested-assault-rifle-attack/> (last visited Sept. 26, 2008).

⁸² Samuel Irvin, *Sheriff promises to boost patrols*, THE ADVOCATE, Mar. 27, 2008 available at: <http://www.2theadvocate.com/news/17040851.html> (last visited Sept. 26, 2008).



about to be evicted from his apartment and targeted the apartment complex's employees in his attack.⁸³

- **Chattanooga, Tennessee. March 15, 2008.** A man fired more than 20 rounds from an assault rifle at another man outside of an apartment building. The victim was not hit.⁸⁴
- **Baton Rouge, Louisiana. March 7, 2008.** A 16-year-old male shot his father in the arm with an AK-47 and was placed in juvenile detention on one count of attempted murder.⁸⁵
- **Kansas City, Missouri. March 5, 6, 7, 2008.** One man was killed and three injured during a drive-by shooting of a tire store. The shooters used two .223-caliber assault rifles, one of which had two large drum magazines and could fire 100 bullets without reloading. Police pursued the shooters, who were eventually apprehended, and were shot at with the same assault rifles. The following day, three retaliatory shootings occurred; the day after, one retaliatory shooting occurred in which a woman was shot seven times in the chest and torso.⁸⁶
- **Roanoke, Virginia. February 29, 2008.** A car chase ended when the driver pulled over and began shooting at police with an SKS assault rifle. The police shot and seriously wounded the driver. None of the police were seriously injured.⁸⁷

Gainesville, Georgia. February 19, 2008. 52-year old Mary Bailey was killed after being shot with an AK-47. Bailey was sleeping on the sofa when her 19-year old son, Derrick Bailey, cleaned his assault weapon and it fired. Derrick claims he did not know the weapon was loaded.⁸⁸

- **Marrero, Louisiana. February 16, 2008.** An 18-year-old was killed and a 16-year-old wounded after being shot with an AK-47 multiple times. The shooter fired more than 20 rounds at the two victims.⁸⁹
- **Pulaski, Kentucky. February 9, 2008.** A man fired more than 50 rounds from his assault rifle into a mobile home and garage after arguing with the owner. The homeowner received only minor injuries in the incident.⁹⁰

⁸³ *Gunman in mass shooting identified*, WVEC 13 NEWS, Mar. 20, 2008, available at: http://www.wvec.com/news/vabeach/stories/wvec_local_031908_vb_shooting.79dfc43.html (last visited Sept. 29, 2008).

⁸⁴ Amy Katcher, *East Lake shootout caught on tape*, WDEF NEWS 12, Mar. 26, 2008, available at: http://wdef.com/news/east_lake_shootout_caught_on_tape/03/2008 (last visited Sept. 26, 2008).

⁸⁵ *Police and fire briefs*, BATON ROUGE ADVOCATE, Mar. 8, 2008.

⁸⁶ Christine Vendel, *Heavy firepower in KC: Officers outgunned by suspects*, KANSAS CITY STAR, Mar. 8, 2007.

⁸⁷ Jessica Marcy, *Shots end U.S. 220 chase in Roanoke County*, WWW.ROANOKE.COM, Mar. 1, 2008, available at: <http://www.roanoke.com/news/roanoke/wb/152736> (last visited Sept. 26, 2008).

⁸⁸ *Gainesville teen: 'I shot my mother'*, WSBTV.COM, Feb. 19, 2008, available at: <http://www.wsbtv.com/news/15345707/detail.html> (last visited Sept. 26, 2008).

⁸⁹ *Harvey teen booked with murder*, THE TIMES PICAYUNE, Feb. 19, 2008.



- **Phoenix, Arizona. February 9, 2008.** A 17-year-old died and a 23-year-old was injured after being shot with an assault rifle during an attack by four men.⁹¹
- **Indianapolis, Indiana. February 8, 2008.** An 8-year-old girl died after being shot in the head when someone sprayed her house with bullets from an assault weapon.⁹²
- **Macon, Georgia. February 4, 2008.** A man fired over 70 rounds from an assault rifle into the front of a house, killing the woman at the door. The man was looking for the woman's son but shot her after learning he was not at home.⁹³
- **Cleveland, Tennessee. February 2, 2008.** A 20-year-old man died after being shot several times with an assault rifle as he exited a car. The gunman shot at the other people in the car and at a nearby house as well.⁹⁴
- **Pittsburgh, Pennsylvania. January 28, 2008.** A 12-year-old girl was killed and her mother badly injured after they were shot with an AK-47 assault rifle. The two were visiting a family member when an assailant sprayed the house with dozens of bullets.⁹⁵
- **Camp Hill, Alabama. January 22, 2008.** A 19-year-old shot a 17-year-old in the face with an assault rifle after the two argued over the stolen weapon.⁹⁶
- **Miami, Florida. January 20, 2008.** Three cousins were injured when dozens of rounds were fired from an assault rifle into their car. One of the cousins was left brain-dead.⁹⁷
- **Carmichael, California. January 16, 2008.** A 24-year-old man was shot with an assault rifle in a drive-by shooting and died.⁹⁸

⁹⁰ *Eubank man jailed following hail of bullets fired into residence*, WKYT.COM, Feb. 9, 2008, available at: <http://www.wkyt.com/home/headlines/15476381.html> (last visited Sept. 26, 2008).

⁹¹ David Biscobing, *Teen gunned down in Phoenix with rifle*, EAST VALLEY TRIBUNE, Feb. 9, 2008.

⁹² *Community mourns eight-year-old's shooting death*, WTHR 13 NEWS, Feb. 26, 2008, available at: <http://www.wthr.com/Global/story.asp?S=7853369> (last visited Sept. 29, 2008); *Man charged in 8-year-old's shooting death*, WTHR 13 NEWS, Feb. 27, 2008, available at: <http://www.wthr.com/Global/story.asp?s=7865668> (last visited Sept. 29, 2008).

⁹³ Ashley Tusan Joyner, *Woman died after man sprays home with bullets*, THE MACON TELEGRAPH, Feb. 6, 2008.

⁹⁴ Ryan Harris, *Bradley murder victim identified*, CHATTANOOGA TIMES FREE PRESS, Feb. 5, 2008.

⁹⁵ Michael Hasch, *Girl, 12, killed as 40 shots blast into North Side home*, THE PITTSBURGH TRIBUNE-REVIEW, Jan. 29, 2008.

⁹⁶ *Teen shot in face by assault rifle*, WTVM.COM, Jan. 22, 2008, available at: http://www.wtmv.com/Global/story.asp?S=7757100&nav=menu91_2 (last visited Sept. 26, 2008).

⁹⁷ David Ovalle, *Little Haiti: Gun violence tears family*, THE MIAMI HERALD, January 24, 2008.

⁹⁸ *Two Carmichael killings may be connected*, KCRA.COM, Jan. 16, 2008, available at: <http://www.kcra.com/news/15067608/detail.html> (last visited Sept. 26, 2008).



- **Louisville, Kentucky. January 14, 2008.** A man carrying an assault rifle fired several rounds at a police officer during a traffic stop. The officer was not injured.⁹⁹
- **North Miami Beach, Florida. January 8, 2008.** An off-duty Miami police detective was killed by a man who shot him with an AK-47 assault rifle as he sat in his car.¹⁰⁰
- **Merrillville, Indiana. December 31, 2007.** A 25-year-old man shot a 20-year-old man with an assault rifle. The shooter asked the victim and another man to leave his apartment after they argued, then followed them outside and shot the victim multiple times.¹⁰¹

Little Rock, Arkansas. December 29, 2007. 6-year-old Kamya Weathersby was shot at least 7 times by gunmen outside her home as she was lying in bed. Police believe at least one assault rifle was used to fire 50 or more rounds at her home. The following day, Kamya died when her family made the decision to take her off life support.¹⁰²

- **Ozark, Alabama. December 29, 2007.** An 18-year-old man repeatedly shot a 22-year-old man using a SKS assault rifle after the two argued. The 22-year-old died from his injuries.¹⁰³
- **Southington, Connecticut. December 24, 2007.** One man shot another in the head with an assault rifle, killing him, after the two argued.¹⁰⁴
- **Arvada & Colorado Springs, Colorado. December 9, 2007.** One man with an assault rifle attacked a missionary training center in Arvada and a church in Colorado Springs. He killed two people and injured two others in Arvada, and killed two and injured three others in Colorado Springs. He died after being shot by a security guard and then shooting himself.¹⁰⁵

⁹⁹ 4th arrest made in SWAT case, WLKY.com, Jan. 14, 2008, available at:

<http://www.wlky.com/news/15048297/detail.html> (last visited Sept. 26, 2008).

¹⁰⁰ David Quinones, *Dispute boils over mourning of detective*, MIAMI HERALD, Jan. 19, 2008; See Detective James Walker, www.odmp.org, available at: <http://www.odmp.org/officer/19128-detective-james-walker> (last visited Sept. 30, 2008).

¹⁰¹ *M'ville man charged in shooting*, THE TIMES ONLINE.COM, Jan. 4, 2008, available at:

http://www.thetimesonline.com/articles/2008/01/04/news/lake_county/doc88e35a05299f4540862573c600061f09.txt

(last visited Sept. 26, 2008).

¹⁰² *Girl, 6, dies after being shot 7 times – Ark. police search for suspects, motive*, MEMPHIS COMMERCIAL APPEAL, Jan. 1, 2008.

¹⁰³ *Ozark shooting suspect surrenders*, PRESS-REGISTER, Jan. 1, 2008.

¹⁰⁴ Chris Velardi, *\$2million bond for Southington murder suspect*, WTNH.COM, Jan. 2, 2008, available at: <http://www.wtnh.com/global/story.asp?s=7566985> (last visited on Sept. 29, 2008).

¹⁰⁵ Erin Emery, *Report details church shooting, the document chronicles the days leading up to the Dec. 9 deaths of four young people*, DENVER POST, Mar. 13, 2008.



- **Omaha, Nebraska. December 5, 2007.** Nine people were shot to death and five others were injured after a 20-year-old shooter, armed with a military-style assault rifle, attacked shoppers in a department store in a Nebraska mall.¹⁰⁶
- **Arden, South Carolina. December 4, 2007.** One man was injured when he was shot at close range in the leg and foot with an AK-47 assault rifle.¹⁰⁷
- **Memphis, Tennessee. November 13, 2007.** One man was killed and another injured after an unidentified man opened fire on a grocery store parking lot with an AK-47 assault rifle.¹⁰⁸
- **Vallejo, California. November 4, 2007.** One man died after being shot several times with an assault rifle while arguing with two other men. Witnesses of the shooting pursued the shooters by car and were also shot at, although none were injured.¹⁰⁹
- **Crandon, Wisconsin. October 7, 2007.** An off-duty Sheriff's deputy killed six and wounded a seventh person when he burst into a pizza party and started shooting with an assault weapon. The shooter later killed himself as the police closed in.¹¹⁰
- **West Palm Beach, Florida. September 18, 2007.** Two men were killed and another injured when they were attacked in their car by two men carrying a handgun and an assault rifle. The suspects shot at the police as they escaped.¹¹¹
- **New Orleans, Louisiana. September 15, 2007.** At least 28 bullets were fired from an AK-47 at an outdoor birthday party for 5-year-old twins in the courtyard of a public housing complex. A 19-year-old was killed and three children were wounded, ages 7, 8 and 13.¹¹²
- **Miami, Florida. September 13, 2007.** Police spotted a vehicle driving erratically and followed it until it stopped in a residential complex. The driver got out and hopped a fence to the rear of the home; the officers exited their patrol car and went to the front of the home where they were granted permission to search by a female resident. The suspect grabbed a high-powered, military-grade rifle and fired at the police officers through a window, killing one officer, then exited the house and shot

¹⁰⁶ *The American Way*, REGISTER-GUARD, Dec. 17, 2007.

¹⁰⁷ Clarke Morrison, *Arden man gets 12 years for assault rifle shooting*, THE CITIZEN-TIMES, Aug. 8, 2008.

¹⁰⁸ Chris Conley & Jody Callahan, *Drive-by shooting kills 1—police search for two gunmen in B-52 Market incident*, MEMPHIS COMMERCIAL APPEAL, Nov. 13, 2007.

¹⁰⁹ Henry K. Lee, *Two suspects sought in Vallejo homicide*, SFGATE.COM, Nov. 10, 2007, available at: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/11/10/BAUJT9HSA.DTL> (last visited Sept. 26, 2008).

¹¹⁰ Todd Richmond, *Crandon mass murder-suicide: Questions linger in killing of seven, officials tight-lipped despite suspect's death*, ST. PAUL PIONEER PRESS, Dec. 4, 2007.

¹¹¹ *2 killed in West Palm shootings, suspects escape on foot after one fires at police officer pursuing them*, SOUTH FLORIDA SUN-SENTINEL, Sept. 19, 2007.

¹¹² Mary Sparacello, *Housing Authority reining in parties, Kenner shooting leads to regulations*, THE TIMES PICAYUNE, Oct. 11, 2007.



three other officers as he escaped. The shooter was caught later that day but would not relinquish his assault rifle so he was shot and killed by police officers.¹¹³

- **Aiken, South Carolina. September 12, 2007.** A 20-year-old man died after being shot multiple times with an assault rifle by a 19-year-old when they were having an argument.¹¹⁴
- **Rome, Georgia. August 26, 2007.** One man was killed and a woman seriously injured inside their home. The shooter was found with an AK-47, from which several clips of ammunition had been emptied, and a 12-gauge shotgun when police arrived at the scene.¹¹⁵
- **Treme, Louisiana. August 13, 2007.** Two men were killed and another was seriously wounded as a shooter sprayed the crowd with an AK-47 assault rifle at a recreational league basketball game.¹¹⁶
- **Dallas, Texas. August 12, 2007.** One person was killed and three others wounded in a shooting outside a poetry/coffee shop. The gunman, who used an assault rifle, fled the scene.¹¹⁷

Hialeah, Florida. August 5, 2007. Eric Lopez, 38, was fatally shot in his home, and his wife, Olga, was shot in the leg. The incident began around noon when gunmen entered their home and began firing with a military-style semi-automatic weapon. Police arrested four people in connection with the shooting.¹¹⁸

- **Oakland, California. August 4, 2007.** A gunman with an assault rifle unleashed a barrage of bullets at a van parked on a North Oakland street, killing one man who lived nearby and wounding his brother and their friend. The gunman then fled.¹¹⁹
- **Orangeburg, South Carolina. July 19, 2007.** A man brandishing an assault rifle shot a woman once in the leg. The man was charged with assault and battery with intent to kill.¹²⁰

¹¹³ David Ovalle et al., *The murder and the manhunt started in a South Miami-Dade townhouse, zigzagged...*, MIAMI HERALD, Sept. 15, 2007.

¹¹⁴ Michelle Guffey, *Police seek murder suspects*, THE AUGUSTA CHRONICLE, Sept. 19, 2007.

¹¹⁵ *Man goes on shooting rampage, kills one, severely injures another*, ROMENEWSWIFE.COM, available at: <http://www.romenewswire.com/index.php/2007/08/26/police-on-scene-of-possible-murder-in-west-rome/> (last visited Sept. 29, 2008).

¹¹⁶ Richard A. Webster, *Soaring murder rate in New Orleans undermines recovery strides*, NEW ORLEANS CITY BUSINESS, Aug. 20, 2007.

¹¹⁷ Marissa Alanis, *Peacekeeper is killed outside club, police say: Dallas 3 others injured as gunman fires assault rifle into crowd*, DALLAS MORNING NEWS, Aug. 13, 2007.

¹¹⁸ Laura Figueroa, *Hialeah: 4 charged in 'crime of passion'*, MIAMI HERALD, Aug. 7, 2007.

¹¹⁹ *Two more slain in Oakland weekend violence*, THE OAKLAND TRIBUNE, Aug. 5, 2007.

¹²⁰ Richard Walker, *Woman recovering after being shot with AK-47*, THE TIMES AND DEMOCRAT, July 20, 2007.



- **North Augusta, South Carolina. July 15, 2007.** Twenty-one bullets were shot from an assault rifle into a home, hitting a 14-year-old boy sleeping inside. The bullets reportedly came from a car outside, tore through a foosball table, couch, and the wall to a back bedroom, where they pierced furniture, blasted a TV to the floor, and hit the boy.¹²¹
- **Floyd County, Indiana. June 18, 2007.** Two officers responded to a domestic disturbance call between a mother and her son. The officers were speaking with the mother on the driveway when the 15-year-old son ambushed both officers from an upstairs window and shot at them with a high powered assault rifle. One officer was killed and the other was seriously wounded.¹²²
- **Biloxi, Mississippi. June 5, 2007.** A gunman with an AK-47 ambushed police officers in a shootout, killing one, then shooting himself. The gunman lured police by firing shots in the neighborhood and waiting. After shooting one officer, the gunman unloaded an additional round into the patrol car. The gunman had a cache of backup guns and ammunition waiting inside his home.¹²³
- **Dallas, Texas. March 23, 2007.** A Dallas police officer was killed when he was struck in the neck and chest by an assault weapon as he approached a suspect's car.¹²⁴
- **Metairie, Louisiana. February 27, 2007.** Two AK-47s were among several guns fired into a Metairie apartment that resulted in four men being shot, one fatally and another critically.¹²⁵
- **Philadelphia, Pennsylvania. February 13, 2007.** A gunman used an assault weapon to kill 3 and wound another before killing himself.¹²⁶
- **Palm Beach County, Florida. January 1, 2007.** An 8-month-old baby boy was shot in his car seat after his mom parked in front of a drug house and rivals opened fire with assault rifles.¹²⁷
- **New Bedford, Massachusetts. December 12, 2006.** Three people were killed and two police officers were injured when a gunman opened fire at the Foxy Lady strip

¹²¹ Meredith Anderson, *North Augusta 14-year-old shot*, WRDW 12 NEWS, July 16, 2007, available at: <http://www.wrdw.com/home/headlines/8526357.html> (last visited on Sept. 29, 2008).

¹²² See Officer Frank Charles Denzinger, odmp.org, available at: <http://www.odmp.org/officer/18926-officer-frank-charles-denzinger> (last visited Sept. 30, 2008).

¹²³ Ryan LaFontaine, *Gunman had a large arsenal, Police say Asher used AK-47*, SUN HERALD, June 9, 2007.

¹²⁴ Tanya Eiserer et al., *Dallas officer dies after shootout*, THE DALLAS MORNING NEWS, Mar. 24, 2007.

¹²⁵ Michelle Hunter, *Cops say victim not innocent bystander*, THE TIMES PICAYUNE, Feb. 28, 2007.

¹²⁶ Larry King & Joseph A. Gambardello, *Investor rage, lethal trap*, PHILADELPHIA INQUIRER, Feb. 14, 2007.

¹²⁷ Rochelle E.B. Gilken, *County has most homicides since '89*, PALM BEACH POST, Jan. 6, 2008.



club; the shooter was fatally shot. One of the weapons used was described as an AR-15.¹²⁸

- **Westboro, Massachusetts. December 2, 2006.** Police seized a semiautomatic assault rifle from the bedroom closet of a young Shrewsbury man who posted threatening internet messages and who claimed to admire one of the Columbine High School killers.¹²⁹
- **Newport, Kentucky. November 19, 2006.** A fight at a nightclub led to four people being shot that evening. A 23-year-old was shot several times and left for dead on a bridge. An hour later, police found a 20-year-old man shot dead in his vehicle. Two other people were taken to the hospital with gunshot wounds and police recovered casings from an assault weapon.¹³⁰
- **Chicago, Illinois. October 30, 2006.** Members of the New Breed Street gang shot at Chicago police officers with an AK-47 from their car, injuring one officer. One gang member was killed and another critically wounded in the shoot-out.¹³¹
- **Palm Beach County, Florida. August 15, 2006.** A 50-year-old landscaper was shot at least 15 times as he walked toward a house to collect money for completed yard work. The shooters used assault weapons in the drive-by and police say the shooters mistook the victim for a gang member.¹³²
- **Chapel Hill, North Carolina, July 29, 2006.** A gunman with an assault rifle shot a man multiple times outside a nightclub, killing him. The shooter fled in a getaway car and later turned himself in.¹³³

¹²⁸ Jessica Heslam, *Strip club gunman at 'crossroads', killer bid farewell in cell phone messages*, BOSTON HERALD, Dec. 14, 2006.

¹²⁹ Kevin Keenan, *State police seize weapons*, WORCESTER TELEGRAM & GAZETTE, Dec. 2, 2006.

¹³⁰ *A fight at a Northern Kentucky nightclub lead to a wild shooting spree*, WLEX TV 18, Lexington, KY, Nov. 19, 2006, available at: <http://www.lex18.com/Global/story.asp?S=5704257&nav=EQ1p> (last visited Oct. 2, 2008).

¹³¹ Lisa Donovan et al., *Shoot-out 'looked like a movie': Cops kill 2 men they say were about to execute gang rivals*, CHICAGO SUN TIMES, Oct. 31, 2006.

¹³² Tim Collie, *Two members offer a look inside a South Florida gang*, SOUTH FLORIDA SUN-SENTINEL; July 22, 2007; Jerome Burdi, *'Innocent victim' killing unsolved, family awaits arrest in 2006 Boynton drive-by shooting*, SOUTH FLORIDA SUN-SENTINEL, Aug. 20, 2007.

¹³³ *Chapel Hill nightclub under review after fatal shooting*, WRAL.COM, July 31, 2006, available at: <http://www.wral.com/news/local/story/1056918/> (last visited Sept. 29, 2008).



St. John the Baptist Parish, Louisiana. June 27, 2006. 25-year-old Kelvin Thomas Jr. died after being shot in the abdomen with an assault rifle. Alonzo Bolden, 20, was arrested and booked with second-degree murder in connection with the shooting. Police believe the two men were engaged in an argument that was part of a long-running feud and ended with Bolden firing multiple shots at Thomas at close range. Thomas had three young children.¹³⁴

- **Calumet City, Illinois. June 25, 2006.** A 22-year-old pregnant woman and her 3-year-old son were shot and killed while they were sleeping when an unknown gunman fired 30 rounds from an AK-47 into their home at 1:15 a.m.¹³⁵
- **St. John the Baptist Parish, Louisiana. June 20, 2006.** A man who had killed a deputy police officer and injured another during a crime spree broke into the house of an 81-year-old man and held him hostage with an AK-47 until he eventually gave himself up and released the hostage.¹³⁶
- **Metairie, Louisiana. June 15, 2006.** Police attempted to serve a man with an emergency committal order but the man barricaded himself in his home and engaged in a 12-hour standoff with police. Seven hours into the standoff, the man shot and wounded two Sheriff's deputies with an assault rifle.¹³⁷
- **Reno, Nevada. June 12, 2006.** An owner of a gun shop, with a license to carry concealed weapons and access to a cache of guns, stabbed his wife to death and then shot the family court judge presiding over his divorce with a Bushmaster .223 high-powered assault rifle with sniper capabilities. The judge survived.¹³⁸
- **Howard County, Maryland. June 8, 2006.** County police officers were shot at by a man wielding an assault rifle whom they were attempting to serve a warrant on.¹³⁹
- **Norman, Oklahoma. June 7, 2006.** Two men opened fire on a Native American gathering of over 300 with an SKS assault rifle, killing one man and injuring another.¹⁴⁰

¹³⁴ Allen Powell II, *Garyville man held in fatal shooting, Deputies suspect long-running feud*, THE TIMES PICAYUNE, June 27, 2006.

¹³⁵ Tom Rybarczyk, *Calumet City reels after spray of bullets*, CHICAGO TRIBUNE, June 26, 2006.

¹³⁶ Allen Powell II, *Mourners salute slain St. John deputy*, NEW ORLEANS TIMES PICAYUNE, June 21, 2006.

¹³⁷ Michelle Hunter & Walt Philbin, *2 deputies wounded in Metairie standoff*, THE TIMES PICAYUNE, June 16, 2006.

¹³⁸ FOX NEWS, June 24, 2006.

¹³⁹ Tyrone Richardson, *Man found guilty of murder attempt*, BALTIMORE SUN, Oct. 29, 2006.

¹⁴⁰ Tom Blakely, *Pair arraigned in Sunday crowd shooting*, THE NORMAN TRANSCRIPT, June 7, 2006.



- **Miami, Florida. June 6, 2006.** Three men were killed and another injured when the van they were riding in was shot numerous times by assault weapons. About 50 rounds were fired into the van.¹⁴¹
- **Indianapolis, Indiana. June 2, 2006.** Seven family members, four adults and three children, were shot and killed in their home by a robber armed with an assault rifle. Nearly 30 shell casings were found.¹⁴²
- **San Diego, California. June 2, 2006.** A 17-year-old was wounded in an accidental workplace shooting when the teen's co-worker brought an AK-47 to work and was unaware that there was a live round inside the rifle's chamber.¹⁴³
- **New Milford Township, Pennsylvania. May 27, 2006.** Two brothers were camping with their wives and children when they were awakened by gunshots coming from a neighbor's property at 3:00 a.m. The brothers knew the neighbor so they went to his house to ask him to stop shooting. The neighbor, armed with a shotgun, told the two brothers to leave and then told his stepson to pick up an AR-15 rifle. The brothers were both shot in the stomach and wounded severely.¹⁴⁴
- **West Palm Beach, Florida. May 17, 2006.** Two men carrying AK-47 assault rifles ordered a man out of his car at gun-point, mugged him, and ripped off his pants.¹⁴⁵
- **Kingston, Tennessee. May 14, 2006.** A deputy sheriff and another individual were shot and killed by high-powered assault rifles. The deputy had 33 gunshot wounds.¹⁴⁶
- **Port Salerno, Florida. May 12, 2006.** A deputy sheriff was shot and wounded with an AK-47 assault rifle.¹⁴⁷

¹⁴¹ David Ovalle, *Ambush takes lives of 3 men*, MIAMI HERALD, June 6, 2006.

¹⁴² Ashley M. Heher, *Suspect in slaying of 7 family members surrenders / Indianapolis police say he had nowhere else to go*, HOUSTON CHRONICLE, June 4, 2006.

¹⁴³ Debbi Farr Baker, *Man accidentally shoots co-worker*, SAN DIEGO UNION-TRIBUNE, June 3, 2006.

¹⁴⁴ Nyier Abdou, *Somerville brothers still hospitalized after shooting: Pa. Man charged with assaulting rescue squad members during family camping trip*, THE STAR-LEDGER, May 31, 2006.

¹⁴⁵ *Digest*, SOUTH FLORIDA SUN-SENTINEL, May 17, 2006.

¹⁴⁶ Duncan Mansfield, *'Anti-government' man sought in ambush of Tennessee deputy*, CHARLESTON GAZETTE, May 13, 2006.

¹⁴⁷ Leon Fooksman, *Police fearful of violent crime trend: AK-47 shootings*, SOUTH FLORIDA SUN-SENTINEL, May 13, 2006.



Fort Worth, Texas. May 9, 2006. 16-year-old Derick Giles, an innocent bystander, was killed after being shot in the abdomen in the crossfire of a gang shooting outside a convenience store. Five minutes later, one man was shot in the leg and another in the foot during a second drive-by shooting. One hour and half later, a 50-year-old woman was shot in the shoulder by gunfire from a high-powered assault weapon as she stood in her kitchen.¹⁴⁸

- **Chantilly, Virginia. May 8, 2006.** A teenager with an AK-47 and 5 handguns engaged in a firefight at a police station, killing a female detective immediately and wounding two other officers, one of whom died nine days later from his injuries.¹⁴⁹
- **Los Angeles, California. May 8, 2006.** Police arrested a man and found over 20 assault weapons in his home after the man fired multiple rounds in the air while driving through his neighborhood with a semiautomatic pistol. The man had his young son in the car with him.¹⁵⁰
- **Oskaloosa, Iowa. May 5, 2006.** A 17-year-old shot his 13-year-old friend in the chest with a military-style rifle and then shot himself.¹⁵¹
- **West Palm Beach, Florida. April 28, 2006.** Shots were fired into an apartment at 6:00 in the morning, hitting one man in the right leg and left knee. Seventeen shell casings from an AK-47 were found at the scene.¹⁵²

West Palm Beach, Florida. April 27, 2006. An AK-47 was used to shoot 24-year-old David Paulk and his 16-year-old sister. Mr. Paulk was critically injured and died four days later. The next day, the alleged gunman, Brandon Williams, was shot in the back with an assault rifle and taken to the hospital, where he was treated and left before police were able to find cause to arrest him.¹⁵³ However, he was arrested soon after.¹⁵⁴

¹⁴⁸ Deanna Boyd, *Teen killed in shooting at convenience store*, FORT WORTH STAR-TELEGRAM, May 9, 2006.

¹⁴⁹ Ian Urbina, *Fatal police station attack shocks tranquil community*, NEW YORK TIMES, May 10, 2006; *Officer Killed*, BOSTON GLOBE, May 18, 2006.

¹⁵⁰ *Man said to be on 'edge of Armageddon'*, LONG BEACH PRESS-TELEGRAM, May 9, 2006.

¹⁵¹ AP-News Agenda, Broadcast News, May 5, 2006.

¹⁵² *Police Blotter*, PALM BEACH POST, Apr. 29, 2006; Jerome Burdi, *Rash of shootings hits city in 2 days*, SOUTH FLORIDA SUN-SENTINEL, Apr. 29, 2006.

¹⁵³ Jerome Burdi, *Rash of shootings hits city in 2 days*, SOUTH FLORIDA SUN-SENTINEL, Apr. 29, 2006; Jerome Burdi, *New task force seeks man suspected in 2 shootings*, SOUTH FLORIDA SUN-SENTINEL, Apr. 30, 2006; *Police Blotter*, PALM BEACH POST, Apr. 30, 2006.

¹⁵⁴ Nirvi Shah, *West Palm slaying suspect jailed after Pensacola stop*, PALM BEACH POST, May 8, 2006.



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- **Oakland, California. March 19, 2006.** A gunman with an AK-47 opened fire on an apartment building, filling it with bullets and killing a 49-year-old man.¹⁵⁵
- **Lake Worth, Florida. March 17, 2006.** A man angry over an argument with a woman, shot the woman and her roommate with an AK-47 and left the victims in the doorway of their home.¹⁵⁶
- **Chicago, Illinois. March 11, 2006.** A 10-year-old girl was killed by a shot to her head as she was celebrating her birthday in her living room. A spray of bullets from an assault weapon peppered the house from a nearby fight.¹⁵⁷
- **Chicago, Illinois. March 3, 2006.** A stray bullet from an assault rifle struck a 14-year-old honor student as she was looking out the window of her home, killing her instantly.¹⁵⁸
- **Las Vegas, Nevada. February 1, 2006.** A 22-year-old fired at least 50 rounds from an assault rifle, shooting two Las Vegas police officers and killing one, before being shot and killed by the surviving officer.¹⁵⁹
- **Brooklyn, New York. January 20, 2006.** A man was arrested after firing at least two rounds from an Uzi at two members of the New York Police Department.¹⁶⁰
- **Ocala, Florida. January 7, 2006.** Two college students who were camping in the Ocala National Forest were randomly targeted by a man who shot and killed them with a stolen AK-47.¹⁶¹
- **Indianapolis, Indiana. January 2, 2006.** A man dubbed the "Tec-9 Robber" was arrested after being wanted in connection with as many as 23 robberies in four months of fast food restaurants, convenience stores, and gas stations.¹⁶²
- **Caddo Parish, Louisiana. January 1, 2006.** A 19-year-old was arrested after he was found hiding in an alley with an assault weapon. He faces two counts of aggravated assault on a police officer and potential charges for riddling a house with bullets, injuring a man.¹⁶³

¹⁵⁵ Henry K. Lee, *Oakland: Two new slayings brings homicide total to 30*, SAN FRANCISCO CHRONICLE, Mar. 21, 2006.

¹⁵⁶ Kevin Deutsch, *Man arrested in assault-rifle shooting*, PALM BEACH POST, Mar. 17, 2006.

¹⁵⁷ Gov. Blagojevich, *victims' families, advocates urge lawmakers in Springfield to pass statewide assault weapons ban*, US STATE NEWS, Mar. 23, 2006.

¹⁵⁸ Charles Sheehan, *Neighborhood buries another child*, CHICAGO TRIBUNE, Mar. 19, 2006.

¹⁵⁹ Omar Sofradzija, *Processions to honor Prendes*, LAS VEGAS REVIEW-JOURNAL, Feb. 7, 2006.

¹⁶⁰ Veronika Belenkaya et al., *Uzi maniac shot by cops. Tied to 3 attacks on city's finest*, NEW YORK DAILY NEWS, Jan. 22, 2006.

¹⁶¹ Stephen Kudak & Sarah Lundy, *Cops: Suspect admits killing 2 campers in Ocala forest*, ORLANDO SENTINEL, Jan. 28, 2006.

¹⁶² CBS 8 WISH, Indianapolis, IN, Jan. 5, 2006.

¹⁶³ CBS 12 KSLA, Shreveport, LA, Jan. 2, 2006.



- **Harper Woods, Michigan. December 31, 2005.** A 40-year-old man was shot sixteen times with an assault weapon while standing on his front porch around 3:15 p.m. and died from his injuries. His wife and daughters were in the house at the time of the shooting. His murder, occurring on the last day of the year, was the first murder of 2005 in his town.¹⁶⁴
- **Miami, Florida. December 28, 2005.** A man dressed in all black used an assault weapon to fire multiple rounds into a house killing a 20-year-old man and injuring another man who was hit in the leg.¹⁶⁵
- **Fortville, Indiana. December 13, 2005.** A man slapped a female relative and fired a round from an assault weapon into his driveway then barricaded himself in his house and threatened to shoot anyone who came to the door. When the 8-hour standoff ended, police found more than 10 weapons in the home.¹⁶⁶
- **Tacoma, Washington. November 20, 2005.** A 20-year-old male opened fire in a Tacoma mall, wounding six. The shooter took four hostages, all of whom were released unharmed.¹⁶⁷

San Francisco, California. October 14, 2005. 22-year-old Derna Wysinger and his two-year-old son, Naemon, were killed when a man opened fire on their car with an assault weapon. The toddler's mother, Jazmanika Ridout, was shot in the foot and survived. The family was leaving the home of the toddler's great aunt, who had been babysitting Naemon so that Wysinger and Ridout could go on a date.¹⁶⁸

- **North Braddock, Pennsylvania. August 12, 2005.** A man was found dead, shot in the back and head. Police found assault rifle bullet casings near the body.¹⁶⁹
- **Denton County, Texas. August 9, 2005.** In a night-long standoff at his home, a man fired his SKS assault rifle at police to avoid being arrested. After shooting an officer in the leg and refusing to negotiate, police shot and killed the suspect.¹⁷⁰
- **New Orleans, Louisiana. August 8, 2005.** While driving, a man was shot and killed when an occupant of another car opened fire with an AK-47 assault rifle.¹⁷¹

¹⁶⁴ NBC 51 WDIV, Detroit, MI, Jan. 4, 2006.

¹⁶⁵ *Man killed in early morning shooting*, MIAMI HERALD, Dec. 28, 2005.

¹⁶⁶ *Eight-hour standoff ends peacefully*, THEINDYCHANNEL.COM, Dec. 13, 2005 available at: <http://www.theindychannel.com/news/5524484/detail.html> (last visited Sept. 29, 2008).

¹⁶⁷ *Suspect: 'follow screams', Man opens fire at mall in Tacoma; 6 wounded*, AKRON BEACON JOURNAL, Nov. 22, 2005.

¹⁶⁸ Christopher Heredia, *San Francisco police ask public for help in finding shooting suspect*, SAN FRANCISCO CHRONICLE, Oct. 16, 2005.

¹⁶⁹ Michael Hasch, *Shooting victim was teen suspect's uncle*, PITTSBURGH TRIBUNE REVIEW, Aug. 17, 2005.

¹⁷⁰ Domingo Ramirez Jr., *Trooper is shot; suspect is killed*, FORT WORTH STAR-TELEGRAM, Aug. 9, 2005.



- **West Palm Beach, Florida. June 25, 2005.** A man was killed and his 9-year-old daughter severely wounded when a man fired into their parked car with an assault weapon that police believe had been converted to fully automatic.¹⁷²
- **Cincinnati, Ohio. June 22, 2005.** Assaultants armed with SKS-type assault rifles sprayed over forty armor-piercing bullets in twenty seconds, hitting two women leaving a grocery store.¹⁷³
- **Livingston County, Kentucky. June 2, 2005.** A deputy was shot when he responded to a domestic disturbance call placed by a couple's 18-year-old daughter. When the officer entered the home, a male fired at least 8 rounds from an assault rifle at him, hitting him four times and killing him. The officer was able to fire one round which killed the gunman.¹⁷⁴
- **Fresno, California. May 31, 2005.** A man fired at least eight shots from an assault rifle at two veteran police officers sitting in their patrol car outside the police K-9 facility. The police later found a partially loaded 30 round magazine in the assailant's car.¹⁷⁵
- **Kansas City, Missouri. May 29, 2005.** After being pulled over for a routine traffic stop, a recently fired elementary school janitor shot a Highway Patrol trooper nine times with a 9 mm assault rifle.¹⁷⁶
- **Tulsa, Oklahoma. May 29, 2005.** A gunman fired more than 20 shots from an assault rifle at an apartment building security guard, wounding the guard and hitting his car and surrounding buildings.¹⁷⁷
- **Camden, New Jersey. May 21, 2005.** A mother of three young children was killed by a stray bullet fired from an AK-47 during a shoot-out.¹⁷⁸
- **Jackson, Mississippi. May 18, 2005.** A man fired at least 17 shots from an SKS assault rifle and 9 mm pistol at police during a traffic stop.¹⁷⁹

¹⁷¹ Walt Philbin, *Three men killed in seven hours: All are shot to death on New Orleans streets*, NEW ORLEANS TIMES PICAYUNE, Aug. 9, 2005.

¹⁷² *Gun owners trade in arms, W. Palm Beach shootings spark city buyback*, SOUTH FLORIDA SUN-SENTINEL, July 10, 2005.

¹⁷³ *Two wounded in West End*, CINCINNATI POST, June 24, 2005.

¹⁷⁴ *Livingston County Kentucky Deputy Sheriff killed in gunfight*, LMPD.com, June 3, 2005, available at: <http://www.lmpd.com/index.php?name=News&file=article&sid=291&theme=AutoPrint> (last visited Sept. 30, 2008).

¹⁷⁵ *Two held in assault-rifle attack on two officers*, FRESNO BEE, June 1, 2005.

¹⁷⁶ *Accused man tells trooper he's sorry*, KANSAS CITY STAR, May 30, 2005.

¹⁷⁷ *Security guard at apartment is shot*, TULSA WORLD, May 29, 2005.

¹⁷⁸ *Two more men arraigned in fatal street shoot-out*, THE PHILADELPHIA INQUIRER, June 1, 2005.

¹⁷⁹ *Bond denied for man in shootout*, SUN HERALD, July 20, 2005.



Clayton County, Georgia. April 23, 2005. High school senior Larry Bishop Jr. was killed, and three other teens were wounded, when a gunman opened fire on a group of partygoers. 18-year old Artavious Rashad Abercrombie was arrested in connection with the crime.¹⁸⁰

- **Miami, Florida. April 10, 2005.** Three men were injured during a dispute in a strip club parking lot when a fourth man fired an AK-47 at them.¹⁸¹
- **Canton, Texas. April 8, 2005.** A man shot his son's football coach in the chest with an AK-47 after a dispute.¹⁸²
- **Houston, Texas. April 8, 2005.** Two robbers armed with AK-47s fired nearly twenty rounds at police during a shoot-out outside a pawnshop.¹⁸³
- **New Orleans, Louisiana. March 27, 2005.** A woman was shot in the chest outside her apartment with an AK-47 when she refused to give her purse to two armed robbers.¹⁸⁴

Pittsburgh, Pennsylvania. March 16, 2005. 16-year- old Keith Watts was killed, and two other students were injured, when a shooter fired at least eight rounds from an AK-47 into their parked vehicle.¹⁸⁵

- **Dallas, Texas. March 15, 2005.** Three people were killed after a man fired an assault rifle at them through the sunroof of his car.¹⁸⁶
- **Schertz, Texas. March 3, 2005.** After being pulled over, a man fired more than 30 bullets from a handgun and AK-47 at a state police officer.¹⁸⁷
- **Tyler, Texas. February 25, 2005.** A gunman with a history of domestic violence and a felony conviction, who was reportedly fighting with his ex-wife over child support for their two youngest children, shot over 50 rounds from an SKS assault rifle on the steps of his local courthouse when his ex-wife exited the building. His ex-wife was killed along with a bystander who tried to shoot the gunman. The shooter's 23-year-old son and three law enforcement officers were wounded during the shooting, including a 28-year-old deputy who was in grave condition. The

¹⁸⁰ *Teen faces murder charge*, THE ATLANTA JOURNAL-CONSTITUTION, May 28, 2005.

¹⁸¹ *Pair of early-morning shootings leave six hurt*, MIAMI HERALD, April 11, 2005.

¹⁸² *Gunman attacks coach at school*, FORT WORTH STAR-TELEGRAM, April 8, 2005.

¹⁸³ *Pawnshop heist ends in bloody shootout*, HOUSTON CHRONICLE, April 7, 2005.

¹⁸⁴ *Jeff woman shot in struggle with thief*, THE TIMES-PICAYUNE, March 29, 2005.

¹⁸⁵ *Schools need permission to shield kids from threats*, PITTSBURGH POST-GAZETTE, March 18, 2005.

¹⁸⁶ *Police say revenge went awry for slaying suspects*, DALLAS MORNING NEWS, March 18, 2005.

¹⁸⁷ *Man indicted in Schertz shootout*, SAN ANTONIO EXPRESS-NEWS, March 24, 2005.



gunman fled the scene but was pursued and shot by police when he exited his car and shot toward officers.¹⁸⁸

- **Los Angeles, California. February 24, 2005.** A disgruntled Los Angeles municipal employee opened fire with an AK-47 after being reprimanded at work, killing his supervisor and another employee.¹⁸⁹

Akron, Ohio. February 24, 2005. A man shot and killed his girlfriend and her seven year old son using an AR-15 assault rifle, then fired more than one-hundred rounds at a dozen law enforcement officers as he fled the murder scene. The gunman was arrested the next morning inside the apartment of a Kent State University student, who he also murdered with the AR-15 assault rifle. Police subsequently seized 21 weapons kept by the suspect, including an Uzi and an AK-47.¹⁹⁰

- **Las Vegas, Nevada. February 15, 2005.** A suspected murderer fled from police as his girlfriend fired an assault rifle with a 100 round magazine at pursuing police vehicles. The man was wanted in connection with a drug related murder and for a nonfatal shooting. The man also had convictions for attempted manslaughter and armed robbery, and was suspected of shooting at a Louisiana police officer five months earlier.¹⁹¹
- **Ulster, New York. February 13, 2005.** A gunman fired more than 60 shots from an AK-47 assault rifle in the Hudson Valley Shopping Mall, wounding two and causing tens of thousands of dollars of damage before being apprehended. A few hours earlier, the shooter had purchased armor-piercing ammunition from a nearby Wal-Mart.¹⁹²
- **Lebanon, Tennessee. February 10, 2005.** A second grade student found a Tec-9 inside a closet and brought it to school in his backpack, where it was confiscated by police. The gun was not fired but sixteen bullets were discovered in the magazine.¹⁹³
- **Dayton, Ohio. January 31, 2005.** Three teens were shot with a Russian-made assault rifle following an argument at a grocery store.¹⁹⁴

¹⁸⁸ Bill Hanna & Jack Douglas Jr., *Rampage in Tyler leaves three dead, four wounded*, FORT WORTH STAR-TELEGRAM, Feb. 25, 2005; Jack Douglas Jr. & Bill Hanna, *Police order emergency trace on weapon used in shootings*, FORT WORTH STAR-TELEGRAM, Feb. 26, 2005.

¹⁸⁹ *2 Are Shot to Death at Maintenance Yard*, LOS ANGELES TIMES, Feb. 25, 2005.

¹⁹⁰ Ed Meyer, *Police eye semiautomatic rifles, Brimfield officials want to be prepared after recent shooting rampage that killed 3 people*, AKRON BEACON JOURNAL, Feb. 24, 2005.

¹⁹¹ Brian Haynes, *Wild chase ends in arrests*, LAS VEGAS REVIEW-JOURNAL, Feb. 19, 2005.

¹⁹² *Mall Gunman Had Columbine Fixation, an Official Says*, THE NEW YORK TIMES, Feb. 15, 2005.

¹⁹³ WKRN TV NEWS 2, Nashville, TN, Feb. 10, 2005.

¹⁹⁴ Kelli Wynn, *Assault weapon used in shooting, police say*, DAYTON DAILY NEWS, Feb. 2, 2005.



- **Ravena, Ohio. January 21, 2005.** Three people were killed, including a mother and her seven year old son, when a man fired at least 18 bullets from an assault rifle.¹⁹⁵

Jackson, Tennessee. January 11, 2005. Donna Renee Jordan, 31, David Gordon, 41, and Jerry Hopper, 61, were killed when Jordan's estranged husband, David Jordan, opened fire in a Tennessee Department of Transportation maintenance garage. Two other employees, Larry Taylor and James Goff, were shot and wounded. When David Jordan was arrested shortly after the shootings, police found an SKS assault rifle, a 12-gauge shotgun, and two pistols in his truck. Jordan's wife, whom he shot four times, left behind two children and two stepchildren.

- **Ceres, California. January 9, 2005.** A 19-year-old Marine armed with an SKS assault rifle shot two police officers, killing one, in a gun battle outside a liquor store.¹⁹⁶
- **Newington, Connecticut. December 31, 2004.** A former correction officer used a fully automatic M-16 to fatally shoot a Newington policeman after the officer responded to a domestic disturbance call.¹⁹⁷
- **New Orleans, Louisiana. December 23, 2004.** A mentally challenged 19-year-old was chased through the streets with a high-powered assault rifle before being gunned down outside his former elementary school.¹⁹⁸
- **Hayward, Wisconsin. November 21, 2004.** After being asked to leave another hunter's property, a 36-year-old man opened fire with an SKS semiautomatic rifle, killing six members of a hunting party and wounding two.¹⁹⁹
- **Oak Creek, Wisconsin. November 5, 2004.** A man wearing body armor and armed with a machine gun fled the hotel room where he murdered his girlfriend, firing 30 to 40 rounds down the hotel hallway, killing one man and injuring two others.²⁰⁰
- **Portland, Oregon. October 28, 2004.** A 31-year-old aimed two machine guns out his front window to guard the marijuana growing operation run from his home, which was less than 400 feet from an elementary school. Police seized 29 guns from his home, including several AK-47s and Uzis, a MAC-10 submachine gun and a .50

¹⁹⁵ Stephen Dyer, *Murder suspect pleads insanity*, AKRON BEACON JOURNAL, Feb. 8, 2005.

¹⁹⁶ *Cop, gunman dead: Marine killed after shooting officers*, THE MODESTO BEE, Jan. 11, 2005.

¹⁹⁷ *Officer shot, held hostage*, HARTFORD COURANT, Dec. 31, 2004.

¹⁹⁸ *Barbarity beyond belief*, THE TIMES-PICAYUNE, Dec. 23, 2004.

¹⁹⁹ *Wisconsin Shooting Rampage*, ST. PAUL PIONEER PRESS, Nov. 23, 2004.

²⁰⁰ *2 dead, 2 wounded in hotel shootings*, MILWAUKEE JOURNAL SENTINAL, Nov. 6, 2004.



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caliber anti-aircraft gun. He was later sentenced to more than eight years in prison.²⁰¹

- **Minneapolis, Minnesota. October 21, 2004.** A store clerk died after being shot in the chest with an assault rifle during a botched robbery attempt.²⁰²
- **Oakland, California. September 22, 2004.** A 16-year-old honor student was killed on the sidewalk near her home after being struck by errant assault rifle fire.²⁰³

²⁰¹ Local news – Washington County, THE OREGONIAN, May 4, 2006.

²⁰² *3 teens charged with clerk's slaying*, ST. PAUL PIONEER PRESS, Nov. 2, 2004.

²⁰³ *Girl, 16, gunned down in Oakland drive-by*, THE OAKLAND TRIBUNE, Sept. 24, 2004.



Endnotes

¹ *Ferri Used Guns That California Ban Does Not Forbid*, SAN FRANCISCO EXAMINER, July 4, 1993.

² Michael Janofsky, *Columbine killers thank gun suppliers taped comments revealed in hearing*, CLEVELAND PLAIN DEALER, Nov. 13, 1999.

³ *Cult's Massive Weapons Purchases Stir Up a Furor Over Federal Regulation*, FORT WORTH STAR-TELEGRAM, May 2, 1993.

⁴ *Satellite College Campus Helps to Heal the Scars at San Ysidro Massacre*, LOS ANGELES TIMES, Mar. 30, 1989; *A 77-Minute Moment in History That Will Never Be Forgotten*, LOS ANGELES TIMES, July 16, 1989.

⁵ *The Kinds of Guns School Killer Used*, SAN FRANCISCO CHRONICLE, Jan. 19, 1989; Michael Taylor & Leslie Guevarra, *Myterious Scrawlings and Slogans, School Killer's Last Days, Toy Army in his Room*, SAN FRANCISCO CHRONICLE, Jan. 19, 1989.

⁶ In an appendix of this report, we have included 27 pages of assault weapons shootings that have occurred in just the last four years. Moreover, this list is not comprehensive. It is merely representative examples.

⁷ ATF, *Assault Weapons Profile* 19 (1994)

⁸ Judith Bonderman, *In Search of Justice: Compensation for Victims of Assault Weapon Violence*, 20 PRODUCT SAFETY & LIABILITY REP. 25 (June 26, 1992). There are numerous examples of test-firing that display the firepower of semi-automatic assault weapons on YouTube. See, e.g., <http://www.youtube.com/watch?v=nCMEqCPCvV4>; <http://www.youtube.com/watch?v=cYRsPzUYMM4>; and <http://www.youtube.com/watch?v=A7500-QolJI>.

⁹ ATF, *Assault Weapons Profile*, *supra* note 7, at 19 (emphasis added).

¹⁰ *Id.*

¹¹ *Assault rifles concern police*, MONTGOMERY ADVERTISER, May 25, 2006.

¹² ATF, *Assault Weapons Profile*, *supra* note 7, at 20.

¹³ See *infra* p. 15.

¹⁴ Dep't of Treasury, *Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles* 38 (1998).

¹⁵ ATF, *Report and Recommendations of the ATF Working Group on the Importability of Certain Semi-Automatic Rifles* (July 6, 1989)

¹⁶ Dep't of Treasury, *Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, *supra* note 14.

¹⁷ Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, U. PA. JERRY LEE CENTER OF CRIMINOLOGY 3 (June 2004). [Quotation in report spells out 'assault weapons' & 'large capacity magazines' while the actual quotation uses the abbreviations 'AWs' & 'LCMs'].

¹⁸ Press Release, Mayor Hahn, Chief Bratton Unite With Leaders Across Country To Demand Renewal Of Assault Weapons Ban (Apr. 27, 2004) (available at www.lacity.org).

¹⁹ Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, *supra* note 17, at 87. [Quotation in report spells out 'assault weapons' while the actual quotation uses the abbreviation 'AWs'].



²⁰ See International Association of Chiefs of Police, *Taking a Stand: Reducing Gun Violence in Our Communities: Report and Recommendations from the IACP Great Lakes Summit on Gun Violence* 26 (2007) (noting that FBI data indicated that 41 of the 211 law enforcement officers slain in the line of duty between January 1, 1998 and December 31, 2001, were killed with assault weapons. See also, H.R. Rep. No. 103-489 (1994) at 14-15 (citing testimony about several assault weapons shootings); *Cops Under Fire: Law Enforcement Officers Killed With Assault Weapons or Guns With High Capacity Magazines*, Handgun Control, Inc. (now the Brady Center to Prevent Gun Violence) (1995).

²¹ The Officer Down Memorial Page, Inc. collects information on officers killed in the line of duty. See <http://www.odmp.org/>.

²² *SAPD Details Monday Shooting Investigation*, KSAT12-TV, San Antonio, Texas, Sept. 10, 2008.

²³ Brady McCombs & Alexis Huicochea, *Officer on life support after crosstown pursuit*, ARIZONA DAILY STAR, June 2, 2008.

²⁴ Joseph A. Gambardello, *Liczbinski suspect's girlfriend to stand trial*, PHILADELPHIA INQUIRER, July 17, 2008; *Officer shot, killed after bank robbery*, NBC 10.COM, May 3, 2008; See Sergeant Stephen Liczbinski, [www.odmp.org](http://www.odmp.org/officer/19359-sergeant-stephen-liczbinski), available at: <http://www.odmp.org/officer/19359-sergeant-stephen-liczbinski> (last visited Sept. 30, 2008).

²⁵ David Ovalle et. al., *The murder and the manhunt started in a South Miami-Dade townhouse, zigzagged...*, MIAMI HERALD, Sept. 15, 2007.

²⁶ See Officer Frank Charles Denzinger, [odmp.org](http://www.odmp.org/officer/18926-officer-frank-charles-denzinger), available at: <http://www.odmp.org/officer/18926-officer-frank-charles-denzinger> (last visited Sept. 30, 2008).

²⁷ See, e.g., Brittany Wallman, *Fort Lauderdale police to carry assault rifles in cars*, SOUTH FLORIDA SUN-SENTINEL, June 4, 2008; Ronnie Garrett, *Long guns on patrol: Officers find it takes more than a handgun, a badge and handcuffs to protect the public and themselves*, OFFICER.COM, May 20, 2008; David C. Lipscomb, *D.C. to arm police with assault rifles*, WASHINGTON TIMES, May 8, 2008, 'Arms race' has police carrying deadlier guns: Officers armed with increasingly powerful tools, ASSOCIATED PRESS, Mar. 22, 2008; Katie Fretland, *Sheriff's office upgrades to counter criminals*, ORLANDO SENTINEL, Oct. 4, 2007,

²⁸ Kevin Johnson, *Police needing heavier weapons: Chiefs cite spread of assault rifles*, USA TODAY, Feb. 20, 2007.

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³¹ See Mike Flannery, *More Assault Weapons Found in Chicago Since Ban Expired*, CBS 2 CHICAGO, June 7, 2005, available at http://cbs2chicago.com/topstories/local_story_158180945.html.

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- ⁸⁶ Premkumar A. Walekar of Olney, Maryland, a 54-year-old male cabdriver, was shot and killed with the Bushmaster assault rifle at a Mobil gas station in Aspen Hill, Maryland on October 3rd.
- ⁸⁷ James L. “Sonny” Buchanan, Jr. of Abingdon, VA, a 39-year-old landscaper, was shot and killed with the Bushmaster assault rifle while mowing grass at a car dealership in White Flint, Maryland On October 3.
- ⁸⁸ Linda Franklin, a 47-year-old FBI employee was shot and killed with the Bushmaster assault rifle while loading packages with her husband in their car in the parking garage of a Home Depot in Seven Corners Shopping Center in Fairfax County, Virginia On October 14.
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⁹⁰ *CIA Killings Prompt Scrutiny on 2 Fronts; Fairfax Loophole Expedited Gun Purchase*, WASHINGTON POST, Feb. 11, 1993.

⁹¹ Robert O'Harrow, Jr. *Kansi's Shadowy Stay in U.S. Leaves a Hazy Portrait*, WASHINGTON POST, Mar 3, 1993.

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⁹⁶ Declaration of Leonard J. Supenski in Support of Plaintiffs' Joint Opposition to Navegar, Inc.'s Motion for Summary Judgment or, in the Alternative, Summary Adjudication at 8, In re 101 California Street Bldg., No. 959316 (Sup. Ct. Cal. 1996).

⁹⁷ Jim Zumbo, *Assault Rifles for Hunters?*, available at: http://razoreye.net/mirror/zumbo/zumbo_assault_rifles.html (last visited Oct. 7, 2008).

⁹⁸ *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008).

⁹⁹ The Court was careful to announce only a limited Second Amendment right that was tied to guns used for self-defense in the home. *Id.* at 2821-22. "[W]hatever else [the Second Amendment] leaves to future evaluation, it surely elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home." *Id.* at 2821. "[T]he enshrinement of constitutional rights necessarily takes certain policy choices off the table. These included the absolute prohibition of handguns held and used for self-defense in the home." *Id.* at 2822. "In sum, we hold that the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense." *Id.* at 2821-22.

¹⁰⁰ *Id.* at 55.

¹⁰¹ See *infra* p. 1, *Assault Weapons are Designed to Slaughter People*.

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¹⁰³ See *infra* p. 14, *Assault Weapons Have No Sporting or Self-Defense Purpose*.

¹⁰⁴ See, e.g., *Benjamin v. Bailey*, 662 A.2d 1226 (Conn. 1995); *Robertson v. Denver*, 874 P.2d 325 (Colo. 1994); *Arnold v. City of Cleveland*, 616 N.E.2d (Ohio 1993).

¹⁰⁵ Hearings Before the Committee on the Judiciary on S. 639 and S. 653, U.S. Senate, 103d Cong. 1 (Aug. 3, 1993) (statement of Hon. Joseph Biden).



¹⁰⁶ The law was intended to cover “copies or duplicates” of named firearms, 18 U.S.C. § 921(30)(A), but it was never successfully applied to ban any of the copycat weapons that emerged after the ban unless they also violated the two-features test.

¹⁰⁷ The data available at the time of the study went up through the end of 2001.

¹⁰⁸ The conclusions in the On Target study were similar to an analysis of assault weapons traced to crime done for United States Senators Dianne Feinstein and Charles Schumer. This analysis showed that the proportion of banned assault weapons traced to crime dropped by more than 65% while the ban was in effect, according to ATF crime gun trace data. See report released on Nov. 5, 2003, available at <http://feinstein.senate.gov/03Releases/r-assaultweepsrate1.htm>.

¹⁰⁹ In addition to the Brady Center’s study, 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.” Jeffrey A. Roth & Christopher S. Koper, *Impacts of the 1994 Assault Weapons Ban: 1994-96* 1, 9 (U.S. Dep’t of Justice, National Institute of Justice 1999) (available at <http://www.ncjrs.org/pdffiles1/173405.pdf>).

¹¹⁰ One of the principal authors of that interim study published a follow-up analysis of the effects of the federal ban in June 2004. Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, U. PA. JERRY LEE CENTER OF CRIMINOLOGY, *supra* note 17. That study documented a dramatic reduction in the incidence of assault weapon use in crime while the ban was in effect. The study found, according to ATF data, that assault weapons, as a percentage of total crime gun traces, fell 70% from 1992-93 to 2001-02. *Id.* at 44. Indeed, the study found it “remarkable” that the annual number of assault weapons traced to crime did not increase during the period the ban was been in effect, even though, due to far more comprehensive tracing of crime guns by ATF, the number of total guns traced to crime increased almost 200% during that same period. *Id.* As the study noted, these results were consistent with the findings of the Brady Center in its On Target report, discussed above. *Id.* at 44, n.43. Koper’s study attributed these declines in the frequency of assault weapon use in crime to the statute itself, in contradiction to the assertions made by some commentators that the decline was due to other factors. The study found that the decline in frequency of assault weapon traces did not begin until 1994, the year of the ban, and concluded that “the ban prevent[ed] a few thousand crimes with assault weapons annually.” *Id.* at 52, n.61.

¹¹¹ 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. ATF, *The Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Market in 27 Communities* 5 (1999).

¹¹² CAL. PENAL CODE § 12276.1.

¹¹³ H.R. 1022, 110th Cong. (2007).

¹¹⁴ See <http://www.pollingreport.com/guns.htm>.

¹¹⁵ *Id.*

¹¹⁶ Majority of U.S. adults favors continuing ban on sales of assault rifles, according to latest Harris poll, Sept. 24, 2004, available at: http://www.harrisinteractive.com/harris_poll/index.asp?PID=498 (last visited Oct. 3, 2008).

¹¹⁷ Survey: 8 out of 10 Illinois voters favor banning assault weapons, WBBM 780 NEWS, Chicago, IL, Mar. 22, 2007.

¹¹⁸ Numerous newspaper editorials and columnists are in favor of the reinstatement of an assault weapons ban. See, e.g., *Our leaders are fighting to bring back the national assault weapons ban*, DAILY PENNSYLVANIAN, May 29, 2008; Brian Scheid, *Rendell: Reinstate weapons ban*, BUCKS COUNTY COURIER TIMES, May 12, 2008; David Gambacorta, *In wake of Liczbinski slaying, a push for assault-weapon ban*,



PHILADELPHIA DAILY NEWS, May 8, 2008; *Time for action*, BUCKS COUNTY COURIER TIMES, May 7, 2008; *Gun Control: How many more?*, PHILADELPHIA INQUIRER, May 6, 2008; Sam Wood, *Cheap but deadly weapon killed police officer*, PHILADELPHIA INQUIRER, May 6, 2008; *Assault rifles: Cops find themselves outgunned*, SALT LAKE TRIBUNE, Apr. 14, 2008; *Take aim at guns*, CHICAGO TRIBUNE, Mar. 12, 2008; *Gun Crazy*, NEW YORK TIMES, Mar. 1, 2008; *Assault weapon bill is a start, at least*, SOUTH FLORIDA SUN-SENTINEL, Feb. 12, 2008; *Off-Target: Why are chuka sticks illegal, but not AK-47 knockoff?*, SYRACUSE POST-STANDARD, Dec. 27, 2007; *Mass killings demand serious debate on banning some weapons*, RECORDNET.COM, Dec. 20, 2007, available at: http://www.recordnet.com/apps/pbcs.dll/article?AID=/20071220/A_OPINION01/712200308/1/A_OPINION (last visited Oct. 2, 2008); Ralph Fascitelli, *It's time to outlaw military assault weapons*, SEATTLE POST-INTELLIGENCER, Dec. 19, 2007; *Get rid of these guns – now*, TIMES-HERALD, Dec. 19, 2007; *Courage vs. Carnage: What Congress can do to keep the worst weapons out of the wrong hands*, WASHINGTON POST, Dec. 13, 2007; *The Omaha Massacre: Warning Shots*, PHILADELPHIA INQUIRER, Dec. 7, 2007; Charles Rabin, *Dade urges renewing assault-arms ban*, MIAMI HERALD, Nov. 8, 2007; *The other arms race*, BALTIMORE SUN, Nov. 7, 2007; Ana Menendez, *There's no good reason to have an assault rifle*, MIAMI HERALD, Sept. 16, 2007; *Legislature should take aim at assault weapon horrors*, CHICAGO SUN-TIMES, Jan. 10, 2007.

¹¹⁹ See Press Release, Brady Campaign to Prevent Gun Violence, Jim and Sarah Brady “Personally Offended” by Gun Lobby Efforts to Falsify Reagan Record (June 16, 2004) available at: <http://www.bradycampaign.org/media/release.php?release=565> (quoting letter from President Reagan).

¹²⁰ See Press Release, Brady Campaign to Prevent Gun Violence, Former Presidents Ford, Carter, Clinton Urge President Bush to Save the Assault Weapons Ban (June 7, 2004) available at: <http://www.bradycampaign.org/media/release.php?release=569>.



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EXHIBIT 40

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Man wanted in officer's slaying dies in gunbattle

By RICH McKAY
SENTINEL STAFF WRITER

BEVILLE'S CORNER — A man wanted in the killing of a New Jersey police officer last week was slain during a gunfight Easter morning after a chase b

and abdomen, also wounding her partner before fleeing.

Hernando deputies called for backup as they began to pursue Marti and he sped off and shot at them, Bergen County, N.J., prosecutor John L. Molinelli said.

drove northeast on State crossing from Hernando in

ment, Caruthers said. The chase covered about 20 miles, Hernando sheriff's officials said.

When the car stopped about 9:50 a.m., Marti got out with an AK-47 assault rifle and again shot at the deputies, officials said. He was shot several times by deputies, Caruthers said.

Marti was airlifted to a Lakeland hospital where he was pronounced

 Violence Policy Center

"Officer Down"

Assault Weapons and the War on Law Enforcement

Rifle attack called officer's nightmare

B6 The Roanoke Times, Sunday, June 17, 2001

Suspect brandished 9 mm 'Uzi-style' weapon, authorities say

Slain officer wanted shift with most action

ACTION FROM 1A

In his application, Cudnik said he wanted to be a police officer because it was "one of the most mentally and physically challenging and emotionally rewarding vocations that I can aspire to."

wanted to work when all the action was happening."

His personnel file showed no commendations. The only reprimand occurred in February 1995 when he was suspended for 60 days for leaving the scene of a three-car accident while off-duty, then failing to report his involve-

Cudnik grew up in the Garfield Heights area and graduated from Parma Senior High School in 1967. He was the divorced father of three sons: Hilary Jr., 23, a Cleveland firefighter; Michael, 21, a student at the University of Dayton; and Daniel, 20, with the Coast Guard.

Even though he worked the grueling 8 p.m. to 4 a.m. shift in one of the city's toughest neighborhoods, Cudnik was a frequent presence at the bar, which opened at 6 a.m. to serve bacon and eggs to the no-nonsense working man's crowd at the nearby LTV Steel Co. mill.

"He was always here," said

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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, grassroots 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.

This report was authored by VPC Legislative Director Kristen Rand and VPC Policy Analyst Marty Langley. It was edited by VPC Publications Coordinator Aimée Stenzel and VPC Executive Director Josh Sugarmann.

This study was funded in part with the support of The David Bohnett Foundation, The California Wellness Foundation, The George Gund Foundation, The Joyce Foundation, The John D. and Catherine T. MacArthur Foundation, and The Streisand Foundation. Past studies released by the VPC include:

- *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)
- *“Just Like Bird Hunting”—The Threat to Civil Aviation from 50 Caliber Sniper Rifles* (January 2003)
- *When Men Murder Women: An Analysis of 2000 Homicide Data* (October 2002)
- *No Deal: The Drop in Federally Licensed Firearms Dealers in America* (September 2002)
- *Sitting Ducks—The Threat to the Chemical and Refinery Industry from 50 Caliber Sniper Rifles* (August 2002)
- *License to Kill IV: More Guns, More Crime* (June 2002)
- *American Roulette: The Untold Story of Murder-Suicide in the United States* (April 2002)
- *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry’s Claim that Osama bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002)
- *“A .22 for Christmas”—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Kids in the Line of Fire: Children, Handguns, and Homicide* (November 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Shot Full of Holes: Deconstructing John Ashcroft’s Second Amendment* (July 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001)
- *Handgun Licensing and Registration: What it Can and Cannot Do* (September 2000)
- *Pocket Rockets: The Gun Industry’s Sale of Increased Killing Power* (July 2000)
- *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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Introduction

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

This study reveals the gun industry's efforts to evade the 1994 ban and documents the significant threat assault weapons still pose to law enforcement. These facts make clear the need to not only renew, but also *strengthen*, the ban before it expires next year. Legislation will soon be introduced in the U.S. Congress to accomplish this goal. Without action this Congress, the 1994 law will expire in 2004.

Both President Bush and Attorney General Ashcroft have expressed support for the assault weapons ban. President Bush's support for the ban has been longstanding. In October 2000, Bush campaign spokesperson Ray Sullivan told *Salon* magazine that he would expect then-candidate Bush to reauthorize the ban.¹ That position was reiterated by Attorney General John Ashcroft during his confirmation hearings on January 17, 2001, when he stated, "It is my understanding that the president-elect of the United States has indicated his clear support for extending the assault weapon ban, and I would be pleased to move forward that position, and to support that as a policy of this president, and as a policy of the Justice Department."² Most recently, in April of this year, White House spokesperson Scott McClellan told Knight Ridder news service, "The President supports the current law, and he supports reauthorization of the current law."³

This study contains three sections. *Section One: Assault Weapons, the Gun Industry, and Law Enforcement* reveals how the firearms industry has evaded the current ban, and how assault weapons continue to pose a stark threat to America's law enforcement personnel. *Section Two: Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001* is a chart listing the known incidents of police officers killed by assault weapons, including year, state, manufacturer, model of assault weapon, and caliber. *Section Three: Selected Incidents of Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through*

¹ Jake Tapper, "Gore Shoots Blanks on Guns," *Salon*, October 24, 2000.

² "Day 2, Morning Session of a Hearing of the Senate Judiciary Committee," *Federal News Service*, January 17, 2001.

³ Shannon McCaffrey, "In Surprise Move, Bush Backs Renewing Ban on Assault Weapons," *Knight Ridder/Tribune News Services*, April 12, 2003.

2001 offers expanded narratives for 15 of the law enforcement shootings that occurred during this period. Each narrative also includes a representative illustration of the model of assault weapon used in the shooting (each weapon shown is representative of the brand or model of assault weapon and may not be identical to the specific weapon used in the shooting detailed in the narrative).

Section One: Assault Weapons, the Gun Industry, and Law Enforcement

Assault Weapons: A Clear Threat to Law Enforcement

A primary stimulus for the 1994 law was the severe threat that assault 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. In a high-profile shootout in April 1986, two agents from the Federal Bureau of Investigation (FBI) were killed by robbery suspects wielding a Ruger Mini-14 assault rifle. Five other agents were wounded in the gun battle. As high-capacity assault weapons became more commonplace, police routinely complained that they were being outgunned by suspects. As a result, major law enforcement organizations supported passage of the 1994 federal assault weapons ban.

In 1995, the first full year in which the ban was implemented, police continued to be victims of assault weapons. Approximately one in 10 of the 74 law enforcement officers killed in the line of duty in 1995 was slain with a banned assault weapon.⁴

The Gun Industry Evades the Law

Immediately after the 1994 law was enacted, the gun industry moved quickly to make slight, cosmetic design changes in their “post-ban” guns to evade the law, a tactic the industry dubbed “sporterization.” Of the nine assault weapon brand/types listed by manufacturer in the law,⁵ six of the brand/types have been re-marketed in new,

⁴ *Cop Killers: Assault Weapon Attacks on America's Police*, Violence Policy Center, September 1995.

⁵ 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

“sporterized” configurations.⁶ In fact, gunmakers openly boast of their ability to circumvent the assault weapons ban. Their success is described in an August 2001 *Gun World* magazine article about the new Vepr II assault rifle, a “sporterized” version of the AK-47:

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

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

Strange as it seems, despite the hit U.S. citizens took with the passage of the onerous crime bill of 1994 [which contained the federal assault weapons ban], ARs are far from dead. Stunned momentarily, they sprang back with a vengeance and seem better than ever. Purveyors abound producing post-ban ARs for civilians and pre-ban models for government and law enforcement agencies, and new companies are joining the fray.⁷

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

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, 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

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....”

⁶ 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.

⁷ “Rock River’s LE Tactical Carbine,” *Gun World* (May 2003), p. 50.

4 Bushmaster Rifles & Carbines Internet: www.bushmaster.com

Bushmaster XM15 M4 Type 16" Post-Ban Carbine...
M4 Profile Barrel • Mini Y Comp Muzzle Brake • Fixed length BATF Approved Tele-style Stock

A new model from Bushmaster in 2001, this XM15 E2S M4 Type Post-Ban Carbine features a lightweight 14.5" Barrel machined in the distinctive M4 profile with a permanently attached Mini Y Comp muzzle brake. This configuration yields a total barrel length of 16" to comply with Post-Ban regulations. A BATF approved fixed tele-style buttstock is added to complete the military look of this new carbine. The 14.5" barrel is chrome lined in both bore and chamber for maximum longevity and ease of maintenance. The barrel's button rifling, in a 1 x 9" right hand twist, will stabilize a wide range of currently available ammunition with bullet weights up to 69 grains. The M16A2 dual aperture, rear sight system offers both windage and elevation adjustments - elevation is calibrated from 300 to 800 meters. The two different apertures give either a short range, quick target acquisition sight picture or a smaller "peep" aperture for long distance accuracy. The tele-stock style buttstock is pinned and fixed in an "open" position and has been BATF approved for use on Post-Ban manufactured carbines.

As with all other Bushmasters, the forged 7075T6 aircraft quality aluminum receivers are finished in a non-reflective mil. spec. hard anodize for durability, and include all M16A2 design improvements such as cartridge case deflector, last round bolt hold-open and raised ridges for magazine release button protection. A mil. spec. manganese phosphate coating insures complete protection against corrosion or rust on barrel and other exposed steel parts. The M4-16" Carbine is shipped in a lockable, hard plastic case - complete with 10 round magazine, carrying sling, and Operator's Safety and Instruction Manual.

BATF Approved, Fixed Position, Tele-Style Buttstock

Specifications:
XM15 M4 Type 16" Post-Ban Carbine

Caliber	.223 Rem. (5.56 mm)
Mag. Capacity	Shipped with 10 round (accepts all M16 type)
Overall Length	34.875 inches (88.6 cm)
Barrel Length	16" total w. Mini Y Comp (40.6 cm)
Rifling	R.H. twist; 1 turn in 9"
Weight w/o magazine	6.59 Lbs. (2.99 kg)
Mode of Operation	Gas Operated - Semi-Automatic

Bushmaster XM15 E2S M4 Type 16" Post-Ban Carbine
 (Model Number PCWA2X 14M4MY)
Call your FFL Dealer for Price.
Shipped with 10 Round Magazine, Sling and Operator's Manual in Bushmaster's lockable rifle case.

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The Bushmaster XM15 used by the Washington, DC-area snipers to kill 10 and wound three in October 2002 is the poster child for the gun industry's cynical efforts to circumvent the federal assault weapons ban. Maine-based Bushmaster even advertises the gun—based on the banned Colt AR-15 assault rifle—as a "Post-Ban Carbine."

transferred without restriction. With respect to high-capacity ammunition magazines, manufacturers stockpiled thousands, or perhaps hundreds of thousands, of magazines before the ban took effect. Those magazines—some of which can hold up to 75 rounds of ammunition—are still widely available.

Still a Threat to Police—One in Five Law Enforcement Officers Slain in the Line of Duty is Killed With an Assault Weapon

The gun industry's evasion of the 1994 ban on assault weapons and high-capacity ammunition magazines continues to put law enforcement officers at extreme risk. Using data obtained from the Federal Bureau of Investigation, the Violence Policy Center has determined that ***at least 41 of the 211 law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, were killed with assault weapons.***⁸ ***Using these figures, one in five law enforcement officers slain in the line of duty was killed with an assault weapon.***

While no comprehensive information is yet available for the years 2002 and 2003, it is clear that law enforcement personnel continue to be killed by assault weapons. For example, on February 20, 2003, in Alexandria, Louisiana, two police officers were killed in an ambush with an AK-47-type assault rifle. Anthony Molette, age 25, had a long criminal history, including a charge of attempted first-degree murder. The day before the murders, Molette opened fire on an officer in his patrol car. The officer was not hurt, but 18 to 20 rounds were fired into the vehicle. Molette bragged to his friends about the shooting, prompting Alexandria police to search for him. When officers arrived at Molette's residence to serve a warrant, Molette opened fire, fatally wounding Officers Charles Ezernack, age 26, and Jeremy "Jay" Carruth, age 29. Molette was shot and killed as he charged two other police officers.⁹

The fact that from 1998 through 2001 one in five law enforcement officers slain in the line of duty was killed with an assault weapon indicates that the ban in its current form is inadequate to protect police and the public from the hazards presented by assault weapons.

⁸ The Federal Bureau of Investigation data does not identify the firearm used in some instances, in those cases the type of firearm is listed as "unknown." Therefore, the number of law enforcement officers killed with assault weapons may actually be higher. (This figure does not include the 72 law enforcement deaths that resulted from the events of September 11, 2001. The foreword of the FBI's *Law Enforcement Officers Killed and Assaulted, 2001* states, "Because a catastrophe such as the September 11 attacks falls far outside the normal course of police experience, the FBI has not included those fatalities in the 2001 rate, trend, or disposition tables for to do so would skew the data and render analyses meaningless.") The year 2001 is the most recent year for which complete information is available from the FBI.

⁹ "Police Killings Baffling," *State-Times/Morning Advocate*, February 22, 2003.

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According to the Urban Institute's 1997 study of the effects of the 1994 ban,¹⁰ "the relatively high use of assault weapons in murders of police suggests that police gun murders should be more sensitive to the effects of the ban than gun murders of civilians." The stark reality that murders of law enforcement personnel committed with assault weapons have not abated demonstrates the need to not only renew, but significantly strengthen, the current ban.

¹⁰ Roth and Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994 Final Report*, Urban Institute, March 13, 1997.

Section Two: Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001

Year	State	Manufacturer	Model	Caliber
1998	Alaska	Colt	AR-15	7.62mm
	Georgia	Iver Johnson	M1 Carbine	.30
	Oregon	Norinco	SKS ¹¹	7.62mm
	New York	Unknown	MAC-11	9mm
	California	Armalite	M151A	.223
	Mississippi	Colt	AR-15	.223
	Mississippi	Colt	AR-15	.223
	Michigan	DPMS, Inc.	AR-15	.223
	Florida	Unknown	SKS	7.62mm
	Colorado	Unknown	SKS	7.62mm
	Texas	Unknown	AR-15	.223
	Texas	Unknown	AR-15	.223
	Missouri	Unknown	MAK 90	7.62mm
	California	Ruger	Mini-14	.223
	Indiana	Norinco	SKS	7.62mm
1999	California	Ferunion/Hungarian Arms	SA85	7.62mm
	Indiana	Norinco	SKS	7.62mm

¹¹ The SKS is not banned by name under the 1994 federal assault weapons ban. Only SKS rifles that were modified to be defined as an assault weapon under Section (B) of the law were affected by the ban. Section (B) defines a "semiautomatic assault weapon" as "a semiautomatic rifle that has an ability to accept a detachable ammunition magazine and has at least 2 of—(i) a folding or telescoping stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) a bayonet mount; (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and (v) a grenade launcher...." Legislation to be introduced this Congress would explicitly ban any SKS able to accept a detachable ammunition magazine. Unless otherwise stated, the exact configuration of SKS weapons used in police shootings cited in this study cannot be determined.

Year	State	Manufacturer	Model	Caliber
	New Jersey	Intratec	TEC-9	9mm
	Arizona	Unknown	AK-47	7.62mm
	California	Norinco	MAK 90	7.62mm
	Oklahoma	Colt	AR-15 H-BAR	.223
	Texas	Norinco	MAK 90 Sporter	7.62mm
	Texas	Norinco	MAK 90	7.62mm
	Texas	Norinco	MAK 90	7.62mm
	Texas	Norinco	MAK 90	7.62mm
2000	North Carolina	Maadi	ARM	7.62mm
	Georgia	Ruger	AR-15 ¹²	.223
	California	Colt	CAR-15	.223
	Texas	Ruger	Mini-14	.223
	Georgia	Intratec	TEC-9	9mm
	Maryland	Unknown	M1 Carbine	.30
2001	California	Unknown	AR-15	.223
	Florida	SWD, Inc.	M-11	9mm
	Indiana	Unknown	AK-47	7.62mm
	Kentucky	Underwood	M1 Carbine	.30
	Kentucky	Underwood	M1 Carbine	.30
	Michigan	Unknown	SKS	7.62mm
	Tennessee	Maadi	MAK 90	7.62mm
	Texas	Unknown	M-11	9mm
	Texas	Norinco	SKS	7.62mm
	Utah	Norinco	SKS	7.62mm

¹² Inconsistency between manufacturer and weapon type from FBI data.

**Section Three: Selected Incidents of Law Enforcement Officers
Killed in the Line of Duty by Assault Weapons,¹³
1998 Through 2001**

¹³ Each weapon shown is representative of the brand or model of assault weapon and is not a picture of the specific weapon used in the shooting described in the narrative.

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Date: January 27, 1998

Location: Portland, Oregon

Assault Weapon: Norinco SKS 7.62mm rifle

On January 27, 1998, one police officer was killed and two were wounded with a Norinco SKS 7.62mm rifle. The officers, working on a drug investigation in Portland, entered the home of Steven Douglas Dons and were met with gunfire. Colleen Waibel, a six-year veteran, was hit with multiple gunshots, becoming the first female officer killed in the line of duty in Portland. Kim Keist, a 15-year veteran, was wounded in the chest and arm despite wearing a bullet-proof vest. A third officer was treated for a gunshot wound to the hand. A neighbor reported that Dons was known to have a large arsenal of weapons and that police had been called to the house weeks before on a complaint of weapons being fired. Dons committed suicide while awaiting trial.

Lauren Dodge, "Three Portland Officers Ambushed at House; One Dead, Two Wounded," *Associated Press*, January 28, 1998; "Victim, Husband Have Mixed Feelings Over Apparent Suicide of Suspect," *The Columbian*, February 26, 1998.

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All standard 5Rd., 20Rd., 30Rd., and 40Rd. AK magazines do fit!! These are not conversions! These have not been modified to accept AK mags. These quality short rifles are manufactured by Norinco and feature a 16-1/2" barrel, 5Rd. detachable mag, a unique thumbhole style stock, and recoil pad.
RETAIL: \$399.95 & DEALER: \$249.50

Heat Up Your Winter Sales!!
ONLY...\$179.95 each

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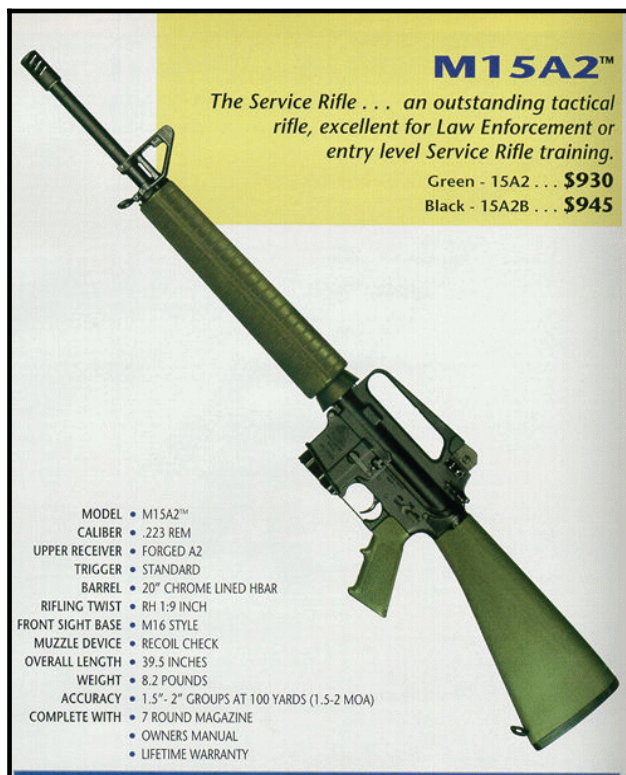
Date: April 25, 1998

Location: Millbrae, California

Assault Weapon: Armalite M151A .223 rifle

On April 25, 1998, one police officer was killed with an Armalite M151A .223 rifle. Officer David Chetcuti responded to another officer's call for help in a traffic stop on the Millbrae Avenue off-ramp of U.S. 101. Officer Seann Graham had pulled over Marvin Patrick Sullivan for not having a current registration sticker for his vehicle. Sullivan, who was heavily armed and had bombs strapped to his body, opened fire, wounding Officer Chetcuti. Chetcuti returned fire hitting the suspect once in the side before being killed by two shots to the head from close range. Several of the bullets penetrated Chetcuti's bullet-proof vest, and more than 40 bullet casings were recovered at the scene. Officer Graham escaped harm by diving into a drainage ditch. Sullivan was arrested after leading several police cars in a chase across the San Mateo Bridge. Sullivan has been repeatedly declared incompetent to stand trial, and sent to a California state mental hospital.

Tyche Hendricks and Jim Herron Zamora, "Cop Killing: No Fremont Tie," *San Francisco Examiner*, April 27, 1998; "Judge: Man isn't competent; Defendant Sent Back to Hospital in Millbrae Cop Slaying Case," *San Jose Mercury News*, July 23, 2002.



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Date: May 29, 1998

Location: Cortez, Colorado

Assault Weapon: SKS 7.62mm rifle

On May 29, 1998, one police officer was killed and two were wounded with an SKS 7.62mm rifle. Officer Dale Claxton stopped a truck that had been reported stolen the day before. As Officer Claxton was checking the stolen truck's license plate, a passenger in the truck fired approximately 40 rounds through the front of Claxton's police cruiser. Montezuma County Sheriff's Deputy Jason Bishop responded to the radio call of an officer being shot, and was wounded as his cruiser was hit with approximately 40 more rounds from the SKS. Minutes later, Deputy Todd Martin was wounded in the left arm and right leg. The three suspects, described by authorities as "anti-government, end-of-the-world-fearing survivalists," escaped into Colorado. Two of the suspects were later found dead, while the third, Jason Wayne McVean, is still at large.

Greg Burton, "Posse Scours Badlands for 3 Cop Killers," *Salt Lake Tribune*, May 31, 1998; Julie Cart, "Answers Vanished Along With Four Corners Outlaw," *Los Angeles Times*, November 24, 1999.



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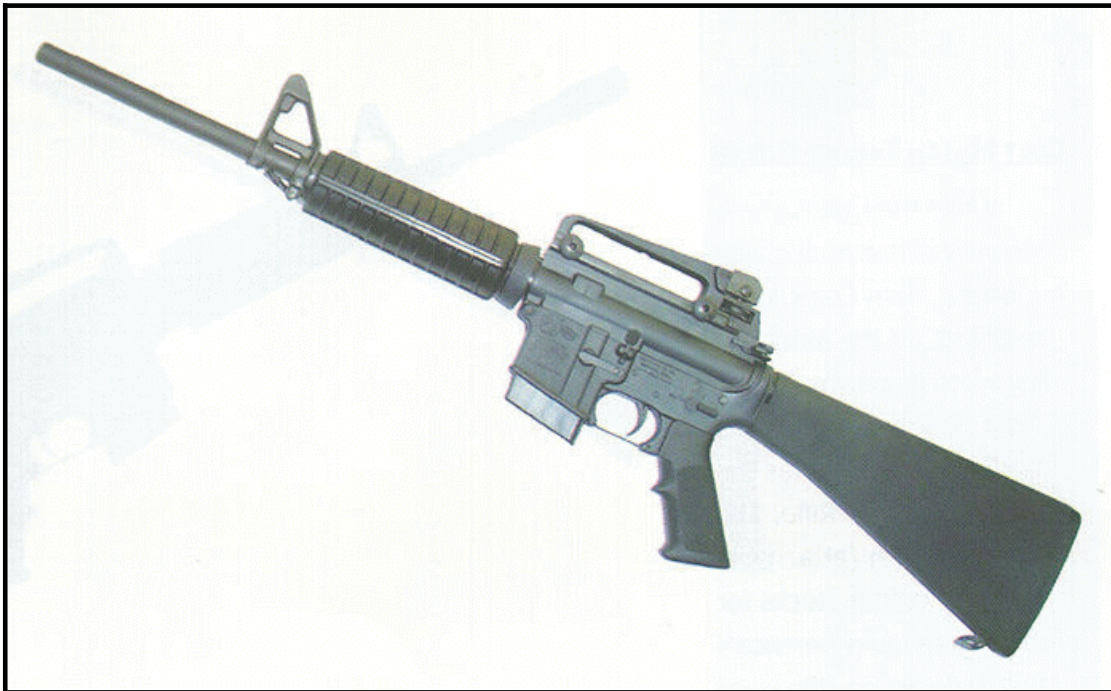
Date: July 7, 1998

Location: San Benito, Texas

Assault Weapon: AR-15 .223 rifle

On July 7, 1998, two U.S. Border Patrol agents were killed with an AR-15 .223 rifle. Ernie Moore, reportedly enraged over a broken love affair, shot and wounded Dan Morin, who had been dating Moore's former girlfriend, and killed Morin's mother and sister. Two hours later, a shootout ensued between Moore and police officers resulting in the death of two Border Patrol agents before Moore was fatally wounded. In addition to a cocaine habit, Moore had a history of emotional problems and displayed Nazi posters and photos of Adolf Hitler in his bedroom.

James Pinkerton, "Two Border Patrol Agents Are Slain During Rampage," *Houston Chronicle*, July 8, 1998; "Assault Rifle Costs Border Town \$35M," *National Law Journal*, March 4, 2002.



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Date: November 29, 1998

Location: Los Angeles, California

Assault Weapon: Ruger Mini-14 .223 rifle

On November 29, 1998, Los Angeles Police Department training officer Brian Brown was killed with a Ruger Mini-14 .223 rifle. Brown and his partner witnessed a drive-by shooting in Culver City and attempted to stop the suspects. The gunmen fired multiple rounds from the Mini-14, killing Officer Brown. Police shot and killed one of the suspects near the scene while the other managed to commandeer a taxi, leading police on a five-mile chase before also being fatally wounded.

Anthony Breznican, "Three Dead, Including Police Officer, During Violent Arrest for Drive-By Shooting," *Los Angeles Times*, December 1, 1998.



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Date: January 10, 1999

Location: Oakland, California

Assault Weapon: MAK-90 or SA85 7.62mm rifle

On January 10, 1999, Officer James Williams was killed with a MAK-90 or SA85 7.62mm rifle. Officer Williams was among a group of officers who were searching for a rifle that had been discarded by the occupants of a vehicle that was involved in a chase with police. While they were searching for the rifle, a gunman opened fire from a nearby overpass, killing Officer Williams. Chad Rhodes was arrested and charged with special-circumstances murder, attempted murder, three counts of firing an assault weapon, and possessing an assault weapon. Rhodes pleaded guilty to second-degree murder and was sentenced to life in prison without parole.

Henry K. Lee, "Arrest in Oakland Sniper Slaying," *San Francisco Chronicle*, January 12, 1999; Henry K. Lee, "Sniper Suspect Enters Plea of Not Guilty," *San Francisco Chronicle*, February 6, 1999; "Man Pleads Guilty in Killing of Oakland Cop," *San Francisco Chronicle*, April 9, 2003.



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Date: April 8, 1999

Location: Orange, New Jersey

Assault Weapon: TEC-9 9mm pistol

On April 8, 1999, Officer Joyce Carnegie was killed with a TEC-9 9mm pistol. Condell Woodson pleaded guilty to felony murder in the death of Officer Carnegie. Woodson claimed that his gun accidentally went off, shooting Carnegie in the head and abdomen as she was attempting to arrest Woodson for armed robbery. Woodson also pleaded guilty to robbery and weapons offenses. Carnegie was the second policewoman killed in the line of duty in New Jersey history.

Amy Westfeldt, "Man Pleads Guilty to Policewoman's Murder," *Associated Press*, May 13, 1999.



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Date: June 12, 1999

Location: Orange County, California

Assault Weapon: MAK-90 or SA85 7.62mm rifle

On June 12, 1999, Sheriff's Deputy Brad Riches was killed with a MAK-90 or SA85 7.62mm rifle. Deputy Riches was sitting in his patrol car outside a 7-Eleven when his police cruiser was riddled with assault weapon fire. The 7-Eleven clerk said that a customer told him he was carrying an AK-47-style assault rifle to shoot a police officer. Maurice Steksal was convicted on November 19, 2002 of the first-degree murder of Deputy Riches.

Jack Leonard, "Thousands Pay Last Respects to Slain Deputy," *Los Angeles Times*, June 17, 1999; Greg Hardesty, "Laborer Guilty of Deputy's Murder," *Orange County Register*, November 20, 2002.



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Date: January 27, 2000

Location: Lexington, North Carolina

Assault Weapon: Maadi 7.62mm rifle

On January 27, 2000, Sheriff's Deputy Todd Cook was killed with a Maadi 7.62mm rifle. Deputy Cook was serving a warrant at the home of Christopher Lee Cooper who had been accused of trespassing and was also wanted by Lexington police for questioning about a statutory rape. Deputy Cook was shot at least five times from behind. After the shooting, Cooper led police on a car chase that ended when he crashed through a roadblock. Officers found Cooper dead in the car from a self-inflicted gunshot wound.

"Piedmont Community Mourns Loss of Slain Deputy," *Associated Press*, January 29, 2000.



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Date: August 3, 2000

Location: San Marcos, Texas

Assault Weapon: Ruger Mini-14 .223 rifle

On August 3, 2000, State Trooper Randall Vetter was killed with a Ruger Mini-14 .223 rifle. Trooper Vetter stopped 72-year-old Melvin Hale for not wearing his seat belt. Hale got out of his car and aimed his rifle at Vetter because he believed the traffic stop violated his constitutional rights. Vetter raised his pistol and ordered him to put down his gun. Hale fired at least twice, hitting Vetter in the head as he sat in his patrol car. Six months earlier, another San Marcos trooper had written a letter warning Hays County law enforcement officers to exercise caution around Hale. The trooper said Hale had threatened him with a rifle when he stopped at Hale's ranch to ask about deer hunting on the 125-acre property. Hale pleaded guilty to the shooting and was sentenced to life in prison.

Jason Spencer, "A Somber Salute for a Fallen Officer," *Austin American-Statesman*, August 9, 2000; "Trooper's Shooter Gets Life Sentence; 74-year-old Accepted Surprise Plea Agreement as Jury Selection Began," *Austin American-Statesman*, January 24, 2002.



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Date: March 29, 2001

Location: San Antonio, Texas

Assault Weapon: M-11 assault pistol

On March 29, 2001, San Antonio Police Officer Hector Garza, age 48, was shot and killed while responding to a domestic disturbance report. Jessica Garcia, age 21, had called police to ask for an officer's protection while she moved out of her home. When Garcia's husband, Frank, learned of her plans, he drove home and killed both Jessica and Officer Garza—a 25-year police veteran—by shooting them both in the head with an M-11 assault pistol. Frank Garcia, 28, was arrested at the scene and charged with two counts of capital murder and three counts of attempted murder. Garcia was convicted of the murders in February 2002.

Bill Hendricks, "Cop's Slaying Stuns City," *San Antonio Express-News*, March 30, 2001; "Garcia Gets Death Penalty; Cop Killer Sentenced," *San Antonio Express-News*, February 12, 2002.



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Date: April 4, 2001

Location: Detroit, Michigan

Assault Weapon: SKS assault rifle

On April 4, 2001, Detroit Police Officer Neil Wells, age 41, was fatally shot during a drug raid at an abandoned apartment house. While on patrol, Wells and his partner received a complaint of drug sales at the building. When the officers arrived, the gunman was waiting in ambush behind a door. Wells was shot twice at close range with an SKS assault rifle. Lamont Smith, age 21, was charged with murder and felony firearm violations. Smith was convicted of second degree murder and sentenced to 60 to 90 years in prison.

Norman Sinclair, "Gun Owner Sought in Cop's Killing," *The Detroit News*, April 8, 2001; "Man Given 60-90 Years in Cop Killing," *Detroit Free Press*, January 16, 2002.



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Date: September 6, 2001

Location: Hamilton County, Tennessee

Assault Weapon: MAK 90 assault rifle

On September 6, 2001, Hamilton County Sheriff's Deputy Donald Bond, age 35, was shot and killed when he stopped at a fruit and vegetable stand to check on a suspicious vehicle. When Deputy Bond did not respond to a 2:18 AM call from his dispatcher, an alert was sent out to locate him. A fellow deputy found Bond dead beside his patrol car, shot multiple times with an MAK 90 assault rifle. Later that morning, acting on a tip, a SWAT team evacuated the suspect's street and waited for a chance to make an arrest. After observing Marlon Duane Kiser, age 31, throw out a front panel of body armor and Deputy Bond's service weapon, police arrested Kiser and charged him with first-degree murder. Kiser is awaiting trial in the case.

Mike O'Neal and Gary Tanner, "Suspect Held in Deputy's Death," *Chattanooga Times Free Press*, September 7, 2001; "Law Enforcement Officers Killed and Assaulted, 2001," Federal Bureau of Investigation; "Courts News Digest," *Chattanooga Times Free Press*, February 18, 2003.



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Date: September 17, 2001

Location: Indianapolis, Indiana

Assault Weapon: AK-47 assault rifle

On September 17, 2001, Marion County Sheriff's Deputy Jason Baker, age 24, was killed during a car chase and gun battle. On his way to a report of a domestic dispute, Deputy Baker tried to make a traffic stop. The driver refused to stop and a chase ensued. Allen Dumperth, a convicted felon, and Michael Shannon, both age 20, fired at Baker from their fleeing car. When Baker's fellow officers found him, he was dead from a gunshot wound to the head. The front and rear windows of his patrol car were shot out. After crashing his car, Dumperth was shot and killed by members of the police SWAT team. Shannon later pleaded guilty in court to shooting Deputy Baker.

Vic Ryckaert, "Role in Deputy Death Brings 40 Years; 21-Year-Old Bought the Assault Rifles Used by 2 Men Accused in Slaying of Jason Baker," *Indianapolis Star*, April 11, 2002.



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Date: November 13, 2001

Location: Nicholasville, Kentucky

Assault Weapon: M1 Carbine

Jessamine County Sheriff's Deputies Billy Ray Walls, age 28, and Chuck Morgan, age 51, were shot and killed, and another deputy was wounded, when they tried to serve a warrant for misdemeanor terroristic-threatening to Phillip Walker, age 75, on his drydocked houseboat. Walker had threatened to kill a family member with a gun. While in the houseboat with the deputies, Walker fired 11 shots from a 30-caliber M1 Carbine, killing Deputy Walls and fatally injuring Deputy Morgan. Walker was killed in the gun battle.

Greg Kocher, "Man Who Killed Deputy Fired 11 Times Police Say," *Lexington Herald Leader*, November 15, 2001.



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About the Violence Policy Center

The Violence Policy Center (VPC) is a national nonprofit educational organization working to reduce death and injury from firearms. As America's premier think tank on gun policy, the VPC studies current firearms issues and provides information to policymakers, journalists, public health professionals, and grassroots activists.

The virtually unrestricted distribution of firearms is more than a crime problem, it is a national health crisis. Unlike every other consumer product, firearms are exempt from federal health and safety laws. Guns—especially handguns and assault weapons—are inherently dangerous products, and the failure to regulate them like all other products costs thousands of lives and billions of dollars every year. By conducting research on key issues in firearms policy, the VPC counters the gun lobby's distortions and brings hard facts to the debate over firearms death and injury.



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EXHIBIT 41

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ASSAULT PISTOLS: THE NEXT WAVE



Violence Policy Center

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The Violence Policy Center

(VPC) is a national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This study was authored by VPC Executive Director Josh Sugarmann and was funded with the support of the David Bohnett Foundation and The Joyce Foundation. A list highlighting select past VPC studies is listed below. For a complete list of VPC publications with document links, please visit <http://www.vpc.org/studyndx.htm>.

- *When Men Murder Women: An Analysis of 2010 Homicide Data* (September 2012, annual study)
- *Understanding the Smith & Wesson M&P15 Semiautomatic Assault Rifle Used in the Aurora, Colorado Mass Murder* (July 2012)
- *Gun Deaths Outpace Motor Vehicle Deaths in 10 States in 2009* (May 2012)
- *Bullet Buttons: The Gun Industry's Attack on California's Assault Weapons Ban* (May 2012)
- *American Roulette: Murder-Suicide in the United States* (May 2012)
- *"Never Walk Alone"—How Concealed Carry Laws Boost Gun Industry Sales* (April 2012)
- *Black Homicide Victimization in the United States: An Analysis of 2009 Homicide Data* (January 2012, annual study)
- *Lost Youth: A County-by-County Analysis of 2010 California Homicide Victims Ages 10 to 24* (January 2012, annual study)
- *More Guns, More Shootings* (January 2012)
- *States With Higher Gun Ownership and Weak Gun Laws Lead Nation in Gun Death* (October 2011, annual study)
- *The Militarization of the U.S. Civilian Firearms Market* (June 2011)
- *A Shrinking Minority: The Continuing Decline of Gun Ownership in America* (April 2011)
- *Blood Money: How the Gun Industry Bankrolls the NRA* (April 2011)
- *Lessons Unlearned—The Gun Lobby and the Siren Song of Anti-Government Rhetoric* (April 2010)
- *Target: Law Enforcement—Assault Weapons in the News* (February 2010)
- *Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents* (April 2009)
- *Iron River: Gun Violence and Illegal Firearms Trafficking on the U.S.-Mexico Border* (March 2009)
- *Youth Gang Violence and Guns: Data Collection in California* (February 2009)
- *"Big Boomers"—Rifle Power Designed Into Handguns* (December 2008)
- *Clear and Present Danger: National Security Experts Warn About the Danger of Unrestricted Sales of 50 Caliber Anti-Armor Sniper Rifles to Civilians* (July 2005)
- *The Threat Posed to Helicopters by 50 Caliber Anti-Armor Sniper Rifles* (August 2004)
- *United States of Assault Weapons: Gunmakers Evading the Federal Assault Weapons Ban* (July 2004)
- *Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry's Latest Challenge to Law Enforcement Body Armor* (June 2004)
- *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)
- *License to Kill IV: More Guns, More Crime* (June 2002)
- *"A .22 for Christmas"—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001)
- *Handgun Licensing and Registration: What it Can and Cannot Do* (September 2000)
- *Pocket Rockets: The Gun Industry's Sale of Increased Killing Power* (July 2000)
- *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

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Assault Pistols: The Next Wave

In early March 2011, indictments were handed down in U.S. District Courts in Texas and New Mexico in two gun trafficking cases. Like the majority of gun trafficking cases along the border between the U.S. and Mexico, both traveled a familiar path. Rings of straw purchasers in each state worked together to illegally purchase military-style firearms easily available on the U.S. civilian market.¹ The goal? Trafficking the weapons to Mexico where such weapons are illegal and a ready market of drug traffickers and other criminals exist for them.²

In both cases, like virtually all other similar trans-border trafficking cases in this region, the traffickers favored a reliable and easily available mix of military style weaponry: assault rifle models like the AR-15 and AK-47; high-capacity pistols; and, the latest growth area in America's burgeoning assault weapon arsenal, semi-automatic assault pistols.

In the Texas case, *United States v. Zuniga*,³ among the illegally obtained guns named in the indictment were 13 assault pistols, six of which were Century International Arms Draco AK-47 assault pistols (the remainder were Kel-Tec PLR 16 assault pistols).

The same month that the indictments were handed down, *Tactical Weapons* magazine offered a review of the Draco AK-47 assault pistol. After detailing its military pedigree and suitability as a PDW (Personal Defense Weapon), the article approvingly noted that the "result is a 5.5 pound pistol with an overall length of 20.5 inches that offers full rifle power in a very compact package—A desirable combination for many!"⁴ Or as one Texas gun store, Champion Firearms, exclaimed on its website:

[T]he Draco isn't an NFA firearm [full-auto machine gun] or a restricted military weapon. This beauty happens to be a civilian legal AK 47 in pistol form. It goes by the name Draco, is manufactured in Romania and imported by Century Arms. This pistol is chambered in the popular AK rifle caliber 7.62x39, takes standard AK-47

¹ In a straw purchase, the actual buyer of the gun, being unable to pass the required federal background check or desiring to not have his or her name associated with the transaction, uses a proxy buyer (the straw man) who can pass the required background check to purchase the firearm.

² From 2006 through 2011, there were more than 50,000 organized crime murders in Mexico (*Drug Violence in Mexico: Data and Analysis Through 2011*, Trans-Border Institute, March 2012, <http://justiceinmexico.files.wordpress.com/2010/07/2012-tbi-drugviolence.pdf>).

³ See <http://www.vpc.org/texas/TXZunigaIndictment110401.pdf> for copy of indictment.

⁴ "Century Arms' Draco AK 7.62 PDW," *Tactical Weapons*, March 2011.

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magazines/drums and shoots like a dream. If you're interested in high capacity + firepower on a reliable, time tested platform—then this pistol is for you.⁵

Champion Firearms listed the retail price of the Draco assault pistol as \$467.00 with “Our Price: \$359.00. *You save \$108.00!*”

In the second indictment, *United States v. Villalobos*,⁶ handed down the same month in New Mexico, more than half (117 of 208) of the illegally obtained guns named in the indictment were AK-47 assault pistols. All but two of the guns were purchased from one store, Chaparral Guns in Chaparral, New Mexico. Members of the trafficking ring would purchase multiple guns at a time. In one three-day period in February 2011, the traffickers bought 30 AK-47 pistols from Chaparral. All were acquired with the intent of selling them on the criminal market across the border in Mexico.

Research by the Violence Policy Center (VPC) and others makes it clear that AK-47 pistols are a “weapon of choice” of illegal gun traffickers who purchase firearms in the United States and then smuggle them into Mexico. A VPC review of 114 trafficking cases in 16 states (from which the above two cases are drawn) catalogued more than 4,800 firearms detailed in court and other legal documents. Of the 262 assault pistols tabulated, almost all were AK-47 variant pistols (the remainder were mostly AR-15 pistols).⁷

In a 2009 report *Inside Gun Shows: What Goes on When Everybody Thinks Nobody's Watching*, the Violence Prevention Research Program at the University of California, Davis, noted that 11 percent of 212 gun sellers (licensed retailers and unlicensed vendors) at gun shows in Arizona, Nevada, Texas, and Florida had

⁵ In files of Violence Policy Center, downloaded July 18, 2012.

⁶ See <http://www.vpc.org/new%20mexico/NMVillalobos110408.pdf> for indictment.

⁷ The VPC website *Cross-Border Gun Trafficking: An Ongoing Analysis of the Types of Firearms Illegally Trafficked from the United States to Mexico and Other Latin American and Caribbean Countries as Revealed in U.S. Court Documents* contains indictments and other documents related to federal gun trafficking prosecutions filed since 2006 primarily in the southwest United States. The site is available in both English (<http://www.vpc.org/indicted.htm>) and Spanish (<http://www.vpc.org/indictedesp.htm>). The website's data and legal documents offer a unique view of the weapons favored by Mexican traffickers not revealed in the trace statistics compiled by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)—the make and model of guns favored by traffickers and the methods by which they obtain such weapons. (While the site's findings offer a snapshot of the types of firearms preferred by cross-border gun traffickers, the findings should not be viewed in any way as offering an estimate of the overall numbers of guns attempted to be trafficked from the U.S. into other countries.)

assault pistols for sale. No assault pistols were seen among 60 sellers at gun shows in California, where such weapons are banned.⁸ The report notes, "Colleagues at ATF in Southern California have indicated that these guns are now being put to use by Mexican drug trafficking organizations."⁹

Unfortunately, the AK-47 pistol is only one example of a disturbing and lethal trend: the growing number of assault pistols available for sale on the United States civilian market.

Not since the late 1980s and early 1990s has there been such a wide selection of assault pistols available for sale in the United States. During that period, UZI pistols, MAC-10s, and TEC-9s were the prominent assault pistols seen on television and movie screens as well as displayed on gun store counters. Today, more assault pistol makes and models are available than ever before for civilian sale in the United States. They range from models that were named under the now-expired federal assault weapons ban (such as the UZI pistol, MAC-10, and Calico) to newer models such as the aforementioned AK-47 and AR-15 pistols. As a 2011 article published in *Handguns* magazine titled "AR Pistols: The Hugely Popular Rifle Platform Makes a Pretty Cool Handgun as Well" noted, "There's no doubt in the last few years that AR pistols have become extremely popular."¹⁰

This increase in the quantity of makes and models has been matched by an increase in the quality of their lethality. Whereas the earlier generation of assault pistols were primarily high-capacity military-style pistols in 9mm or 45 caliber, the most popular models today are derived from military style assault rifles, such as the AK-47 and AR-15. As a result, they have the penetrating power of an assault rifle

⁸ Wintemute, Garen, MD, MPH, *Inside Gun Shows: What Goes On When Everybody Thinks Nobody's Watching*, Violence Prevention Research Program, Department of Emergency Medicine, UC Davis School of Medicine, September 2009, <http://www.ucdmc.ucdavis.edu/vprp/>.

⁹ Wintemute, Garen, MD, MPH, *Inside Gun Shows: What Goes On When Everybody Thinks Nobody's Watching*, Violence Prevention Research Program, Department of Emergency Medicine, UC Davis School of Medicine, September 2009, <http://www.ucdmc.ucdavis.edu/vprp/>.

¹⁰ "AR pistols: the hugely popular rifle platform makes a pretty cool handgun as well," *Handguns*, June/July, 2011. One notable AR-15 pistol owner was Boston mobster and FBI informant Whitey Bulger. In a July 2012 *Boston Herald* column on Bulger's guns, author Howie Carr offered this characterization of Bulger's assault pistol by a "gun-loving friend" described as "Larry the Loner": "Good for bank jobs, small massacres and going out in a hail of bullets if you're also planning on taking out a few guys along with you," ("Old-Fashioned Piece-Nik," *The Boston Herald*, July 1, 2012).

in the concealable format of a pistol. Whereas the most commonly worn levels of police body armor would be able to protect the wearer from a 9mm or 45 caliber handgun round, a .223 or 7.62 rifle round would be far more likely to penetrate. As one poster on www.SurvivalistBoards.com wrote about the Draco AK-47 pistol, "It can penetrate body armor and holds 30+ rounds.....I figure this is a lot of firepower in a legal and small package."¹¹

In a segment of his cable television show *Ted Nugent's Spirit of the Wild* titled "Uncle Ted's Favorite Guns," National Rifle Association Board Member Ted Nugent cheerfully acknowledged the military pedigree and lauded the rifle power of the Century International Arms Centurion 39 AK-47 pistol, "This is a variation of what they lovingly refer to as the Kalashnikov, the AK-47....This is a handgun version, almost what you see the bad guys in Afghanistan use...7.62 x 39mm, out of a little, short, rifle basically, but it's a handgun, this is a handgun. It's legal, without a Class III ATF forms."¹²

This study's Appendix contains more than 20 examples (obtained through gun industry catalogs, advertisements and articles in firearm publications, and gun manufacturer websites) of assault pistols marketed in the United States. Examples of promotional copy for these guns include the following.

- A headline for catalog copy for the aforementioned Century International Arms Centurion 39 AK Pistol boasts, "We brought you the 1st 100% American Made AK. Now we bring you the 1st 100% American Made AK Pistol!" The ad text reads: "Wow! This new Centurion 39 Pistol is totally awesome and is 100% made in the good old U.S. of A.! The new bird cage muzzle brake and 'shark fin' front sight, gives the small package a sexy new look. An ergonomic pistol grip and our proprietary quad rail, high-tech, poly furniture, gives an incredibly cool appearance that just oozes strength, quality and style...Perfect for home protection, CQB [Close Quarters Battle], or a fun day of inexpensive shooting at the range, the C39 is a trusty tool that is ready when you are. Takes all standard AK type magazines."¹³

¹¹ In files of Violence Policy Center, downloaded July 16, 2012.

¹² See <http://www.youtube.com/watch?v=B9DdiGu6ZYI>, YouTube upload date March 2, 2011. Under the National Firearms Act (NFA)—the federal law regulating machine guns, short-barreled rifles, and other "gangster" weapons—a Class III weapons license with heightened transfer standards would need to be obtained from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the civilian purchase of a short-barreled rifle.

¹³ See page 12 of this study.

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- Catalog copy for the DSA Inc. SA58 PKP pistol brags, "The power of the 7.62x51 cartridge in a package a little larger than a full-size UZI. Despite it's [sic] size, the FAL Pistol comes with the standard features you would expect to see on a full size FAL....With all of the features of it's [sic] big brother, you can be sure this rifle turned pistol ain't your Grandma's KAT...Receiver available with "DON'T TREAD ON ME..." Spartan Series Molon Labe or the American Flag engraving."¹⁴
- According to the 2010 catalog of Masterpiece Arms, which manufactures MAC-10 pistols and rifles, "The MAC is back, and its [sic] better than ever before." The company promises that its products have "the tactical look and feel so popular in today's market. There is nothing that will catch the attention of a fellow gun enthusiast like the MAC."¹⁵
- The 2012 catalog for I.O. Inc. explains, "The Hellpup is the little brother to the Hellhound [AK-47] rifle. This tactical AK pistol is in 7.62x39 caliber with a 9.25" barrel and no rear stock. It features the same Picatinny quad rail hand guard as our Hellhound Tactical AK, and almost every assault rifle option known can be fitted to this five pound pistol. We have a complete line of top quality accessories available from lasers, lights, etc. Muzzle flash is suppressed with a Phantom flash hider, and a 30 round I.O. Inc. waffle pattern polymer magazine offers lighter weight and increased reliability when it matters most. The gun weighs only 5 pounds and has an overall length of only 21 inches! It includes a limited lifetime manufacturer's warranty and is completely American-made in North Carolina."¹⁶
- The website of the Robinson Armament Company promises, "The xcr micro pistol is one of the most compact auto-loading pistols capable of firing full power rifle cartridges. It is ideal as a personal defense weapon or as a compact pistol for backpacking. A plate on the back of the reciever [sic] accepts a QD sling swivel (not included)."
- Text on the website of Velocity Firearms for the VMAC45-102 (\$419.00) states, "This is a FACTORY NEW VMAC45 manufactured by Velocity Fire Arms. This is a package deal including the pistol with one 30 Grease Gun Mag, manual, trigger lock, and a Case. The VMAC is a descendant of the famous Military Armament Corporation machine pistol manufactured in the early 1980's. Like the MAC 10

¹⁴ See page 18 of this study. A Greek phrase, Molon Labe is said to have been the response of Spartan warriors to Persian demands to lay down their arms at the Battle of Thermopylae in 480 B.C. It means, "Come and take them," and has been adopted as a slogan by some hard-line gun rights advocates.

¹⁵ See <https://www.masterpiecearms.com/pdf/MPAwebcatalog.pdf>, downloaded July 18, 2012.

¹⁶ In files of Violence Policy Center, downloaded July 19, 2012.

they are made of a formed sheet metal lower receiver containing the trigger mechanism and square tube upper receiver, housing the barrel and bolt assembly. The barrel has a thread size of 7/8 x 9 for any accessories you may want...All Pistols are test fired and guaranteed to work!!"¹⁷

- According to the company's website, "Calico firearms incorporate the Helical Feed System with the option of using a 50 or 100 round drum magazine...The Helical feed magazine can be loaded and stored indefinitely without spring fatigue, and with the Calico speed loader, the 50 round magazine can be loaded from an open box of ammo in less than 15 seconds and 30 seconds for 100 rounds.

"Both the pistol and carbine have virtually no muzzle climb, even with rapid firing. Spent cases are ejected straight down in front of the trigger guard for close quarter operation. This is very important in a combat or law enforcement tactical operation as shells ejecting to the right give away your position...The Liberty III pistol is comparable in weight to a big bore pistol, except the Liberty III pistol has 50 rounds of ammunition."¹⁸

- According to the company's website, "Chiappa's Mfour-22 pistol is a scaled down, hand-held replica of the M4 Carbine. It is small enough to fit in your hand, yet unique enough in appearance to draw a crowd. The Chiappa Mfour-22 pistol has a 6" barrel and sports many of the features of the full size M4 Carbine."¹⁹

Unfortunately, due to Tiahrt Amendment restrictions on the release of formerly available federal crime gun trace data²⁰ it is not possible to determine these guns' use in crime in the United States beyond the anecdotal—of which there are numerous examples as reported by Nexis.²¹

¹⁷ See http://velocityfirearms.com/cart/index.php?main_page=product_info&cPath=8&products_id=186, downloaded January 28, 2013.

¹⁸ See <http://calicolightweaponsystems.com/home/> downloaded July 18, 2012.

¹⁹ In files of Violence Policy Center, downloaded July 18, 2012.

²⁰ Since fiscal year 2004, legislation making appropriations for ATF has contained language severely restricting release of information about guns traced to crime scenes contained in the agency's Firearms Tracing System database. This restriction has become known as the "Tiahrt Amendment," after its principal sponsor, former Representative Todd Tiahrt (R-KS). For many years, crime gun tracing data was publicly available under the provisions of the Freedom of Information Act (FOIA). The Tiahrt Amendment prohibits ATF from releasing any data contained in the database, except in a limited fashion to individual law enforcement agencies.

²¹ For example: "CHP officer shot Sunday evening," *The Bakersfield Californian*, May 7, 2012, "A California Highway Patrol officer suffered injuries to his hand and chest when an occupant of an SUV opened fire on him Sunday evening...The weapon used was a 9-millimeter handgun,

Looking at the burgeoning number of assault pistol models available, their proven appeal to Mexican traffickers, and anecdotal reports of their use in crime, assault pistols—many of which offer “full rifle power in a very compact package”...“perfect for...CQB [close quarters battle]”—represent the next step in the gun industry’s constant and ever increasing embrace of heightened lethality.

possibly a MAC 10-type”; “Prosecutor seeks more prison for terror threats,” *The Associated Press State & Local Wire*, April 28, 2012, “Prosecutors had wanted to throw the book at Olutosin Oduwole, arguing that the aspiring rapper’s note threatening a Virginia Tech-like killing spree while he attended a southwestern Illinois university justified a maximum 15-year prison sentence. What Oduwole got last December was just five years behind bars...A gun dealer had tipped them [federal agents] off earlier in the month that Oduwole appeared overly anxious to get four semiautomatic weapons including an UZI-like MAC 10 that he had ordered; “State AG: Shooter, woman found dead in Greenland home,” *Foster’s Daily Democrat* (New Hampshire), April 14, 2012, “Many questions remain after the man investigators believe shot and killed Police Chief Mike Maloney and injured four other officers was found dead inside his residence early Friday morning...Investigators reportedly also believe a semi-automatic assault pistol was likely used in the shootout with police”; “Man in crime spree sentenced to 44 years,” December 16, 2011, *The Kansas City Star*, “The bullet that ended Lee Malek’s police career also ended the short, violent and prolific criminal rampage of the man who fired it...He had just been promoted to sergeant in June 2007 when his patrol car was nearly hit by a reckless driver. The car had been stolen at gunpoint a few hours earlier in Kansas City, Kan., and Malek pursued the vehicle until it stalled. The driver...jumped out with a MAC-10 semiautomatic and began firing at Malek, who fired back”; “Police say Fort Drum soldier had assault pistol loaded with 100 rounds,” *Watertown Daily Times* (New York), October 27, 2011, “Watertown police say a Fort Drum soldier was found possessing three guns, including an assault weapon loaded with 100 rounds, during a disturbance early Saturday morning...in the bed of the truck was a Kel Tec PLR-16 .223 caliber gas-operated semi-automatic pistol loaded with 100 rounds”; “Memories didn’t die with officer,” *San Antonio Express-News*, October 23, 2011, “Next, Garcia carried his MAC-10 to the porch and fired at his wife’s relatives...When the MAC-10 ran out of ammunition, Garcia went back into the house, reappeared holding an AK-47 and shot wildly until that weapon ran out of bullets, too”; “Two Berkeley men arrested, guns seized in possible retaliation mission,” *Contra Costa Times* (California), September 9, 2011, “Two Berkeley men who police believe were in East Oakland to avenge a friend’s recent slaying were arrested Thursday night and three loaded guns, including an assault pistol, were recovered during a police response that saw the evacuation of a market...”; “Man sought in robbery of South Fayette gun shop,” *Pittsburgh Tribune-Review*, June 9, 2011, “Police are looking for a man who entered a South Fayette gun store just after 10 a.m. Wednesday, shot a clerk in an arm and the chest [and] stole a .45-caliber handgun...Police believe the suspect is armed with a MAC-10 assault pistol.”

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American Spirit

www.americanspiritarms.com

Scottsdale, AZ



American Spirit 7.5 Inch AR-15 Pistol

A-1853

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American Tactical Imports
www.americantactical.us
Rochester, NY



American Tactical Imports German Sport 522PK

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Bushmaster
www.bushmaster.com
Madison, NC



Bushmaster Carbon 15 Type 97S Pistol

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Calico Light Weapons Systems
www.calicolightweaponsystems.com
Cornelius, OR



Calico Light Weapons Systems Liberty III Tactical

Century International Armswww.centuryarms.com

Delray Beach, FL

*We brought you the **1st** 100% American Made AK.
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CAL. 7.62X39MM**

Wow! This new Centurion 39 Pistol is totally awesome and is 100% made in the good old U.S. of A.! The new bird cage muzzle brake and "shark fin" front sight, gives the small package a sexy new look. An ergonomic pistol grip and our proprietary quad rail, high-tech, poly furniture, gives an incredibly cool appearance that just oozes strength, quality and style. Other features include a machined receiver, integrated gas block and front sight, M16 style compensator and a front and rear swing swivel. Perfect for home protection, CQB, or a fun day of inexpensive shooting at the range, the C39 pistol is a trusty tool that is ready when you are. Takes all standard AK type magazines.

- Barrel: 11.375" • Overall: 21.375"
- Weight: 5.4 lbs.

Not available for sale in NJ, MA, CA, CT, HI or where prohibited by law.

HG2157-N Condition: New

• Comes with two U.S. made 30 rd. mags. and a Bulldog tactical gun case.

Century International Arms Centurion 39 AK Pistol

Century International Arms
www.centuryarms.com
 Delray Beach, FL

COLEFIRE MAGNUM SEMI-AUTO PISTOLS

Similar in appearance to the Sterling Mk7 9mm Pistol, the Colefire Magnum is chambered for the powerful 7.62x25mm Tokarev cartridge. The Colefire Magnum utilizes a unique modified Sten mag. that flawlessly cycles 25 rds. of Tokarev ammunition with each loading. It has an enlarged and knurled charging handle for comfortable and reliable handling. Sleek styling, combined with the affordable and readily available 7.62x25mm cartridge, make the Colefire Magnum S/A Pistol a blast to shoot that won't break the bank.

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Delray Beach, FL



Century Arms Draco AK Pistol

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Delray Beach, FL



Century International Arms Mini-Draco AK Pistol with Drum Ammunition Magazine

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Chiappa Firearms (MKS Supply)
www.mkschiappa.com
Dayton, OH



Chiappa Firearms Mfour-22 Pistol

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DoubleStar Corporation
www.star15.com
Winchester, KY



DoubleStar Corporation AR Pistol

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DSA Inc.
www.dsarms.com
Lake Barrington, IL



SA58™ PKP

The SA58™ FAL Pistol, after years in the making it's finally here. The power of the 7.62x51 cartridge in a package a little larger than a full size UZI. Despite it's size, the FAL Pistol comes with the standard features you would expect to see on a full size FAL, including an adjustable gas regulator, the break-open action and a Para style operating system. With all of the features of it's big brother, you can be sure this rifle turned pistol ain't your Grandma's KAT.

Coming soon with synthetic handguard and folding charging handle. Receiver available with "DON'T TREAD ON ME" (pictured), Spartan Series MOAON AABE or the American Flag engraving.



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- Lightweight Aluminum Traditional Lower
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DSA Inc. SA58 PKP Pistol

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I.O. Inc.
www.ioinc.us
Monroe, NC



I.O. Inc. AK-47 Hellpup Pistol

A-1864

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Kel-Tec
www.keltecweapons.com
Cocoa, FL



PLR 16 Pistol

Masterpiece Armswww.masterpiecearms.com

Carrollton, GA



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The new "Mini 9" (MPA930 series) is our compact 9mm pistol. It's much smaller than our traditional 9mm and easy to handle. It features a reduced frame size in the upper and lower receiver, shorter barrel (3.5"), and reduced weight - yet is still accepts any of our 30 round 9mm magazines.

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The new MPA460 Rowland Series is based off the original 45 ACP series but is chambered for the 460 Rowland cartridges. This proprietary cartridge attains ballistic performance similar to a .44 Magnum. Combine this with the benefits of the MPA 45 ACP series handguns and rifles, and you have a serious personal defense weapon, hunting rifle or police/military entry weapon. The 30 round magazine and reduced recoil truly enhance the performance of these weapons. The 460 Rowland is available in 6", 10" or 16" barrel lengths in the side cocker scope mount configuration. You can also upgrade your MPA 45 ACP series pistol or rifle with a 460 Rowland upper receiver. Contact MPA for details.

MPA22T

The new MPA22T was developed from the Mini 9mm frame. Designed with the same MPA quality found in our other weapons, the MPA22T meets the demand for a 22LR pistol that our customers have wanted. The MPA22T makes shooting with a true Mac platform fun and enjoyable for all shooters while reducing the cost of ammunition. The MPA22T is just another example of how MasterPiece Arms continues to make innovations to the Mac platform. The MPA22T is available as a top cocker (MPA22T-A) or side cocker/scope mount version (MPA22SST-A). All of the accessories available for the Mini 9 will fit the MPA22T.

Various Masterpiece Arms MPA Series Pistols

A-1866

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Olympic Arms, Inc.
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Olympic Arms OA-93 AR-15 Pistol

PTR Industries
www.ptr91.com
Farmington, CT

Compact Firearms with Superior Firepower:

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Black aluminum butt cap and tactical handguard machined from military spec. Hard-anodized aluminum, flash hider, H&K navy type polymer trigger group, swivel stud with 1 1/4" swivel, .308 Cal. with 8.375" barrel and one 20 rd. magazine.

PTR 91 PDW

Robinson Armament Company

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North Salt Lake, UT



Robinson Armament Company XCR-L Pistol

Rock River Arms
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Colona, IL



Rock River Arms RRA LAR-15 Pistols

A-1870

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Sig Sauer
www.sigsauer.com
Exeter, NH



Sig Sauer P556 Pistol

A-1871

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Thompson/Auto Ordnance (Kahr Arms)

www.tommygun.com

Worcester, MA



Shown with optional 50 rd. Drum Magazine

Thompson TA5100D Pistol

A-1872

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Vector Arms

www.vectorarms.com

North Salt Lake, UT



Vector Arms UZI Mini Pistol



Vector Arms UZI Full-Sized Pistol

A-1873

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Velocity Firearms
www.velocityfirearms.com
Duluth, MN



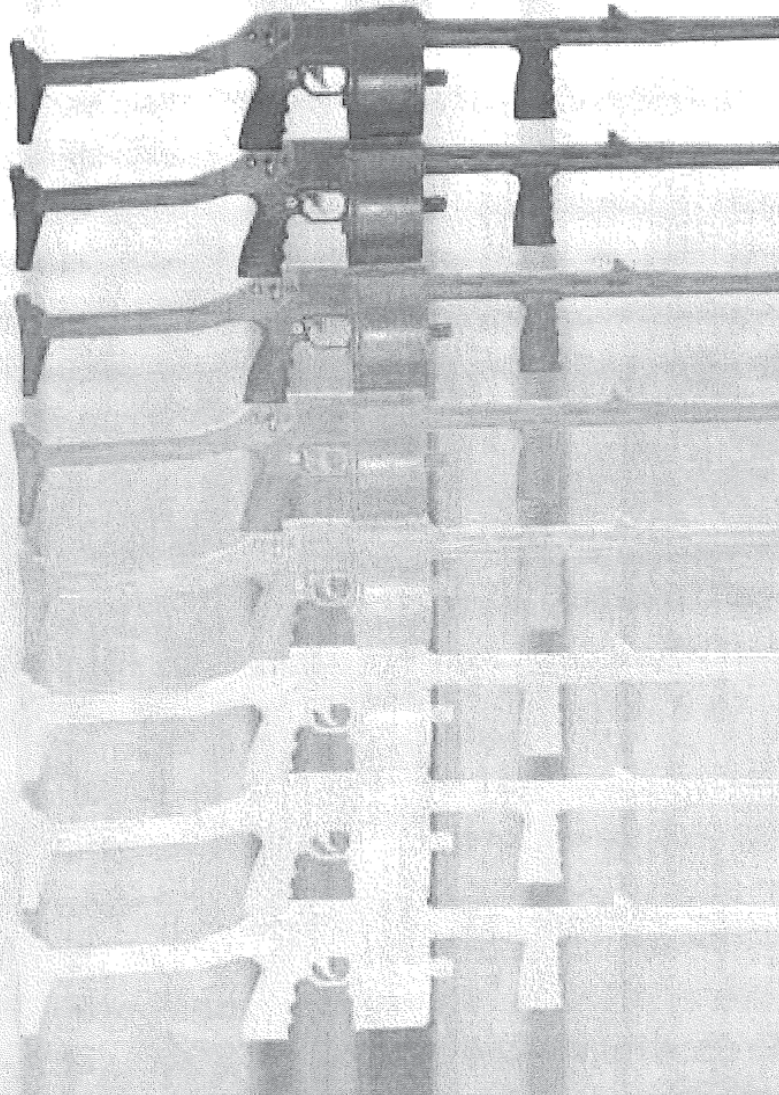
Velocity Firearms VMAC45-103

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EXHIBIT 42

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ON TARGET



THE IMPACT OF THE 1994 FEDERAL ASSAULT WEAPON ACT

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



MARCH 2004

ACKNOWLEDGEMENTS

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.

This study was prepared under the direction of Brian J. Siebel, Senior Attorney for the Brady Center's Legal Action Project. Daniel Vice, Elizabeth Haile, and Dawn Canady prepared portions of the study.

The crime gun tracing analysis in this study was done by Gerald A. Nunziato of Crime Gun Solutions LLC (CGS). For eight years, Mr. Nunziato was the Special Agent in Charge of the Bureau of Alcohol, Tobacco, and Firearm's National Tracing Center, during which he dramatically improved and expanded firearms tracing as a law enforcement tool. The Brady Center would also like to thank Joseph J. Vince, Jr. of CGS. Mr. Vince has held numerous positions within ATF, including Special Agent in Charge, Intelligence Division; Chief, Firearms Division; and Chief, Crime Gun Analysis Branch.

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Brady Center to Prevent Gun Violence

Study available at www.bradycampaign.org; www.bradycenter.org; and www.gunlawsuits.org.

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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
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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

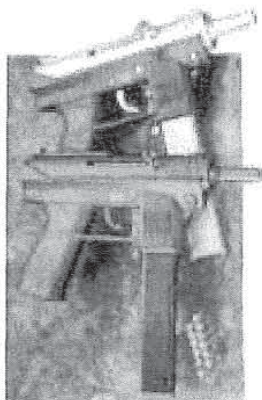
Bushmaster markets the XM-15 to the general public as a military style weapon made "to military specification."¹⁷ The XM-15 "fires...the same round used in the Colt M-16 (the standard U.S. military rifle)" and "is a semiautomatic version of the M-16. This round has an effective range of 300 meters and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

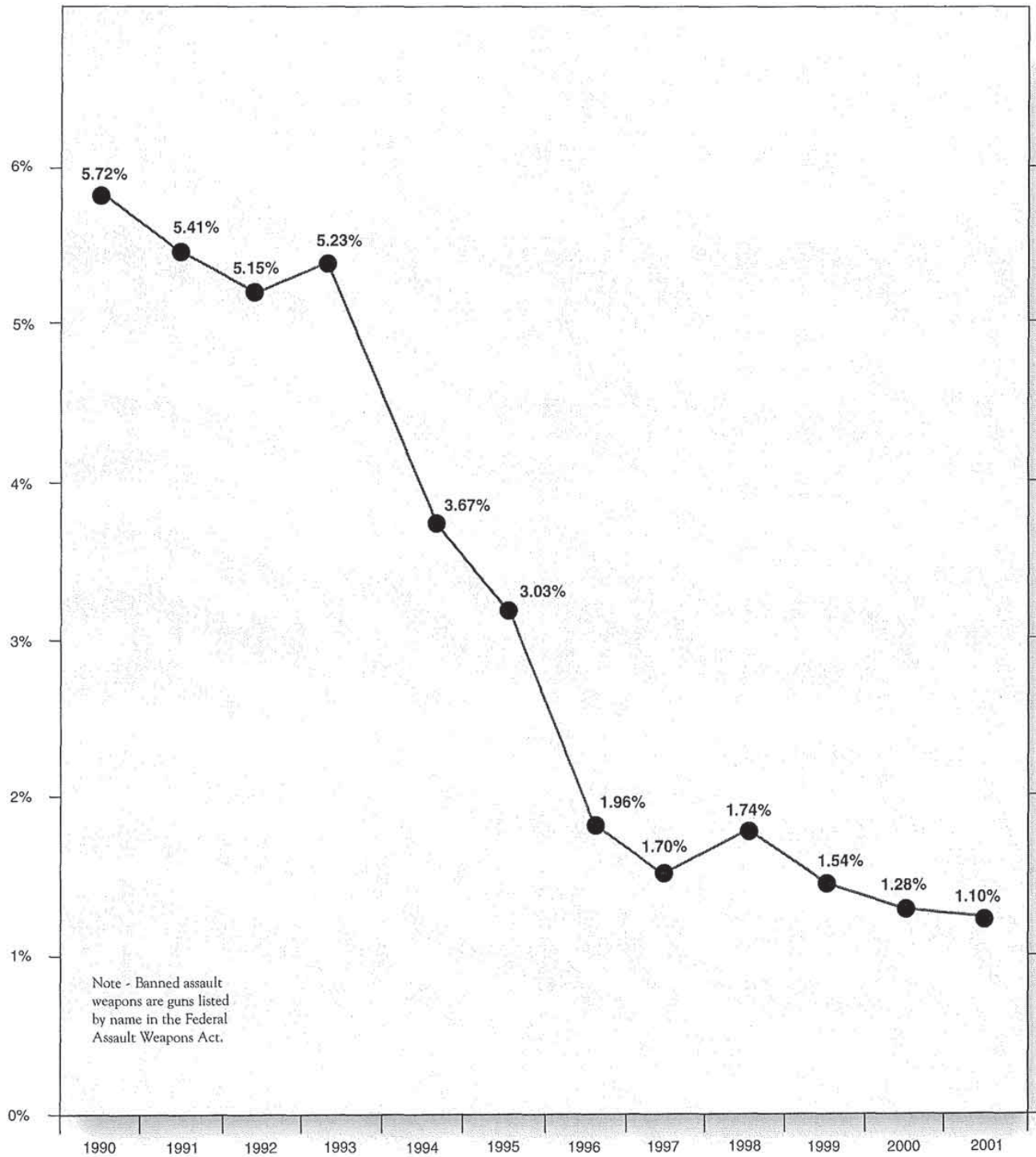
1.61%

**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

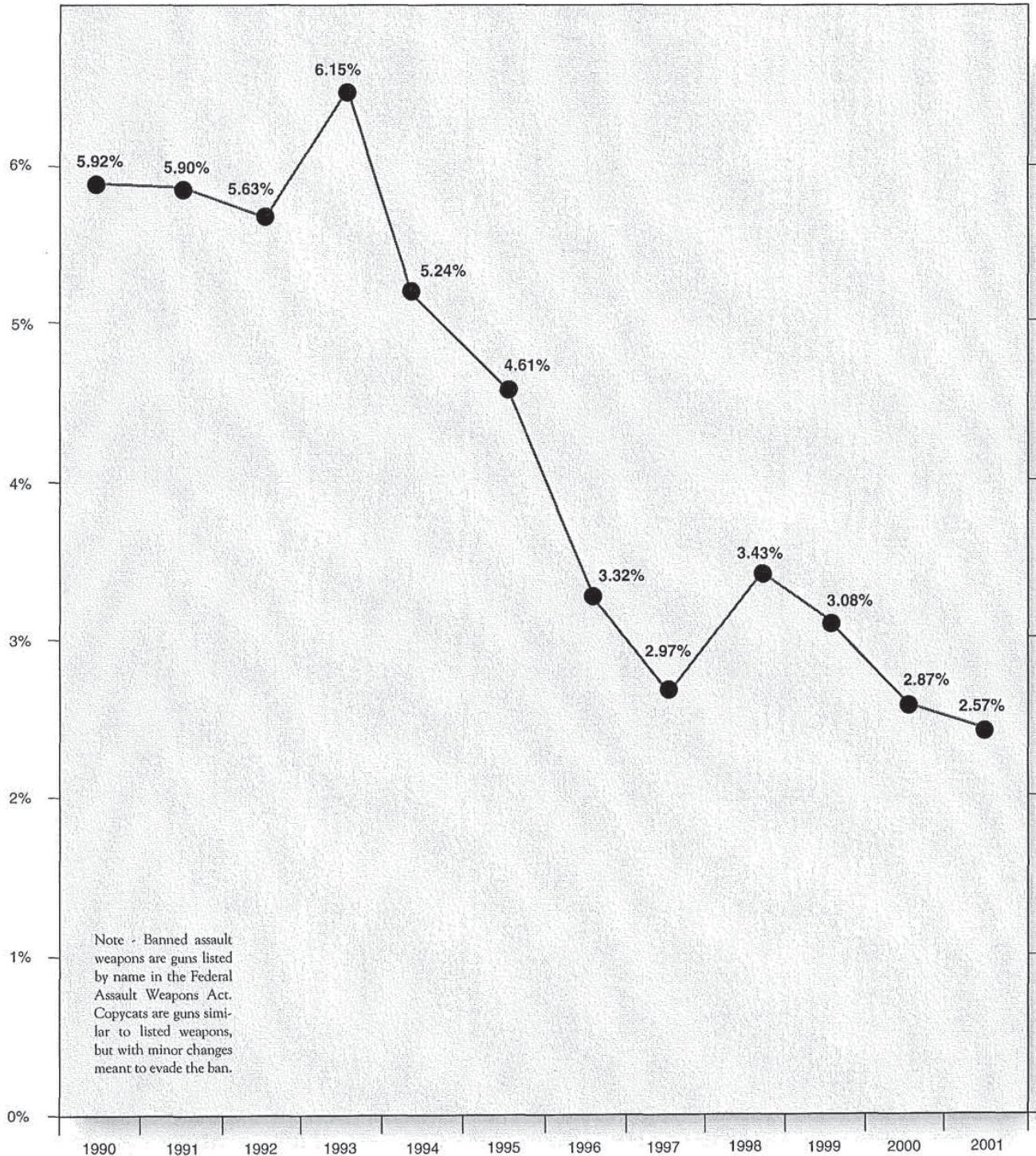
**Percentage
Decline
of Assault
Weapons Traces—
Including
Copycats—
Between Pre-Ban
and Post-Ban
Periods**

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.

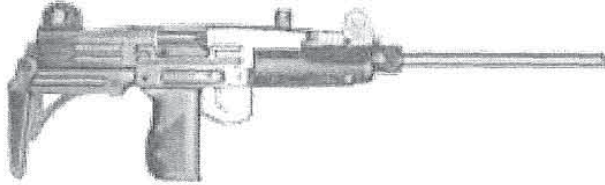
This study has demonstrated that, since the Act became law, assault weapons banned by name in the Act have declined from almost 5% of guns traced to crime in the pre-ban period to only 1.6% in the years following the ban—a decline of 66%. The absolute number of named assault weapons traced to crime also 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.

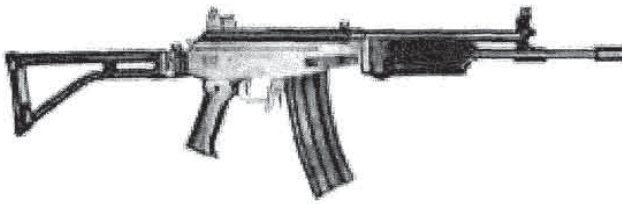
APPENDICES

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

<u>American Arms</u>	<u>DPMS</u>	<u>MAADI Co.</u>
AK-C47	Panther (all)	AK47
AK-F39		ARM
AK-F47	<u>Eagle Arms</u>	MISR (all)
AK-Y39	EA-15 E1	MISTR (all)
	EA-15 A2 H-BAR	
<u>American Spirit</u>	M15 (all)	<u>Mitchell Arms, Inc.</u>
USA Model		M-76
	<u>Frankford Arsenal</u>	M-90
<u>Armalite</u>	AR-15 (all)	RPK
AR10 (all)		
Golden Eagle	<u>Hesse Ltd.</u>	<u>North China Industries</u>
M15 (all)	HAR 15A2 (all)	MAK90
	Model 47 (all)	NHM90
<u>Arsenal Co. of Bulgaria</u>	Wieger STG 940 Rifle	NHM90-2
SLG (all)		NHM91
SLR (all)	<u>Internationale Ordnance</u>	RPK Rifle
	AK-47 (all)	Hunter Rifle
<u>B-West</u>	M-97	
AK-47 (all)	RPK	<u>Ohio Ordnance Works</u>
		ROMAK 991
<u>Bushmaster</u>	<u>Kalashnikov</u>	AK-74
XM15 (all)	Hunter Rifle/Saiga	
		<u>Olympic Arms</u>
<u>Colt</u>	<u>Knights Mfg. Co.</u>	AR-15
Law Enforcement (6920)	RAS (all)	CAR-97
Match Target (all)	SR-15 (all)	PCR (all)
Sporter (all)	SR-25 (all)	
		<u>Ordnance, Inc.</u>
<u>Dalphon</u>	<u>Les Baer Custom, Inc.</u>	AR-15
BFD	AR (all)	
	<u>MARS</u>	<u>Pac West Arms</u>
	Pistol	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

Armcorp 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

MAADL-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. 1431Rifles:

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		
Dragunov SVU		
Fabrique National FN/FAL		
FN/LAR		
FNC		
Hi-Point Carbine		
HK-91		
HK-93		
HK-94		
HK-PSG-1		

Shotguns:

Armcor 30 BG
 SPAS 12
 LAW 12
 Striker 12
 Streetsweeper

Pistols:

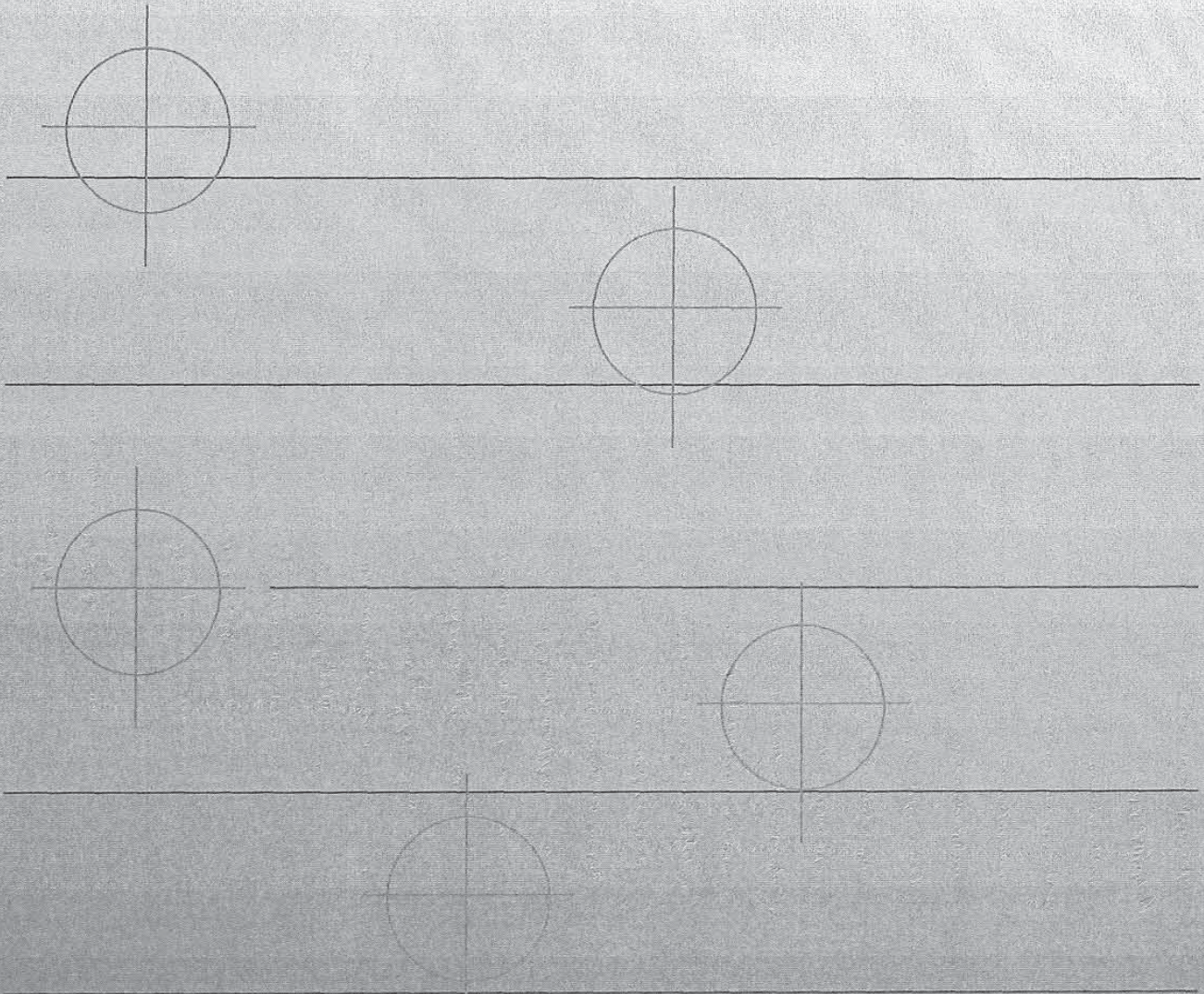
Calico M-110
 MAC-10 series
 MAC-11
 MPA3
 Olympic Arms OA
 TEC-9
 TEC-DC9
 TEC-22

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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EXHIBIT 43

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



Violence Policy Center

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:

- *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)
- *"Just Like Bird Hunting"—The Threat to Civil Aviation from 50 Caliber Sniper Rifles* (January 2003)
- *Sitting Ducks—The Threat to the Chemical and Refinery Industry from 50 Caliber Sniper Rifles* (August 2002)
- *License to Kill IV: More Guns, More Crime* (June 2002)
- *American Roulette: The Untold Story of Murder-Suicide in the United States* (April 2002)
- *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry's Claim that Osama bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002)
- *"A .22 for Christmas"—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Kids in the Line of Fire: Children, Handguns, and Homicide* (November 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Shot Full of Holes: Deconstructing John Ashcroft's Second Amendment* (July 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001)
- *Pocket Rockets: The Gun Industry's Sale of Increased Killing Power* (July 2000)
- *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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Violence Policy Center

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.”¹

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,² six of the brand/types are still marketed in post-ban, “copycat” configurations.³ 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 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."⁴

"...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

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



A recent study, *On Target*,⁵ 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).⁶ 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.⁷ 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,⁸ identified the Smith & Wesson 38-caliber revolver as the most commonly traced crime gun.⁹ 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)¹⁰

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.¹¹ 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.

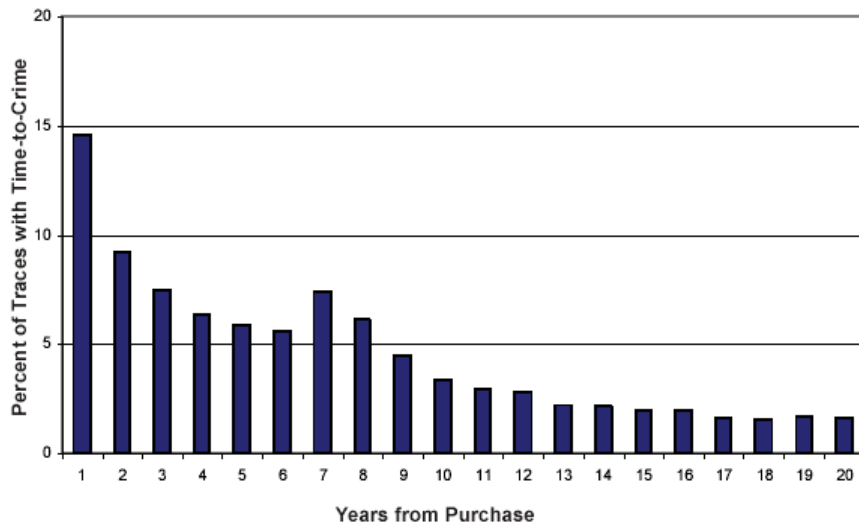
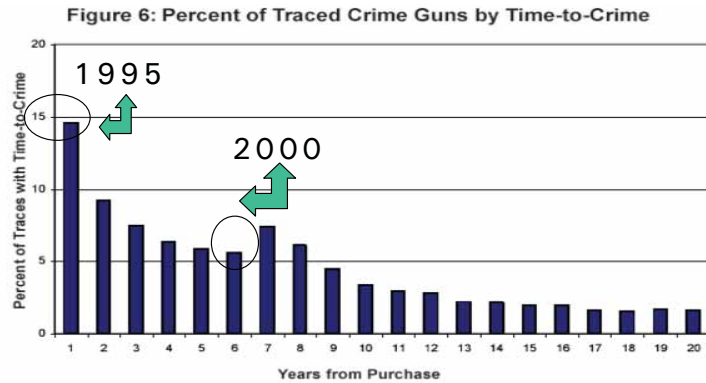
Chart Three: ATF Time-to-Crime Chart¹²**Figure 6: Percent of Traced Crime Guns by Time-to-Crime**

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 percent¹³ 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.¹⁴ *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%**.¹⁵ [Bold in original]

Comparing these figures to the declines cited for named guns only—66 percent¹⁶—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 ¹⁷	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 ¹⁸	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]

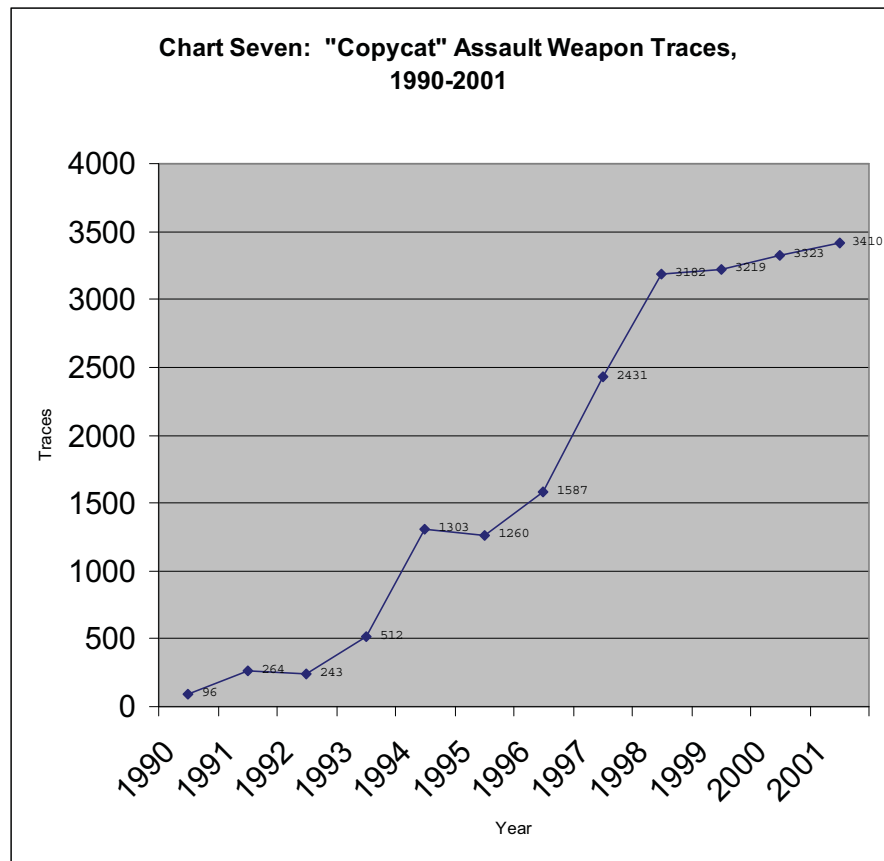
Chart Six: "Copycat" Assault Weapons as Percentage of Crime Guns Traced, 1990 to 1994 Average, and 1995 to 2001 Average

"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"¹⁹ and "banned assault weapons and copycats"²⁰ 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.

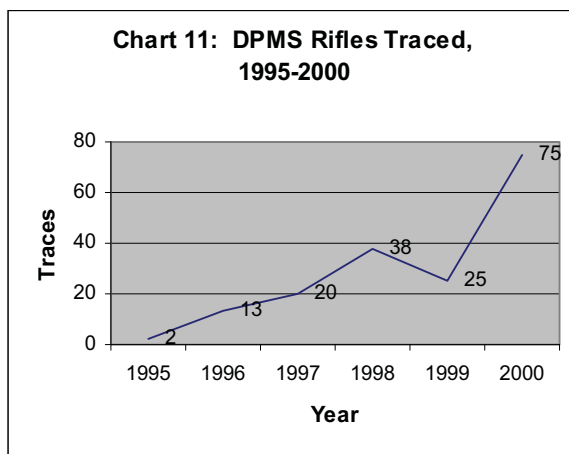
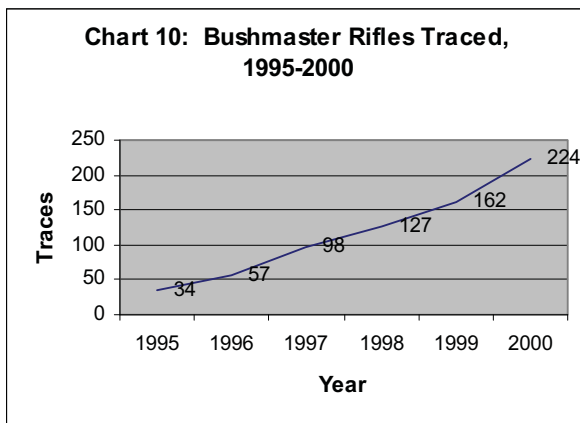
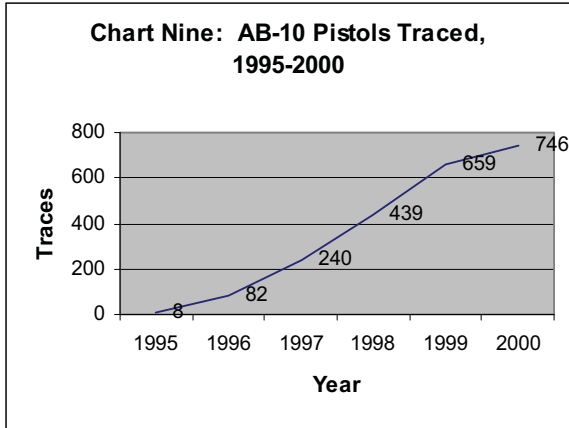
Chart Eight: Number of Crime Gun Traces of "Copycat" Assault Weapons, 1990 to 2001, Based on Percentage of Total Traces

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.

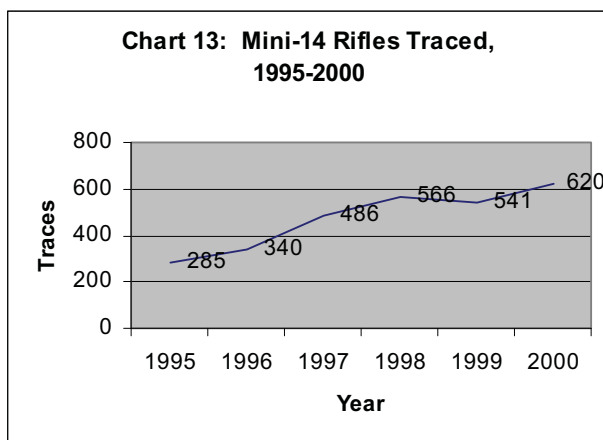
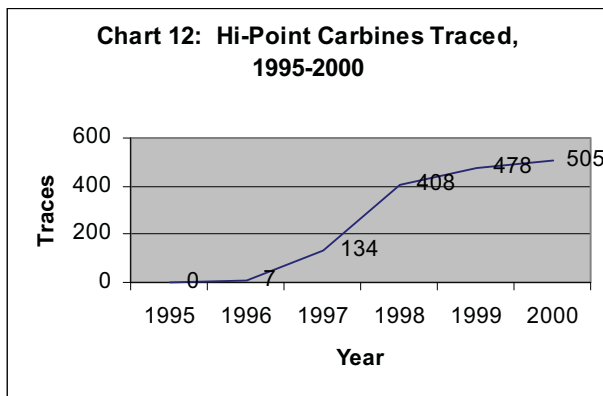
Tracing Data for Specific Post-Ban Assault Weapons

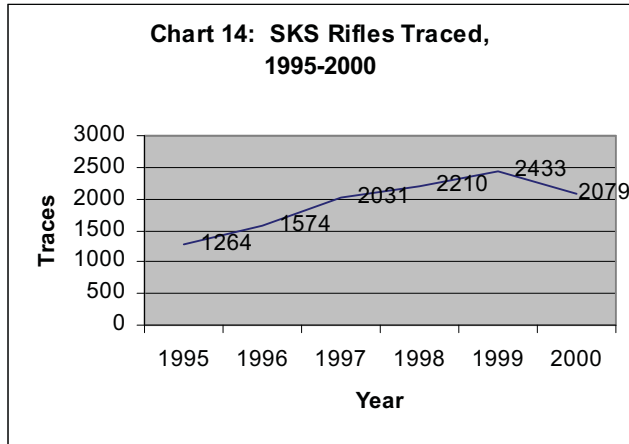


On Target also states that:

even if all of the guns listed in H.R. 2038 and S. 1431^[21] (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%**.²² [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.)





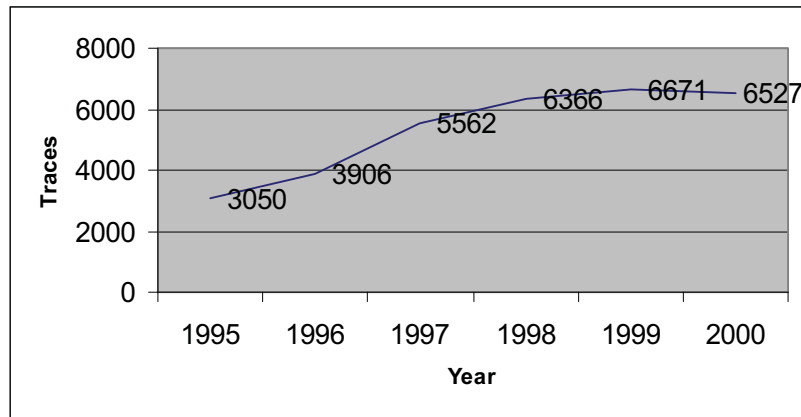
As detailed in the chart below, from 1995 to 2000, the actual trace numbers of the Hi-Point Carbine, Ruger Mini-14, SKS, and M1 Carbine (only for the years 1995 to 1998) increased 79 percent. If the actual trace numbers of “copycat” assault weapons as calculated from *On Target* are added, the overall 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 ²³	Number of Hi-Point Carbine Assault Weapon Traces ²⁴	Number of Ruger Mini-14 Assault Weapon Traces ²⁵	Number of M1 Carbine Assault Weapon Traces ²⁶	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.²⁷ 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

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

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.

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.²⁸ 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.²⁹ 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.³⁰ 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 30.³¹ 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.³²
- 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.³³
- 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.³⁴
- 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.³⁵

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:

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- 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.³⁶
- 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.³⁷
- 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 1988.³⁸
- 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 10.³⁹
- 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.⁴⁰

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.⁴¹
- 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.⁴²
- 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.⁴³

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.⁴⁴ 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.⁴⁵

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

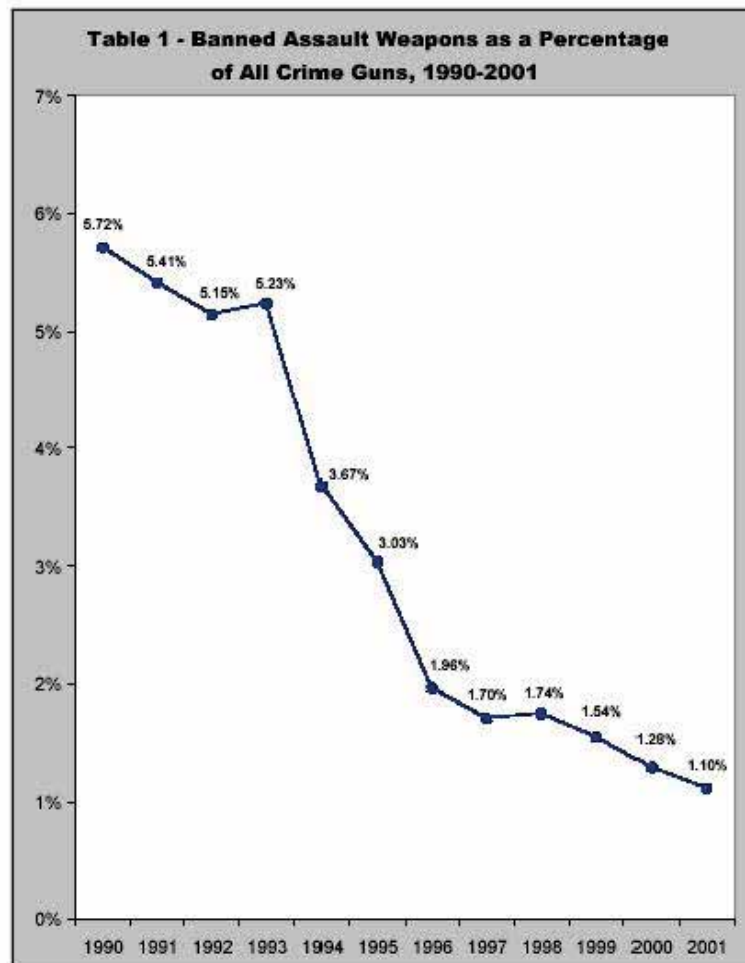
The problem of assault weapons violence in America is deadly serious, and nowhere more so than in its impact on law enforcement personnel. Yet powerful opponents of regulating semiautomatic assault weapons are invested economically and ideologically to killing the 1994 law and preventing the vital chore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

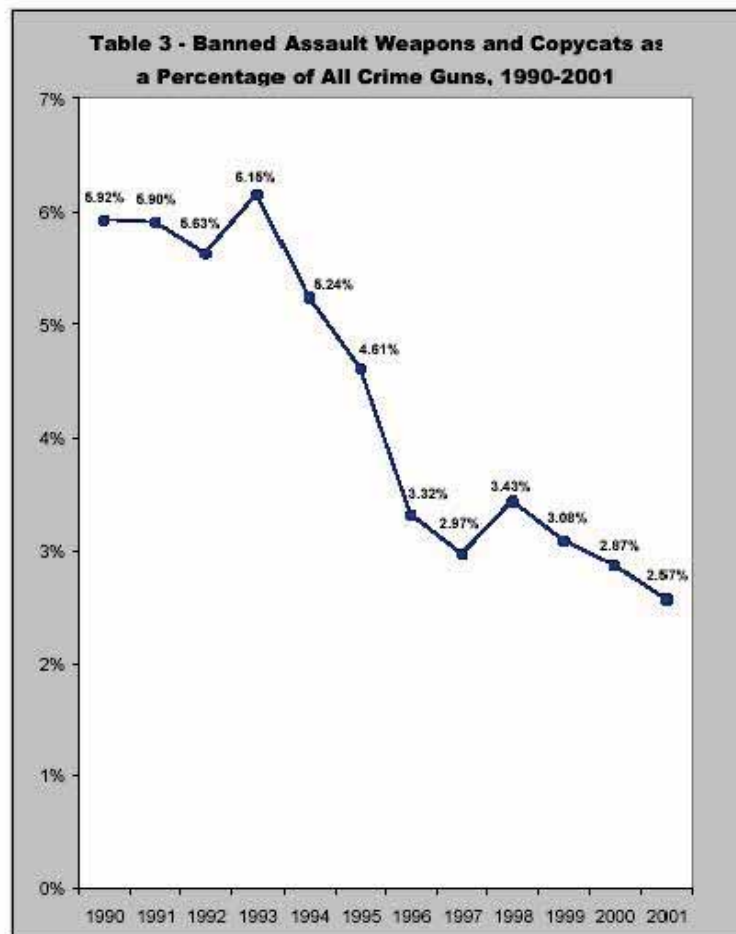
On Target Table 1 — Banned Assault Weapons as a Percentage of All Crime Guns, 1990-2001



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

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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.
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.

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EXHIBIT 44

Mother Jones

A Guide to Mass Shootings in America

At least 13 people died in an attack at the Washington Navy Yard on Monday—the fifth mass shooting in the US this year.

By [Mark Follman](#), [Gavin Aronsen](#), and [Deanna Pan](#) | Fri Jul. 20, 2012 7:32 PM PDT

Social Title:

The attack at the Washington Navy Yard on Monday was the 5th mass shooting in the US since Newtown

***Update (9/16/13):** Twelve people were killed and eight others injured in a mass shooting at the Washington Navy Yard [1] on Monday. The incident is the fifth mass shooting in the US this year. Details of the additional cases from 2013 are included on the map below and in our [our full data set \[2\]](#); the below analysis covers mass shootings from 1982 to 2012.*

It is perhaps too easy to forget how many times this has happened. The horrific mass murder at a movie theater in Colorado [3] last July, another at a Sikh temple in Wisconsin [4] in August, another at a manufacturer in Minneapolis [5] in September—and then the unthinkable nightmare at a Connecticut elementary school [6] in December—are the latest in an epidemic of such gun violence over the last three decades. Since 1982, there have been at least 62 mass shootings* across the country, with the killings unfolding in 30 states from Massachusetts to Hawaii. Twenty-five of these mass shootings have occurred since 2006, and seven of them took place in 2012. We've gathered detailed data on the cases and mapped them below, including information on the shooters' identities, the types of weapons they used, and the number of victims they injured and killed.



Tragedy in Newtown

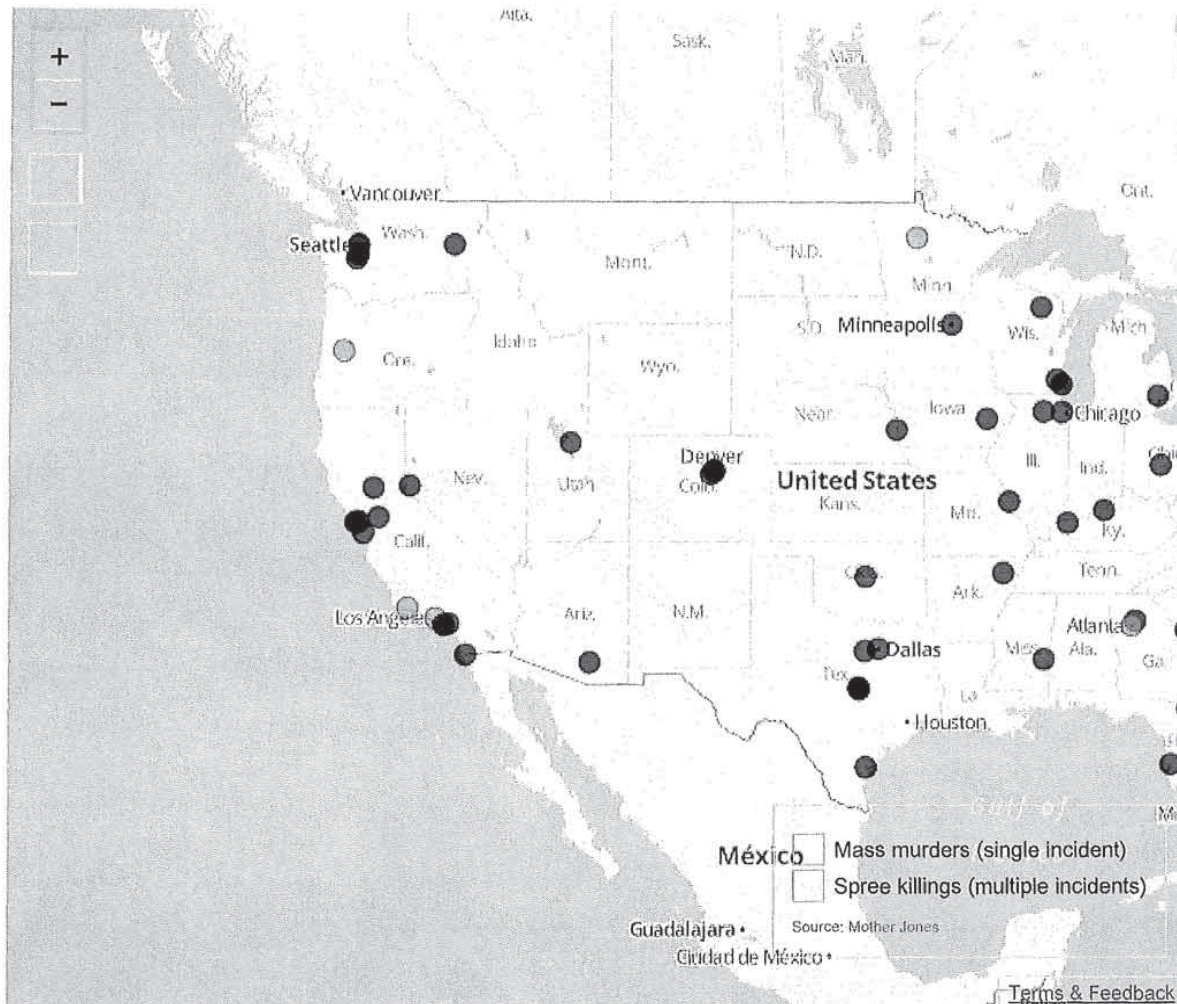
- [The NRA Myth of Arming the Good Guys](#) [7]
- [A Guide to Mass Shootings in America](#) [8]
- [More Guns, More Mass Shootings—Coincidence?](#) [9]
- [151 Victims of Mass Shootings in 2012: Here Are Their Stories](#) [10]
- [Do Armed Civilians Stop Mass Shooters? Actually, No.](#) [11]
- ["A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines](#) [12]
- [Mass Shootings: Maybe We Need a Better Mental-Health Policy](#) [13]
- [Why Mass Shootings Deserve Deeper Investigation](#) [14]
- [DATA: Explore our mass shootings research](#) [2]

[See our full special report](#) [15] on gun laws and the rise of mass shootings in America.

Weapons: Of the 143 guns possessed by the killers, more than three quarters were obtained legally. The arsenal included dozens of assault weapons and semi-automatic handguns with [high-capacity magazines](#) [12]. (See charts below.) Just as Jeffrey Weise used a .40-caliber Glock to slaughter students in Red Lake, Minnesota, in 2005, so too did James Holmes, along with an [AR-15 assault rifle](#) [16], when blasting away at his victims in a darkened movie theater. In Newtown, Connecticut, Adam Lanza wielded a [.223 Bushmaster semi-automatic assault rifle](#) [17] as he massacred 20 school children and six adults.

The killers: More than half of the cases involved school or workplace shootings (12 and 20, respectively); the other 30 cases took place in locations including shopping malls, restaurants, and religious and government buildings. Forty four of the killers were white males. Only one of them was a woman. (See Goleta, Calif., in 2006.) The average age of the killers was 35, though the youngest among them was a mere 11 years old. (See Jonesboro, Ark., in 1998.) A majority were mentally troubled—[and many displayed signs of it before setting out to kill](#) [13]. Explore the map for further details—we do not consider it to be all-inclusive, but based on [the criteria we used](#) we believe that we've produced the most comprehensive rundown available on this particular type of violence. (Mass shootings represent only a sliver of America's overall gun violence.) For a timeline listing all the cases on the map, including photos of the killers, [jump to page 2](#) [18]. For the stories of the 151 shooting rampage victims of 2012, [click here](#) [10], and for all of [MoJo's year-long investigation into gun laws and mass shootings](#), [click here](#) [15].

Hover over the dots or use the search tool in the top-left corner of the map to go to a specific location. (Zoom in to see the Aurora shooting, located close to other massacres in Colorado, and to see other proximate shootings in Milwaukee, Seattle, and elsewhere.)



Sources: Research by *Mother Jones*. (With thanks to the *Associated Press* [19], *Canada.com* [20], and *Citizens Crime Commission of NYC* [21].)

We used the following criteria to identify mass shootings:

- **The shooter took the lives of at least four people.** An *FBI crime classification report* [22] identifies an individual as a mass murderer—versus a *spree killer* [23] or a *serial killer* [24]—if he kills four or more people in a single incident (not including himself), typically in a single location.
- **The killings were carried out by a lone shooter.** (Except in the case of the Columbine massacre and the Westside Middle School killings, both of which involved two shooters.)

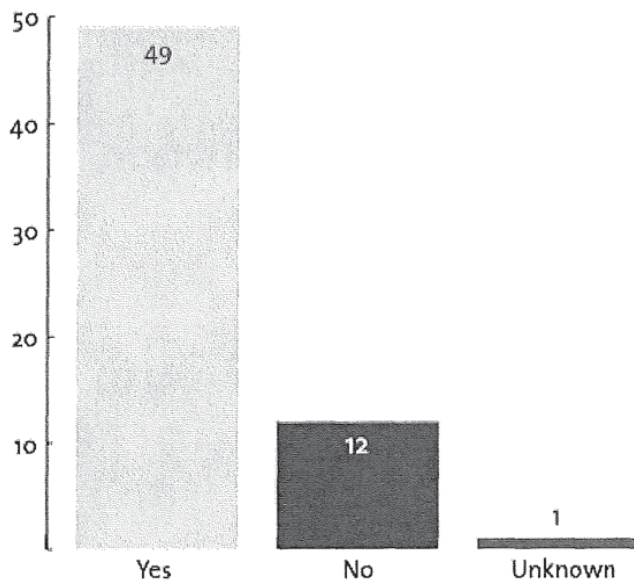
- **The shootings occurred in a public place.** (Except in the case of a party in Crandon, Wisconsin, and another in Seattle.) Crimes primarily related to gang activity or armed robbery are not included.
- **If the shooter died or was hurt from injuries** sustained during the incident, he is included in the total victim count. (But we have excluded many cases in which there were three fatalities and the shooter also died, per the above FBI criterion.)
- **We included a handful of so-called "spree killings"**—high-profile cases that fit closely with our above criteria for mass murder, but in which the killings occurred in more than one location over a short period of time.

For more on how we determined the criteria, see our [mass shootings explainer](#) [25]. Plus: more on [the crucial mental illness factor](#) [13], and on the recent barrage of [state laws rolling back gun restrictions across the US](#) [26]. And: Explore [the full data set behind our investigation](#) [2].

Here are two charts detailing the killers' weapons:

Killer Obtained Weapons Legally?

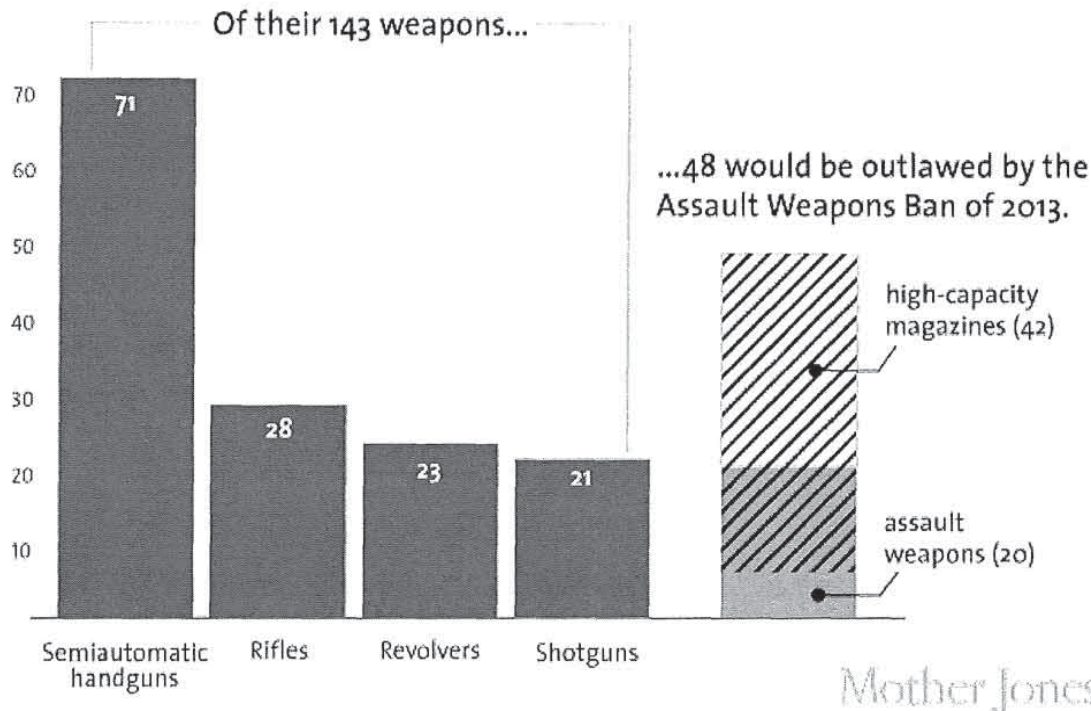
Mass shootings in US, 1982-2012



Mother Jones

Mass Shooters' Weapons, 1982-2012

More than half of all mass shooters possessed high-capacity magazines, assault weapons, or both.



We've updated and expanded this story with additional research multiple times since initial publication on July 20, 2012, thanks in part to some valuable feedback from MoJo readers. (Thanks also to Professor James Alan Fox of Northeastern University.) Details about our updated analysis and data on the shooters' weapons [are in this story](#). [27] For more about the mass shooting at the movie theater in Aurora, Colo., [click here](#) [3], and for the mass shooting in Newtown, Connecticut, [click here](#) [6]. And for additional reporting and analysis from our in-depth investigation, [read this companion story](#) [9]. ([Return to intro.](#))

First published: Fri Jul. 20, 2012 7:32 PM PDT.

Interactive production by [Tasneem Raja](#) [28] and [Jaeah Lee](#) [29]

Image: Clockwise from upper left: Wade Michael Page: [Anti-Defamation League](#) [30]; James E.

Holmes: Arapahoe County Sheriff's Dept./Zuma; Seung-Hui Cho: Virginia Tech

University/[Wikimedia](#) [31]; Jared Loughner: Pima County Sheriff's Office/[Wikimedia](#) [32]

A Guide to Mass Shootings in America Case 8:13-cv-00739-AYC Document 81-1 Filed 10/11/13 Page 92 of 129 Page 6 of 8

Here is a timeline of 62 mass shootings in the United States, from 1982 through 2012. **For further details and our interactive map locating all of these cases, [click here](#) [8].**

EXPAND ALL

COLLAPSE ALL

OLDEST FIRST

NEWEST FIRST

2012

Newtown school shooting



(NBC News)

Adam Lanza, 20, shot his mother dead at their home then drove to Sandy Hook Elementary school. He forced his way inside and opened fire, killing 20 children and six adults before committing suicide. Total injured and killed: at least 28

Dec. 14

Sep. 27

Accent Signage Systems shooting

Andrew Engeldinger, 36, upon learning he was being fired, went on a shooting rampage, killing the business owner, three fellow employees, and a UPS driver. He then killed himself. Total injured and killed: 8

Aug. 5

Sikh temple shooting: Oak Creek, Wisconsin

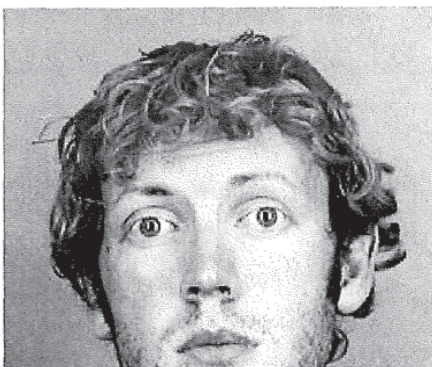


(Anti-Defamation League)

U.S. Army veteran Wade Michael Page, 40, opened fire in a Sikh gurdwara before he died from a self-inflicted gunshot wound during a shootout with police. Total injured and killed: 10

July 20

Aurora theater shooting: Aurora, Colorado



For further details and our interactive map locating all of these cases, [click here](#) [8].

Source URL: <http://www.motherjones.com/politics/2012/07/mass-shootings-map>

Links:

- [1] http://www.washingtonpost.com/local/police-search-for-active-shooter-on-grounds-of-washington-navy-yard-in-southeast-dc/2013/09/16/b1d72b9a-1ecb-11e3-b7d1-7153ad47b549_print.html
- [2] <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>
- [3] <http://www.motherjones.com/politics/2012/07/batman-theater-shooting-updates-dark-knight-rises>
- [4] <http://www.motherjones.com/politics/2012/08/what-we-know-about-sikh-temple-shooting-wisconsin-updates>
- [5] <http://www.startribune.com/local/171774461.html>
- [6] <http://www.motherjones.com/politics/2012/12/newtown-connecticut-school-shooting-explained>
- [7] <http://www.motherjones.com/politics/2012/12/nra-mass-shootings-myth>
- [8] <http://www.motherjones.com/politics/2012/07/mass-shootings-map>
- [9] <http://www.motherjones.com/politics/2012/09/mass-shootings-investigation>
- [10] <http://www.motherjones.com/politics/2012/12/mass-shootings-victims-2012>
- [11] <http://www.motherjones.com/politics/2012/12/armed-civilians-do-not-stop-mass-shootings>
- [12] <http://www.motherjones.com/politics/2013/01/high-capacity-magazines-mass-shootings>
- [13] <http://www.motherjones.com/politics/2012/11/jared-loughner-mass-shootings-mental-illness>
- [14] <http://www.motherjones.com/politics/2013/01/mass-shootings-james-alan-fox>
- [15] <http://www.motherjones.com/special-reports/2012/12/guns-in-america-mass-shootings>
- [16] <http://en.wikipedia.org/wiki/AR-15>
- [17] http://en.wikipedia.org/wiki/Bushmaster_Firearms_International
- [18] <http://www.motherjones.com/politics/2012/07/mass-shootings-map?page=2>
- [19] <http://newsfeed.time.com/2012/07/20/the-worst-mass-shootings-of-the-past-50-years/>
- [20] <http://o.canada.com/2012/07/17/interactive-map-mass-shootings-in-north-american-history/>
- [21] <http://www.nycrimcommission.org/initiative1-shootings.php>
- [22] <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-1#two>
- [23] http://en.wikipedia.org/wiki/Spree_killer
- [24] http://en.wikipedia.org/wiki/Serial_killer
- [25] <http://www.motherjones.com/mojo/2012/08/what-is-a-mass-shooting>
- [26] <http://www.motherjones.com/politics/2012/09/map-gun-laws-2009-2012>
- [27] <http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein>
- [28] <http://www.motherjones.com/authors/tasneem-raja>
- [29] <http://www.motherjones.com/authors/jacah-lee>
- [30] <http://blog.adl.org/extremism/adl-connects-suspected-shooter-at-wisconsin-sikh-temple-to-white-supremacist-skinhead-group>
- [31] http://en.wikipedia.org/wiki/File:Cho_Seung-hui_3.jpg
- [32] http://en.wikipedia.org/wiki/File:Jared_Loughner_USMS.jpg

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EXHIBIT 45

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Mother Jones Chart - US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Hialeah apartment shooting	Hialeah, Florida	7/26/2013	2013	Pedro Vargas, 42, set fire to his apartment, killed six people in the complex, and held another two hostages at gunpoint before a SWAT team stormed the building and fatally shot him.	7	0	7	Other	Unclear	His mother told authorities her son had been acting strangely and needed a psychiatric evaluation.	Yes	Florida Gun Center	9mm semi-automatic handgun	Glock 17	Latino	Male	http://www.miamiherald.com/2013/07/27/v-prime/3526078/a-look-at-the-victims-in-the-hialeah.html http://www.cbsne.ws.com/6301-201_162-57595796/pedro-vargas-idd-as-gunman-behind-deadly-rampage-in-hialeah-florida/ http://www.miamiherald.com/2013/07/28/3528362/little-about-pedro-vargas-life.html	http://www.miamiherald.com/2013/07/27/v-prime/3526078/a-look-at-the-victims-in-the-hialeah.html http://www.cbsne.ws.com/6301-201_162-57595796/pedro-vargas-idd-as-gunman-behind-deadly-rampage-in-hialeah-florida/	25.8670105	-80.29146268	Mass
Santa Monica rampage	Santa Monica, California	6/7/2013	2013	John Zawahri, 23, armed with a homemade assault rifle and high-capacity magazines, killed his brother and father at home and then headed to Santa Monica College, where he was eventually killed by police.	6	3	9	Other	Yes	He was known as a solitary teen who regularly ditched class and had an interest in assault weapons; he had been admitted to UCLA's psychiatric ward for a brief period.	Yes	Florida Gun Center	Assault rifle, high capacity magazines, antique handgun	.223-caliber semi-automatic assault rifle, about 40 high capacity magazines, "black powder" handgun (likely antique)	White	Male	http://www.cbsne.ws.com/6301-504083_162-575989327-504083/john-zawahri-suspected-gunman-in-deadly-shooting-left-farewell-note-police-say/ http://www.latimes.com/newslocal/la-me-0611-santa-monica-shooting-20130611,0,1490078.story	http://www.cbsnews.com/8301-504083_162-575989327-504083/john-zawahri-suspected-gunman-in-deadly-shooting-left-farewell-note-police-say/ http://www.latimes.com/newslocal/la-me-0611-santa-monica-shooting-20130611,0,1490078.story	34.008617	-118.494754	Spree

Data obtained from: <http://www.motherjones.com/policcs/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart: US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Pinewood Village Apartment shooting	Federal Way, Washington	4/21/2013	2013	Dennis Clark III, 27, shot and killed his girlfriend in their shared apartment, and then shot two witnesses in the building's parking lot and a third victim in another apartment, before being killed by police.	5	0	5	Other	No		Yes	Unknown	Semiautomatic handgun, pistol grip shotgun	40 caliber semi-automatic handgun, pistol grip shotgun	Black	Male	https://seattletimes.com/html/localnews/2020866119_federalwayshooting.xml		47.3129007	-122.3393665	Mass
Mohawk Valley shootings	Herkimer County, New York	3/13/2013	2013	Kurt Myers, 64, shot six people in neighboring towns, killing two in a barbershop and two at a car care business, before being killed by officers in a shootout after a nearly 19-hour standoff.	5	2	7	Other	No		Yes	Frank's Guns in Marcy, NY	Shotgun	Unknown	White	Male	https://www.nyspnews.com/article/display.cfm?article_id=29584	http://poststar.com/news/local/state-and-regional/cops-kill-suspect-in-mohawk-valley-shooting-rampage/article_15260208-8bf6-11e2-b2d9-0019b2963f44.html	43.257206	-74.850712	Spree

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart: US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Newtown school shooting	Newtown, Connecticut	12/14/2012	2012	Adam Lanza, 20, shot his mother dead at their home then drove to Sandy Hook Elementary school. He forced his way inside and opened fire, killing 20 children and six adults before committing suicide.	28	2	30	School	Unclear	His older brother told authorities Adam had a history of mental problems. One neighbor recalled that he took some kind of medication.	No	Stolen from mother	Two semiautomatic handguns, one rifle (assault), one shotgun (assault)	10mm Glock, 9mm SIG Sauer P226 semiautomatic handguns, 223 Bushmaster XM15-E2S semiautomatic rifle, Izhmash Saiga-12 12-gauge semiautomatic shotgun	white	Male	http://usnews.abcnews.com/_news/2012/12/14/15911025-authorities-kill-27-in-elementary-school-massacre/?file=http://articles.washingtonpost.com/2012-12-14/local/35846977_1_law-enforcement-lanza-brothers-kid	http://usnews.abcnews.com/_news/2012/12/14/15911025-authorities-kill-27-in-elementary-school-massacre/?file=http://articles.washingtonpost.com/2012-12-14/local/35846977_1_law-enforcement-lanza-brothers-kid	-41.4123225	-73.31142358	Mass
Accent Signage Systems shooting	Minneapolis, Minnesota	9/27/2012	2012	Andrew Engeldinger, 36, upon learning he was being fired, went on a shooting rampage, killing the business owner, three fellow employees, and a UPS driver. He then killed himself.	7	1	8	Workplace	Yes	His family worried about his "paranoia and delusions" for at least two years prior, and tried to get him to seek treatment.	Yes	Unknown	One semiautomatic handgun	9mm Glock semiautomatic handgun	white	Male	http://www.startribune.com/local/1774461.html?ref=er-y	http://www.startribune.com/local/1774461.html?ref=er-y	44.972995	-93.2654692	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart - US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Sikh temple shooting	Oak Creek, Wisconsin	8/5/2012	2012	U.S. Army veteran Michael Wade, 40, opened fire in a Sikh gurdwara before he died from a self-inflicted gunshot wound during a shootout with police.	7	3	10	Religious	Yes	His Army friends once broke into his apartment, fearing he'd commit suicide in the '90s. A psychiatric nurse who lived downstairs from Page said it was "obvious" he had a mental illness.	Yes	Unknown	One semiautomatic handgun	9mm Springfield Armory XDM semiautomatic handgun	white	Male	http://www.isoilnline.com/news/milwaukee/what-happened-at-sikh-temple-shooting-426edmg-165668826.html http://usnews.nbcnews.com/_news/2012/09/10/13785426-officer-arriving-at-sikh-temple-shooting-deadly-force-likely http://articles.latimes.com/2012/aug/08/nation/la-na-08-sikh-shooting-20120807 http://www.bbc.co.uk/news/world-us-canada-19183359	http://www.isoilnline.com/news/milwaukee/what-happened-at-sikh-temple-shooting-426edmg-165668826.html http://usnews.nbcnews.com/_news/2012/09/10/13785426-officer-arriving-at-sikh-temple-shooting-deadly-force-likely http://articles.latimes.com/2012/aug/08/nation/la-na-08-sikh-shooting-20120807 http://www.bbc.co.uk/news/world-us-canada-19183359	-42.885803	-87.8631362	Mass
Aurora theater shooting	Aurora, Colorado	7/20/2012	2012	James, 24, Holmes, 24, opened fire in a movie theater during the opening night of "The Dark Night Rises" and was later arrested outside.	12	58	70	Other	Yes	He saw at least three mental health professionals before dropping out of his university.	Yes	Mountain stores in Thornton and Aurora, Colo.; Bass Pro Shop in Denver, Colo.; BulkAmmo.com	Two semiautomatic handguns; one rifle (assault), one shotgun	Two .40-caliber Glock semiautomatic handguns; 223 caliber Smith & Wesson M&P15 semiautomatic rifle; 12 gauge Remington 870 pump-action shotgun	white	Male	http://www.cbsnews.com/8301-201_162-57497820james-holmes-saw-three-mental-health-professionals-before-shooting/ http://www.9news.com/news/articles/shooting-a-shooting-prompts-gun-bills-in-big-states- http://www.nytimes.com/2012/07/21/us/shooting-at-colorado-theater-showing-batman-movie.html http://www.motherjones.com/politics/2012/07/batman-theater-shooting-updates-dark-knight-rises	http://www.cbsnews.com/8301-201_162-57497820james-holmes-saw-three-mental-health-professionals-before-shooting/ http://www.9news.com/news/articles/shooting-a-shooting-prompts-gun-bills-in-big-states- http://www.nytimes.com/2012/07/21/us/shooting-at-colorado-theater-showing-batman-movie.html http://www.motherjones.com/politics/2012/07/batman-theater-shooting-updates-dark-knight-rises	39.70689	-104.820735	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Seattle cafe shooting	Seattle, Washington	5/20/2012	2012	Ian Stawicki, 40, gunned down four patrons at a cafe, and another person during a carjacking nearby, then shot himself as police closed in. (He died later that day in a Seattle hospital.)	6	1	7	Other	Yes	His family said he was mentally ill	Yes	Bull's Eye Shooter Supply in Tacoma, Wash.	Two semiautomatic handguns	Two 45-caliber semiautomatic handguns	white	Male	http://usnews.abcnews.com/news/2012/05/30/11959312-seattle-shootings-six-killed-in-seattle-suspect7lite; http://www.cbsn.ws.com/6301-201_162-57445177/seattle-shooting-hero-hurled-stools-at-gunman-ian-stawicki-saved-three-lives/?pageNum=2&tag=contentMain; http://content.usatoday.com/communities/ondeadline/post/2012/05/seattle-killer-had-concealed-carry-permit-owned-6-guns/#.Uf95thgspQ	http://usnews.abcnews.com/news/2012/05/30/11959312-seattle-shootings-six-killed-in-seattle-suspect7lite	47.6038321	-122.3300624	Spree

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Oikos University killings	Oakland, California	4/2/2012	2012	One L. Goh, 43, a former student, opened fire in a nursing classroom. He fled the scene by car and was arrested nearby a few hours later.	7	3	10	School	Yes	A former instructor at Oikos described him as "mentally unstable" and "paranoid."	Yes	Bullseye in Castro Valley, Calif.	One semiautomatic handgun	45-caliber semiautomatic handgun	Asian	Male	http://blog.sfgate.com/legulime/2012/04/05/something-still-doesnt-compute-in-the-one-goh-nightmare/, http://www.mercurynews.com/top-stories/ci_20308252/police-respond-shooting-east-oakland; http://www.cbsne.ws.com/6301-504083_162-57408732-504083/gun-used-in-oikos-university-shooting-rampage-was-bought-legally-police-say/; http://berkeley.patch.com/articles/one-goh-showed-violent-tendencies-before-the-oikos-	http://berkeley.patch.com/articles/one-goh-showed-violent-tendencies-before-the-oikos-university-shooting-rampage-was-bought-legally-police-say/; http://berkeley.patch.com/articles/one-goh-showed-violent-tendencies-before-the-oikos-	37.8043808	-122.2708166	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	latitude	longitude	Type
Su Jung Heon's Sauna shooting	Norcross, Georgia	2/22/2012	2012	Jeong Soo Peck, 59, returned to a Korean spa from which he'd been kicked out after an altercation. He gunned down two of his sisters and their husbands before committing suicide.	5	0	5	Other	Yes	His sister worried about his homicidal tendencies; she said his mental health had been deteriorating and that he had threatened to commit suicide with his gun.	Yes	Unknown	One semiautomatic handgun	.45-caliber semiautomatic handgun	Asian	Male	http://www.gwinnettdailypost.com/news/2012/feb/23/police-id-4-victims-shooter-in-spa-killing/; http://www.cbsne.ws.com/6301-504083_162-57479989-504083/shooting-sprees-in-2012-crimesider-reports-on-some-of-the-countrys-worst-public-shootings-this-year/; http://chronicle.augusta.com/news/metro/2012-02-22/victims-korean-spa-shooting-near-atlanta-were-2-married-couples-gunman-was; http://onlineathens.com/local-news/2012-02-23/mass-shooting/; http://laist.com/2011/10/13/seal_beach_shooter_suffered_from_ptsd.php; http://blogs.ocwe.edu.com/navelgazing/2011/10/hair_salon_seal_beach_shooting.php; http://latimesblog.slatimes.com/lanow/2011/10/seal-beach-shooting-suspect-had-been-ordered-not-to-carry-guns.html	http://www.gwinnettdailypost.com/news/2012/feb/23/police-id-4-victims-shooter-in-spa-killing/	33.9412127	-84.2135309	Mass
Seal Beach shooting	Seal Beach, California	10/4/2011	2011	Scott Evans Dekraai, 42, opened fire inside a hair salon and was later arrested.	8	1	9	Other	Yes	He suffered from bipolar disorder, mood swings, and PTSD.	Yes	Unknown	Two semiautomatic handguns, one revolver	.45-caliber Heckler & Koch, 9mm Springfield semiautomatic handgun; 44 Magnum Smith & Wesson revolver	white	Male	http://laist.com/2011/10/13/seal_beach_shooter_suffered_from_ptsd.php; http://blogs.ocwe.edu.com/navelgazing/2011/10/hair_salon_seal_beach_shooting.php; http://latimesblog.slatimes.com/lanow/2011/10/seal-beach-shooting-suspect-had-been-ordered-not-to-carry-guns.html	http://laist.com/2011/10/13/seal_beach_shooter_suffered_from_ptsd.php	33.741176	-118.1046356	Mass

Data obtained from: http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
IHOP shooting	Carson City, Nevada	9/6/2011	2011	Eduardo Sencion, 32, opened fire at an international restaurant and later died from a self-inflicted gunshot wound.	5	7	12	Other	Yes	He was diagnosed with paranoid schizophrenia as a teenager and feared demons were out to get him.	Yes	Purchased from an individual	Two rifles (both assault) and one revolver	AK-47 Norinco Arms variant, AK-47 Romanian Cugir variant automatic rifles; 38-caliber Colt revolver	Latino	Male	http://www.huffingtonpost.com/2011/11/03/sencion-i-hop-shooter_n_1073677.html ; http://www.lasvegassun.com/news/2011/sep/06/inside-carson-city-i-hop/ ; http://www.lasvegassun.com/news/2011/oct/23/nv-gun-laws-rampage-2nd-id-writer/	http://www.huffingtonpost.com/2011/11/03/sencion-i-hop-shooter_n_1073677.html	39.1637984	-119.1674034	Mass
Tucson shooting	Tucson, Arizona	1/8/2011	2011	Jared Loughner, 22, opened fire outside a Safeway during a constituent meeting with Congresswoman Gabrielle Giffords (D-Ariz.) before he was subdued by bystanders and arrested.	6	13	19	Other	Yes	His symptoms pointed to various possible mental illness diagnoses, such as schizophrenia and delusional disorder. He also experimented with pot and hallucinogens.	Yes	Sportsmen's Warehouse in Tucson, Ariz.	One semiautomatic handgun	9mm Glock 19 semiautomatic handgun	white	Male	http://www.lincolntime.com/time/article/0,9171,20423042358,00.html ; http://www.csmonitor.com/USA/Politics/2011/0110/Why-Jared-Loughner-was-allowed-to-buy-a-gun ; http://www.nytimes.com/2011/01/09/us/politics/09giffords.html?ref=jaredleeloughner	http://www.lincolntime.com/time/article/0,9171,20423042358,00.html	32.2217429	-110.926479	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Hartford Beer Distributor shooting	Manchester, Connecticut	8/3/2010	2010	Omair S. Thornton, 34, shot up his Hartford Beer Distributor workplace after facing disciplinary issues, then committed suicide.	9	2	11	Workplace	No	He apparently was driven over the edge by unaddressed, ongoing racism against him at work	Yes	Gun dealer in East Windsor, Conn.	Two semiautomatic handguns	Two 9mm Ruger SR9 semiautomatic handguns	black	Male	http://www.cbsne.ws.com/8301-504083_162-20012557-504083.html ; http://www.msnbc.msn.com/id/38535909/ns/us_news-crime_and_courts-08-03-dead-wounded-comm-workplace-shooting/ ; http://www.foxnews.com/us/2010/08/03/dead-wounded-comm-workplace-shooting/	http://www.cbsnews.com/8301-504083_162-20012557-504083.html	41.7759324	-72.5214755	Mass
Coffee shop police killings	Parkland, Washington	11/29/2009	2009	Maurice Clemmons, 37, a felon who was out on bail for child-rape charges, entered a coffee shop on a Sunday morning and shot four police officers who had gone there to use their laptops before their shifts. Clemmons, who was wounded fleeing the scene, was later shot dead by a police officer in Seattle after a two-day manhunt.	4	1	5	Other	Yes	He had a history of erratic, bizarre behavior. He once asked his family to get naked for 5 minutes on Sunday; he said he thought the world would end and that he was Jesus.	No	Stolen from an individual in Seattle.	One semiautomatic handgun	9mm Glock 17 caliber Smith & Wesson revolver	black	Male	http://seattletimes.com/html/localnews/2010385617_webmensought29.html ; http://www.nytimes.com/2009/11/30/us/30lacona.html?_r=1 ; http://seattletimes.com/html/localnews/2014155225_clemmons08m.html	http://seattletimes.com/html/localnews/2010385617_webmensought29.html	47.155946	-122.437031	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Fort Hood massacre	Fort Hood, Texas	11/5/2009	2009	Army psychiatrist Nidal Malik Hasan, 36, opened fire on an Army base in an attack linked to Islamist extremism. Hasan was injured during the attack and later arrested.	13	30	43	Other	Unclear	Medical officials at Walter Reed Army Medical Center and the Uniformed Services University of the Health Sciences raised concerns prior to the shooting regarding Hasan's aloof and erratic behavior and extremist Islamic views.	Yes	Guns Galore in Killeen, Texas	One semiautomatic handgun	FN Five-seven semiautomatic handgun	white	Male	http://seattletimes.com/html/nationnwond2010222219_story.php?storyid=120313570 http://articles.latimes.com/2010/oct21/21nation/la-na-fort-hood-20101022 http://thelede.blog.s.nytimes.com/2009/11/05/reports-of-mass-shooting-at-fort-hood/ http://www.usatoday.com/news/military/story/2012-08-14/fort-hood-rampage-trial/57050394/1	http://www.npr.org/templates/story/story.php?storyId=120313570	31.2011305	-97.77156986	Mass
Binghamton shootings	Binghamton, New York	4/3/2009	2009	Jiverly Wong, 41, opened fire at an American Civic Association center for immigrants before committing suicide.	14	4	18	Other	Yes	He apparently harbored growing paranoia toward cops. He also sent a delusional letter to a local TV station right before the shooting.	Yes	Gander Mountain in Johnson City, N.Y.	Two semiautomatic handguns	9mm Beretta, 45-caliber Springfield semiautomatic handguns	Asian	Male	http://www.nytimes.com/2009/04/12/nyregion/12binghamton.html?pagewanted=all&_r=0 http://www.nytimes.com/2009/04/04/nyregion/04hostage.html?pagewanted=all	http://www.nytimes.com/2009/04/12/nyregion/12binghamton.html?pagewanted=all&_r=0	42.0986867	-75.9179738	Mass
Carthage nursing home shooting	Carthage, North Carolina	3/29/2009	2009	Robert Stewart, 45, opened fire at a nursing home where his estranged wife worked before he was shot and arrested by a police officer.	8	3	11	Other	Yes	His estranged wife told her workplace that her husband had an "unstable mental state or (was) mentally ill."	Yes	Local sporting goods stores and individuals	One revolver, one shotgun	Winchester 1300 pump-action shotgun; .357 Magnum revolver	white	Male	http://www.wral.com/news/local/story/9845639/ http://www.wral.com/news/local/story/4637676/	http://www.wral.com/news/local/story/9845639/	35.345002	-79.4170543	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Atlantis Plastics shooting	Henderson, Kentucky	6/25/2008	2008	Disgruntled employee Wesley Neal Higdon, 26, shot up an Atlantis Plastics factory after he was escorted out of his workplace for an argument with a supervisor. Higdon shot the supervisor outside the factory before opening fire on coworkers inside. He then committed suicide.	6	1	7	Workplace	No	He called his girlfriend two hours before the shooting to say he was going to kill his boss.	Yes	Unknown	One semiautomatic handgun	45-caliber Hi-Point semiautomatic handgun	white	Male	http://www.foxnews.com/story/0,2933,371242,00.html http://www.msnbc.msn.com/id/25393895/ns/us_news-crime_and_courts-1/witnesses-describe-chaotic-scene-ky-plant/#_UFEbHhghspQ	http://www.foxnews.com/story/0,2933,371242,00.html	37.76721	-87.5573742	Mass
Northern Illinois University shooting	DeKalb, Illinois	2/14/2008	2008	Steven Kazmierczak, 27, opened fire in a lecture hall, then shot and killed himself before police arrived.	6	21	27	School	Yes	After high school, his parents placed him at a psychiatric treatment center. He told friends he left the Army after six months due to a psychological discharge.	Yes	Online and gun retailers in Champaign, Ill.	Three semiautomatic handguns, one shotgun	9mm Glock 19, Hi-Point CF380, 9mm Kurz SIG Sauer P232 semiautomatic handgun; 12-gauge Remington Sportsman 48 sawed-off shotgun	white	Male	http://www.huffpost.com/tonat-han-fast/stev-kazmierczak-the-sec_b_87031.html http://www.msnbc.msn.com/id/23171567/ns/us_news-crime_and_courts-1/college-shooters-deadly-rampage-berkeley-us/#_UFEZmfgspQ http://www.nytimes.com/slideshow/2008/02/14/us/0214-SHOOTING_index.html?ref=schoolshooting&gwh=B62598A5487B946A532CC5846B4A85156 www.niu.edu/feb14report/Feb14report.pdf	http://www.cbnews.com/stories/2008/02/16/national/min3840072.shtml	41.9294736	-88.7503647	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Kirkwood City Council shooting	Kirkwood, Missouri	2/7/2008	2008	Charles "Cookie" Lee Thornton, 32, went on a rampage at the city hall before being shot and killed by police.	6	2	8	Other	No	He was known for histrionics and disruptions at city council meetings. His mounting debt was a stressor.	No	Taken in burglary and from fallen police officer	One semiautomatic handgun, one revolver	40-caliber Smith & Wesson semiautomatic handgun, .44 Magnum Smith & Wesson Model 29 revolver	black	Male	http://www.stltoday.com/news/local/crime-and-courts/charles-lee-and-cookie-thornton-behind-the-smile/article_bef9f13c-78b9-11d1-bfde-0017a4a78c22.html http://www.nytimes.com/2008/02/08/us/08missouri.html http://nl.newsban k.com/nl-search/we/Archiv es/?p_product=SL &p_theme=sl&p_action=search&p_maxdocs=200&p_topdocs=1&p_text _direct_0=1F1FCADA291 472F0&p_field_of_0=document_id&p_perpage=10&p_	http://www.stltoday.com/news/local/crime-and-courts/charles-lee-and-cookie-thornton-behind-the-smile/article_bef9f13c-78b9-11d1-bfde-0017a4a78c22.html	38.5833862	-90.406785	Mass
Westroads Mall shooting	Omaha, Nebraska	12/5/2007	2007	Robert A. Hawkins, 19, opened fire inside Westroads Mall before committing suicide.	9	4	13	Other	Yes	He had been treated in the past for depression and ADHD.	No	Stolen from grandfather	One rifle (assault)	WASR-10 Century Arms semiautomatic rifle	white	Male	http://www.guardian.co.uk/world/2007/dec/06/usa.usgunviolence2 http://www.npr.org/templates/story/story.php?storyId=16962485 http://www.independantmail.com/news/2007/dec/08/officials-say-assault-rifles-cause-roughly-same-amt/ http://www.latimes.com/news/natio nworld/nation/na-mal7dec07.0.882178.story	http://www.guardian.co.uk/world/2007/dec/06/usa.usgunviolence2	41.2587317	-95.9378732	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	latitude	longitude	Type
Crandon shooting	Crandon, Wisconsin	10/7/2007	2007	Off-duty sheriff's deputy Tyler Peterson, 20, opened fire inside an apartment after an argument at a homecoming party. He fled the scene and later committed suicide.	6	1	7	Other	Unclear	The families of victims filed a wrongful death lawsuit against the county arguing that the police department should have evaluated the gunman's mental health before hiring him.	Yes	Issued by Forest County Sheriffs Department	One rifle (assault)	AR-15 SWAT semiautomatic rifle	white	Male	http://www.riversonline.com/main.asp?SectionID=6&SubSectionID=47&ArticleID=368 http://news.google.com/newspaper?id=O-MgAAAAIAJ&sjid=u0UEAAAAIBAJ&pg=6724.5434155&q=crandon+shooting&hl=en	http://www.riversonline.com/main.asp?SectionID=6&SubSectionID=47&ArticleID=368	45.5719072	-88.9028922	Mass
Virginia Tech massacre	Blacksburg, Virginia	4/16/2007	2007	Virginia Tech student Seung Hui Cho, 23, opened fire on his school's campus before committing suicide.	33	23	56	School	Yes	A district court ruled Cho was "an imminent danger" to himself and others as a result of mental illness two years earlier, and directed Cho to seek treatment.	Yes	Purchased variously online and from Roanoke Firearms in Roanoke, Va.	Two semiautomatic handguns	9mm Glock 19, 22-caliber Walther P22 semiautomatic handguns	Asian	Male	http://www.nytimes.com/2007/04/24/us/24virginia.html?_r=1 http://www.testanord.com/home_ws_detail.asp?we_cat=9&art_id=42469&sid=13196711&con_type=1&d_str=2007/04/19&rc=10; http://smartgunia.ws.org/mental-health-reporting-policy-summary/	http://abcnews.go.com/US/story?id=3052278&page=1	37.2295733	-80.4139393	Mass
Trolley Square shooting	Salt Lake City, Utah	2/12/2007	2007	Sulejman Talovic, 18, rampaged through the shopping center until he was shot dead by police.	6	4	10	Other	Unclear	According to one relative, he was violent and had the mental capacity of a child. (But accounts from others did not indicate this about the shooter.)	No	Purchased variously from Sportsman's West Cash in Valley City, Utah and individuals	One revolver, one shotgun	Mossberg 88 Maverick .38-caliber Field shotgun; .38-caliber Smith & Wesson M36 revolver	white	Male	http://www.deseretnews.com/article/66020547/Ex-relative-calls-Talovic-vicious-troubled.html?pg=all; http://www.cbsne.ws.com/stories/2007/02/15/national/main2480419.shtml http://www.cbsne.ws.com/6301-201_192-282327.html	http://www.deseretnews.com/article/66020547/Ex-relative-calls-Talovic-vicious-troubled.html?pg=all; http://www.cbsne.ws.com/stories/2007/02/15/national/main2480419.shtml	40.7606467	-111.89109	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Amish school shooting	Lancaster County, Pennsylvania	10/2/2006	2006	Charles Carl Roberts, 32, shot 10 young girls in a one-room schoolhouse in Bart Township, killing 5, before taking his own life.	6	5	11	School	No	He told his wife that he'd molested two young relatives 20 years ago.	Yes	Local stores in Nickel Mines, Penn.	One semiautomatic handgun, one rifle, one shotgun	Springfield semiautomatic handgun, 30-06 Ruger bolt-action rifle, 12-gauge Browning pump-action shotgun	white	Male	http://news.google.com/newspaper?hl=en&q=shooting&pg=PA4&id=AAABA&pg=61431200138&dq=charles+carl+roberts+mentally+ill&hl=en&http://www.msnbc.msn.com/id/15105305/ns/us-news-crime_and_courts/t/th-girl-dies-after-amish-schoolhouse-shooting/#UFD4SxhgspQ http://www.foxnews.com/story/0,2933,217170,00.html	http://www.cn.com/2006/US/10/03/amishshooting/index.html	40.01846345	-76.23365286	Mass
Capitol Hill massacre	Seattle, Washington	3/25/2006	2006	Kyle Aaron Huff, 28, opened fire at a rave afterparty in the Capitol Hill neighborhood of Seattle before committing suicide.	7	2	9	Other	No	Police were unable to find any record that he had been treated for mental illness or was on psychiatric medication.	Yes	Various sporting goods stores in Kalispell, Mont.	Two semiautomatic handguns, one rifle (assault), one shotgun	.40-caliber Ruger, one other semiautomatic handgun; Bushmaster XM15 E2S semiautomatic rifle; 12-gauge Winchester Defender pump action shotgun with extended tube and pistol grip	white	Male	http://seattletimes.com/html/localnews/200202892043_shooter27m.html http://seattletimes.com/html/localnews/200202898900_huff30m.html	http://seattletimes.com/html/localnews/200202892043_shooter27m.html http://seattletimes.com/html/localnews/200202898900_huff30m.html	47.6038321	-122.3300624	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	latitude	longitude	Type
Goleta postal shootings	Goleta, California	1/30/2006	2006	Former postal worker Jennifer Sammarco, 44, shot dead a former neighbor then drove to the mail processing plant where she used to work. Inside, she opened fire, killing six employees before committing suicide.	8	0	8	Workplace	Yes	She was placed on retirement disability for psychological reasons. Fellow employees described her behavior as increasingly bizarre. She believed the Postal Service employees were conspiring against her.	Yes	Pawn shops in Grants and Gallup, N.M.	One semiautomatic handgun	9mm Smith & Wesson 915 semiautomatic handgun	white	Female	http://www.msnbc.msn.com/id/11167920/ns/us_news_crime_and_courts/postal-killer-believed-she-was-target-plot/#.Uxy7kzLwTE; http://www.cbsnews.com/stories/2006/02/02/national/main1272077.sht	http://www.msnbc.msn.com/id/11167920/ns/us_news_crime_and_courts/postal-killer-believed-she-was-target-plot/#.Uxy7kzLwTE; http://www.cbsnews.com/stories/2006/02/02/national/main1272077.sht	34.436283	-119.8714406	Spree
Red Lake massacre	Red Lake, Minnesota	3/21/2005	2005	Jeffrey Weise, 16, murdered his grandfather, who was a police officer, and grandfather's girlfriend. Weise then drove his grandfather's squad car to Red Lake Senior High School and opened fire on the reservation campus, killing another seven people before committing suicide.	10	5	15	School	Yes	He voluntarily visited a psychiatric ward. He was hospitalized at least once for suicidal tendencies and was taking Prozac.	No	Glock and Remington grandfather	Two semiautomatic handguns, one shotgun	40-caliber Glock 23, .22-caliber Ruger semiautomatic handguns; 12-gauge Remington 870 shotgun	Native American	Male	http://news.google.com/newspaper?sjid=c4lAAAABAJ&sjid=XEDAAAJ&pg=51631527281&dq=jeffrey+weise+mental+ill&hl=en; http://www.cbsnews.com/stories/2005/03/24/national/main682915.shtm?source=search_story; http://www.usnews.com/usnews/news/articles/050404/redlake.htm; http://www.foxnews.com/story/0,2933,151116,00.html	http://www.cbsnews.com/stories/2005/03/24/national/main682915.shtm?source=search_story; http://www.usnews.com/usnews/news/articles/050404/redlake.htm; http://www.foxnews.com/story/0,2933,151116,00.html	47.876346	-95.0169401	Spree

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Living Church of God shooting	Brockfield, Wisconsin	3/12/2005	2005	Living Church of God member Terry Michael Ratzmann, 44, opened fire at a church meeting at a Sheraton hotel before committing suicide.	7	4	11	Religious	Yes	Neighbors said he suffered from depression and had a drinking problem.	Yes	Gun dealer in Waukesha, WI.	One semiautomatic handgun	9mm Beretta semiautomatic handgun	white	Male	http://www.cbnews.com/2100201_162-679761.html ; http://www.foxnews.com/story/0,2933,150255,00.html ; http://www.msnbc.msn.com/id/7167861/ns/us_news-crime_and_courts-relatives-struggle-answers-after-shooting/#.UN3Scko6JT4	http://www.cbnews.com/2100201_162-679761.html	-43.0605671	-88.1064787	Mass
Damageplan show shooting	Columbus, Ohio	12/8/2004	2004	Nathan Gale, 25, possibly upset about the breakup of Pantera, gunned down former Pantera guitarist Dimebag Darrell and three others at a Damageplan show before a police officer fatally shot Gale.	5	7	12	Other	Yes	He was discharged from the military because he was a paranoid schizophrenic.	Yes	Received as a gift from mother	One semiautomatic handgun	9mm Beretta 92FS semiautomatic handgun	white	Male	http://www.cbnews.com/2100201_162-659963.html ; http://www.knac.com/article.asp?ArticleID=3417 ; http://www.blabbemouth.net/news.aspx?mode=Article&newsitemID=86362	http://www.cbnews.com/2100201_162-659963.html	39.9522601	-83.0007065	Mass

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Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Lockheed Martin shooting	Meridian, Mississippi	7/8/2003	2003	Assembly line worker Douglas Williams, 48, opened fire at his Lockheed Martin workplace in a racially motivated attack before committing suicide.	7	8	15	Workplace	Yes	His cousin said he was depressed and "going through a lot of things."	Yes	Purchased from an individual	One semiautomatic handgun, two rifles, one derringer, one shotgun	.45-caliber Ruger P90 semiautomatic handgun; .22-caliber rifle with scope; .223-caliber Ruger Mini-14 rifle; 12 gauge Winchester 1300 shotgun; .22 Magnum derringer	white	Male	http://usatoday.com/news/nation/2003-07-08-miss-shooting-main_x.htm ; http://www.nytimes.com/2003/07/09/us/main-kills-5-workers-at-plant-and-himself.html ; http://www.nytimes.com/2003/07/16/us/national-briefing-south-mississippi-death-toll-rises-in-plant-shooting.html	http://usatoday.com/news/nation/2003-07-08-miss-shooting-main_x.htm ; http://www.nytimes.com/2003/07/09/us/main-kills-5-workers-at-plant-and-himself.html ; http://www.nytimes.com/2003/07/16/us/national-briefing-south-mississippi-death-toll-rises-in-plant-shooting.html	32.376081	-88.66978002	Mass
Navistar shooting	Melrose Park, Illinois	2/5/2001	2001	Fired employee William D. Baker, 66, opened fire at his former Navistar workplace before committing suicide.	5	4	9	Workplace	No	He had a criminal past, including a sexual assault conviction.	Yes	Some purchased from Pepper Sports in Glen Ellyn, Ill.	Two rifles, one revolver, one shotgun	SKS 1954R, .30-caliber Winchester rifles; 12-gauge Remington pump-action shotgun; .38-caliber revolver	black	Male	http://articles.chicagotribune.com/2001-02-07/news/0102070122_1_navistar-gun-law-hunting-rifle ; http://www.vpc.org/studies/wgun010205.htm	http://articles.chicagotribune.com/2001-02-07/news/0102070122_1_navistar-gun-law-hunting-rifle	41.9005865	-87.8567277	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Wakefield massacre	Wakefield, Massachusetts	12/26/2000	2000	Michael McDermott, 42, opened fire on co-workers at Edgewater Technology and was later arrested.	7	0	7	Workplace	Yes	Psychiatrist guessed he had schizophrenia, but McDermott had researched how to take a mental illness on the Internet. Defense lawyer described history of suicide attempts and mental illness dating back to teen years. Jury rejected his insanity defense.	Yes	Unknown	One semiautomatic rifle (assault), one shotgun	32-caliber Remington-Union City semiautomatic rifle; 47 variant semiautomatic Winchester 1300 pump-action shotgun	white	Male	http://www.timesonline/magazine/article/0,9171,93313,00.html ; http://articles.cnn.com/2002-04-22/justice/civ.mcdmott.michael.1_1_michael-ermott.trial_1_michael-ermott.mcdmott-jury-deliberates-fate-mental-illness?_s=PM:LA ; http://www.boston.com/news/daily/24/mcdmott_verdict.htm	http://articles.cnn.com/2002-04-04-22/justice/civ.mcdmott.michael.1_1_michael-ermott.trial_1_michael-ermott.mcdmott-jury-deliberates-fate-mental-illness?_s=PM:LA	42.506484	-71.0728306	Mass
Hotel shooting	Tampa, Florida	12/30/1999	1999	Hotel employee Silvio Leyva, 36, gunned down four coworkers at the Radisson Bay Harbor Inn before killing a woman outside who refused to give him her car. He was arrested shortly after the shootings.	5	3	8	Workplace	Yes	His brother called him "unbalanced" and mentally ill.	Yes	One purchased from Big E's in Tampa, Fla.	One semiautomatic handgun, one revolver	9mm Lorcin semiautomatic handgun; 38-caliber Charter Arms revolver	Latino	Male	http://www.sptimes.com/1999/12/30/news/pf/TampaBay/A_year_later_the_str.html ; http://www.vpc.org/studies/wgun99.html ; http://news.google.com/newspaper?hl=en&pg=PA4&id=7aYEA4A4ABA&pg=2043.2634069&dq=silvio+leyva+shooting&hl=en	http://www.sptimes.com/1999/12/30/news/pf/TampaBay/A_year_later_the_str.html	27.9477595	-82.458444	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Xerox killings	Honolulu, Hawaii	11/2/1999	1999	Byran Koji Uyeyasu, 40, a Xerox service technician, opened fire inside the building with a 9mm Glock. He fled and was later apprehended by police.	7	0	7	Workplace	Yes	A psychiatrist, testifying for the prosecution, said he suffered from schizophrenia.	Yes	Hunting Supplies of Hawaii (The Armory) in Honolulu, Hawaii	One semiautomatic handgun	9mm Glock 17 semiautomatic handgun	Asian	Male	http://archives.starbulletin.com/2000/06/02/news/story2.html http://www.vpc.org/studies/vgun991102.htm	http://archives.starbulletin.com/2000/06/02/news/story2.html	21.3255125	-157.8473055	Mass
Wedgwood Baptist Church shooting	Fort Worth, Texas	9/15/1999	1999	Larry Gene Ashbrook, 47, inside the Wedgwood Baptist Church during a prayer rally before committing suicide.	8	7	15	Religious	Yes	His siblings described him as a paranoid schizophrenic.	Yes	Trader's Village flea market in Grand Prairie, Texas	Two semiautomatic handguns	380-caliber, P85 semiautomatic handguns	white	Male	http://www.nytimes.com/1999/09/20/us/fort-worth-remembers-those-killed-at-church-the-wanted-all&rc=pt http://www.nytimes.com/1999/09/18/us/death-in-a-church-the-overview-with-question-of-why-unanswered-fort-worth-mourns.html http://www.vpc.org/studies/vgun990915.htm	http://www.nytimes.com/1999/09/20/us/fort-worth-remembers-those-killed-at-church-the-wanted-all&rc=pt http://www.nytimes.com/1999/09/18/us/death-in-a-church-the-overview-with-question-of-why-unanswered-fort-worth-mourns.html	32.693397	-97.47067092	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Atlanta day trading spree killings	Atlanta, Georgia	7/29/1999	1999	Day trader Mark O. Barton, 44, who had recently lost a substantial sum of money, went on a shooting spree through two day-trading firms. He started at the All-Tech Investment Group, where he worked, then went on to Momentum Securities. He fled and hours later, after being cornered by police outside a gas station, committed suicide. (Two days before	9	13	22	Workplace	Yes	In letters, he details his deep depression and downward spiral.	Yes	Glock purchased from gun store in Warner Robins, Ga.	Three semiautomatic handguns, one revolver	45-caliber Colt 1911-A1, 9mm Glock 17, .25-caliber Raven Arms MP-25 semiautomatic handguns; 22-caliber Harrington & Richardson revolver	white	Male	http://www.indpendent.co.uk/news/pendent.co.uk/-/dont-plan-to-live-knews/-dont-long-enough-to-kill-the-people-that-greedily-sought-my-destruction-1109610.html http://articles.cnn.com/1999-07-30/us/9907.30_atlanta.shooting.06_1_gladys-barton-debra-spivey-barton-note?_s=PM:US http://www.vpc.org/studies/wgun990729.htm	http://www.slate.com/articles/news_and_politics/assessment/2004/04/the_depressive_and_the_psychopath.html	33.7430387	-84.3901849	Spree
Columbine High School massacre	Littleton, Colorado	4/20/1999	1999	Eric Harris, 18, and Dylan Klebold, 17, opened fire throughout Columbine High School before committing suicide.	15	24	39	School	Yes	Harris was an alleged psychopath; Klebold was depressed and suicidal.	No	Purchased variously at Tanner Gun Show in Denver, Colo. and from an individual	One semiautomatic handgun (assault), one rifle (assault), two shotguns	9mm Intratec DC-9 semiautomatic handgun; 9mm Hi-Point 995 carbine rifle; 12 gauge sawed-off Savage Stevens 311D, 12-gauge sawed-off Savage Springfield 67H pump-action shotguns	white	Male	http://www.ustodiy.com/news/national/2009-04-13-columbine-myths_N.htm http://www.vpc.org/studies/wgun990420.htm http://www.slate.com/articles/news_and_politics/assessment/2004/04/the_depressive_and_the_psychopath.html	http://www.slate.com/articles/news_and_politics/assessment/2004/04/the_depressive_and_the_psychopath.html	39.6021065	-104.9877273	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Thurston High School shooting	Springfield, Oregon	5/21/1998	1998	After he was expelled for leaving a gun in his locker, Kipland P. Kipland, 15, a freshman at Thurston High, went on a shooting spree, killing his parents at home and two students at school. Five classmates wrestled Kipland to the ground before he was arrested.	4	25		School	Yes	Doctors testified that he was a paranoid schizophrenic who suffered from hallucinations	No	Purchased variously from friend and father, and stolen from father	Two semiautomatic handguns, one rifle	9mm Glock, 22-caliber Ruger semiautomatic handguns, 22-caliber Ruger rifle	white	Male	http://www.kau.com/news/local/8082147.html; http://www.pbs.org/wgbh/pages/frontline/shows/kink-kinkel-el/kip/cron.html; http://www.oregonlive.com/special/shooting?_s=/the_suspect_kipland_kinkels_da_h.html; http://articles.cnn.com/2000-01-21/us.kinkel.revisited.1.kip-kinkel-thurston-high-school-oregon-shooting?_s=PM:US	http://articles.cnn.com/2000-01-21/us.kinkel.revisited.1.kip-kinkel-thurston-high-school-oregon-shooting?_s=PM:US	44.0462362	-123.0220289	Spree
Westside Middle School killings	Jonesboro, Arkansas	3/24/1998	1998	Mitchell Scott Johnson, 13, and Andrew Douglas Golden, 11, two juveniles, ambushed students and teachers as they left the school; they were apprehended by police at the scene.	5	10		School	No	Boys displayed unruly and aggressive behavior. They picked on kids and made threats about killing people.	No	Stolen from grandfather and father	Two semiautomatic handguns, three revolvers, two derringers	FIE 380, 380-caliber Star semiautomatic handguns; 44 Magnum Remington 742, .30-caliber Universal M-1 carbine replica rifles; 38-caliber Charter Arms, 357-caliber Ruger Security Six, 38-caliber Smith & Wesson revolvers; 22-caliber Double Deuce Biddle two-shot, 38-caliber Davis Industries two-shot derringers	white	Male	http://www.vpc.org/studies/vgun98/03/29/us/fo0324.htm	http://www.nytimes.com/1998/03/29/us/from-wild-tale-and-friendship-to-five-deaths-in-a-schoolyard.html?sec=&spo n=&pagewant ed=all	35.8209995	-90.6682606	Mass

Data obtained from: http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Connecticut Lottery shooting	Newington, Connecticut	3/6/1998	1998	Lottery worker Matthew Beck, 35, gunned down four bosses over a salary dispute before committing suicide.	5	1	6	Workplace	Yes	He had been hospitalized for psychiatric reasons and had a history of depression	Yes	Unknown	One semiautomatic handgun	9mm semiautomatic handgun	white	Male	http://www.nytimes.com/1998/03/07/us/region/rampage-04/11us/hol-e-in-gun-control-law-lets-mental-ill-kills-4-bosses-then.html?pagewanted=all&src=pm ; http://www.nytimes.com/2000/04/11/us/hole-in-gun-control-law-lets-mental-ill-ewanted=all&src=pm	http://www.nytimes.com/2000/04/11us/hol-e-in-gun-control-law-lets-mental-ill-kills-4-bosses-then.html?pagewanted=all&src=pm	-41.6856325	-72.72983827	Mass
Caltrans maintenance yard shooting	Orange, California	12/18/1997	1997	Former Caltrans employee Arturo Reyes Torres, 41, opened fire at a maintenance yard after he was fired for allegedly selling government materials he'd stolen from work. He was shot dead by police.	5	2	7	Workplace	No	He was disgruntled after being fired.	Yes	B&B Gun Sales in Orange County, Calif.	One rifle (assault)	7.62mm AK-47 Chinese variant semiautomatic rifle	Latino	Male	http://articles.latimes.com/1997/dec/20/news/mn-431 ; http://articles.latimes.com/1997/dec/22/local/mc-1156 ; http://www.vpc.org/studies/wgun971218.htm ; http://news.google.com/newspaper?id=D1ZAAAAIBAJ&sjid=LEcNAAAJ&pg=67052243998&dq=arturo+reyes+torres+caltrans&hl=en	http://articles.latimes.com/1997/dec/20/news/mn-431	33.7877944	-117.8531119	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Walter Roster Company massacre	Corpus Christi, Texas	4/3/1995	1995	Disgruntled former metallurgist James Daniel Simpson, 28, opened fire throughout the Walter Roster Company where he had worked before exiting the building and committing suicide.	6	0	6	Workplace	No	He was likely angry because he was given an assignment at work he didn't like. But acquaintances didn't know why he'd come back and kill.	Yes	Unknown	One semiautomatic handgun, one revolver	9mm Ruger semiautomatic handgun, .32-caliber revolver	Unknown	Male	http://web.caller.com/2000/april/03/feature.com2000/aodaylocal_ne41.html	http://web.caller.com/2000/april/03/feature.com2000/aodaylocal_ne41.html	27.823713	-97.41739794	Mass
Air Force base shooting	Fairchild Air Force Base, Washington	6/20/1994	1994	Former Airman Dean Melberg, 20, opened fire inside a hospital at the Fairchild Air Force Base before he was shot dead by a military police officer outside.	5	23	28	Other	Yes	He was repeatedly diagnosed with emotional problems during his two years of service.	Yes	Gun dealer in Spokane, Wash.	One rifle (assault)	NAK-90 semiautomatic rifle	white	Male	http://articles.latimes.com/1994-06-22/news/mn-7137_1_air-force ; http://www.nytimes.com/1994/06/22/usian-airman-s-revenge-5-minutes-of-terror.html	http://articles.latimes.com/1994-06-22/news/mn-7137_1_air-force	47.61864468	-117.6483587	Mass
Chuck E. Cheese's killings	Aurora, Colorado	12/14/1993	1993	Nathan Dunlap, 19, a recently fired employee, went on a rampage through his former workplace and was arrested the following day. He now awaits execution on death row.	4	1	5	Workplace	Unclear	While he was in prison awaiting trial, he started acting bizarre by stripping naked and playing with his feces, apparently to avoid the death penalty. A state doctor testified that Dunlap was faking his mental illness.	Unknown	Unknown	One semiautomatic handgun	25-caliber semiautomatic handgun	black	Male	http://www.denverpost.com/news/cj-20218952/aurora-chuck-e-cheese-killers-apparently-mental ; http://abcnews.go.com/US/auroras-massacre-victims-20-year-wait-justice/story?id=16847013 ; http://www.5280.com/magazine/2008/12/politics-killing?page=0.6	http://www.denverpost.com/news/cj-20218952/aurora-chuck-e-cheese-killers-apparently-mental ; http://abcnews.go.com/US/auroras-massacre-victims-20-year-wait-justice/story?id=16847013 ; http://www.5280.com/magazine/2008/12/politics-killing?page=0.6	39.754713	-104.835869	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	latitude	longitude	Type
Long Island Rail Road Massacre	Garden City, New York	12/7/1993	1993	Collin Ferguson, 35, opened fire on an eastbound Long Island Rail Road train as it approached a Garden City station. He was later arrested.	6	19	25	Other	Yes	Psychiatrists and others said he suffered from racial paranoia and was obsessed with nonexistent conspiracies. His landlord said he had "delusions of grandeur."	Yes	Turner's Outdoorsman in Signal Hill, Calif.	One semiautomatic handgun	9mm Ruger P89 semiautomatic handgun	black	Male	http://www.nytimes.com/1993/12/12/nyregion/torment-of-life-special-report-long-slide-privilege-ends-slaughter-train.html; http://www.vpcor.gov/studies/vgun931207.htm	http://www.nytimes.com/1993/12/12/nyregion/torment-of-life-special-report-long-slide-privilege-ends-slaughter-train.html	40.7267682	-73.6342955	Mass
Luigi's shooting	Fayetteville, North Carolina	8/6/1993	1993	Army Sgt. Kenneth Junior French, 22, opened fire inside Luigi's Italian restaurant while ranting about gays in the military before he was shot and arrested by police.	4	8	12	Other	No	He had an abusive father, who committed suicide.	Yes	Unknown	One rifle, two shotguns	22-caliber rifle; two 12-gauge shotguns		Male	http://articles.latimes.com/1993-08-06/news/mn-21847_1_kills-army-french; http://news.google.com/newspaper?hl=en&pg=65&id=0AIPAAAIBAJ&sjid=jIUEA052482529&q=kenneth-junior-french&hl=en	http://news.google.com/newspaper?hl=en&pg=65&id=0AIPAAAIBAJ&sjid=jIUEA052482529&q=kenneth-junior-french&hl=en	35.0529931	-78.8787058	Mass
101 California Street Shootings	San Francisco, California	7/1/1993	1993	Failed businessman Gian Luigi Ferri, 55, opened fire throughout an office building before he committed suicide inside as police pursued him.	9	6	15	Other	No	He was down on his luck because of failed business decisions. One acquaintance said, "He was the least likely guy you can imagine doing something like that." His ex-wife said he "hated violence."	No	Super Pawn and Pacific Tactical Weapons, both in Las Vegas, Nev.	Three semiautomatic handguns (two assault)	Two Intratec DC-9, .45-caliber Colt semiautomatic handguns	white	Male	http://articles.latimes.com/1993-07-03/news/mn-10731_1_mortgage-business2; http://www.motherjones.com/print/16316; http://www.vpcor.gov/studies/vgun930701.htm	http://articles.latimes.com/1993-07-03/news/mn-10731_1_mortgage-business2; http://www.motherjones.com/print/16316; http://www.vpcor.gov/studies/vgun930701.htm	37.7789601	-122.419199	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Royal Oak postal shootings	Royal Oak, Michigan	11/14/1991	1991	Laid-off postal worker Thomas McIlvane, 31, opened fire at his former workplace before committing suicide.	5	5	5	10 Workplace	Yes	Police revoked his CCW permit after determining he was mentally unstable.	Yes	Local gun store	One rifle	22-caliber Ruger saved-off semiautomatic rifle	white	Male	http://www.nytimes.com/1991/11/15/us/ex-worker-kills-3-and-postal-worker-wounds-6-in-michigan.html ; http://www.mlive.com/news/detroit/index.ssf/2011/11/monday_ceremony_marks_20_years.html	http://www.nytimes.com/1991/11/15/us/ex-worker-kills-3-and-postal-worker-wounds-6-in-michigan.html	42.4894801	-83.1446485	Mass
University of Iowa shooting	Iowa City, Iowa	11/11/1991	1991	Former graduate student Gang Lu, 28, went on a rampage on campus and then committed suicide at the scene.	6	1	7	School	Unclear	He was described as darkly disturbed and isolated.	Yes	Fin & Feather in Iowa City, Iowa	One revolver	.38-caliber Taurus revolver	Asian	Male	http://www.nytimes.com/1991/11/03/us/gunman-in-iowa-wrote-of-plans-in-five-letters.html?pagewanted=all&src=pm ; http://thegazette.com/2011/11/07/gang-lu-shootings-at-u-remembered-20-years-later/ ; http://www.nytimes.com/1991/11/04/us/iowa-gunman-was-torn-by-academic-challenge.html?pagewanted=2&src=pm	http://www.nytimes.com/1991/11/03/us/gunman-in-iowa-wrote-of-plans-in-five-letters.html?pagewanted=all&src=pm	41.6606893	-91.5302214	Mass

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Luby's massacre	Killeen, Texas	10/16/1991	1991	George Hennard, 35, drove his pickup truck into a Luby's cafeteria and opened fire before committing suicide.	24	20	44	Other	No	Acquaintance described him as troubled, unstable, combative, and misogynistic. He made convenience store employees "nervous."	Yes	Mike's Gun Shop in Henderson, Nev.	Two semiautomatic handguns	9mm Glock 17, 9mm Ruger P89 semiautomatic handguns	white	Male	http://www.nytimes.com/1991/10/18/us/portrait-of-texas-killer-impatient-and-troubled.html?pagewanted=all&src=pm ; http://www.kwtx.com/home/headlines/7048182.html ; http://www.nytimes.com/1991/10/20/us/portrait-of-texas-killer-impatient-and-troubled.html?pagewanted=all&src=pm ; http://www.vpc.org/studies/wgun911016.htm	http://www.nytimes.com/1991/10/20/us/portrait-of-texas-killer-impatient-and-troubled.html?pagewanted=all&src=pm ; http://www.nytimes.com/1991/10/20/us/portrait-of-texas-killer-impatient-and-troubled.html?pagewanted=all&src=pm	31.1171194	-97.1277959	Mass
GMAC massacre	Jacksonville, Florida	6/18/1990	1990	James Edward Pough, 42, opened fire at a General Motors Acceptance Corporation office before committing suicide. (The day prior, Pough killed a pimp and prostitute and injured two others. Those victims are not included in the mass murder count.)	10	4	14	Other	No	Police speculated he had a "grudge" against the people he killed.	Yes	Unknown	One rifle, one revolver	.30-caliber Universal M1 carbine rifle; .38-caliber revolver	black	Male	http://www.nytimes.com/1990/06/19/us/florida-gunman-kills-8-and-wounds-6-in-office.html ; http://www.nytimes.com/1990/06/20/us/florida-gunman-kills-8-and-wounds-6-in-office.html ; http://www.nytimes.com/1990/06/20/us/hazy-records-helped-florida-gunman-buy-arms.html ; http://www.vpc.org/studies/wgun900618.htm ; http://www.nytimes.com/1990/06/19/us/florida-gunman-kills-8-and-wounds-6-in-office.html?pagewanted=all&src=pm	http://www.nytimes.com/1990/06/19/us/florida-gunman-kills-8-and-wounds-6-in-office.html ; http://www.nytimes.com/1990/06/20/us/hazy-records-helped-florida-gunman-buy-arms.html	30.3321838	-81.6556551	Mass

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
Standard Graveyard shooting	Louisville, Kentucky	9/14/1989	1989	Joseph T. Wesbecker, 47, gunned down eight people at his former workplace before committing suicide.	9	12	21	Workplace	Yes	Prior to the shooting, he had voluntarily checked into hospitals for mental problems at least twice and attempted suicide three times.	Yes	AK-47 purchased from Tilford's Gun Sales in Louisville, Ky.	Three semiautomatic handguns (two assault, one rifle (assault), one revolver	Two Intratec MAC-11, 9mm SIG Sauer semiautomatic handguns; AK-47 Chinese variant semiautomatic rifle; 38-caliber revolver	white	Male	http://nl.newstank.com/nl-search/w/Archiv&sfp_product=LH&s_site=kentucky&p_multi=LH&p_unraveled.htm http://www.nytimes.com/1989/09/16/us/disturbed-past-of-killer-df-7-is-unraveled.html?pagewanted=all&src=pm	http://www.nytimes.com/1989/09/16/us/disturbed-past-of-killer-df-7-is-unraveled.html?pagewanted=all&src=pm	38.2542376	-85.759407	Mass
Stockton schoolyard shooting	Stockton, California	1/17/1989	1989	Patrick Purdy, 26, an alcoholic with a police record, launched an assault at Cleveland Elementary School, where many young Southeast Asian immigrants were enrolled. Purdy killed himself with a shot to the head.	6	29	35	School	Yes	He told a mental health professional he was "struggling to resist actions on thoughts which are destructive in nature." He also suffered from alcoholism.	Yes	Sandy Trading Post in Sandy, Ore.; Hunter Loan and Jewelry Co. in Stockton, Calif.	One semiautomatic handgun, one rifle (assault)	9mm Taurus semiautomatic handgun; AK-47 Chinese variant semiautomatic rifle	white	Male	http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090118/A_NE_WS901170304;http://news.google.com/newspaper?4s?Id=N8ZAAAI4A4A1BA&sjid=KDIHA4A4A1BA&pg=6930.6475928&dq=patrick+purdy&hl=en;http://www.time.com/time/magazine/article/0,9171,151105,00.html	http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090118/A_NE_WS901170304;http://news.google.com/newspaper?4s?Id=N8ZAAAI4A4A1BA&sjid=KDIHA4A4A1BA&pg=6930.6475928&dq=patrick+purdy&hl=en;http://www.time.com/time/magazine/article/0,9171,151105,00.html	37.9577018	-121.2907796	Mass

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart - US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	latitude	longitude	Type
ESL shooting	Sunnyvale, California	2/16/1988	1988	Former ESL Incorporated employee Richard Farley, 39, gunned down seven people at his former workplace. He was later arrested and now sits on death row at San Quentin.	7	4	11	Workplace	Yes	He stalked and harassed his colleague Laura Black for four years until she was granted a temporary restraining order against him. Before he was fired for his bizarre behavior, he was ordered to undergo psychological counseling.	Yes	Various sporting goods and gun stores in Northern California	Two semiautomatic handguns; one rifle, two revolvers, two shotguns	.380 ACP Browning .9mm Smith & Wesson semiautomatic handgun; Ruger M-77 .22-250 bolt-action rifle with scope; Mossberg 12-gauge pump-action, 12-gauge Benelli semiautomatic shotguns; .357 Magnum Smith & Wesson, 22 Sentinel VMR revolvers	white	Male	http://articles.latimes.com/1988-02-18/news/mn-43514_1_mr-farley-richard-farley-sunnyvale-public-safety-department ; http://news.google.com/newspaper?s?id=FmYzAAAL%20psycholo&F=false; http://caselaw.findlaw.com/court/1295931.html	http://books.google.com/books?id=iQUkWBnzgYC&pg=wPA44&pg-P ; http://www.murderpedia.org/male/C/image/scruse_william_blop-74656.pdf	37.3688301	-122.0363496	Mass
Shopping centers spree killings	Palm Bay, Florida	4/23/1987	1987	Retired librarian William Cruse, 59, was paranoid neighbors gossiped that he was gay. He drove to a Publix supermarket, killing two Florida Tech students en route before opening fire outside and killing a woman. He then drove to a Winn-Dixie supermarket and killed three more, including two police officers. Cruse was arrested after a suicide	6	14	20	Other	Yes	He suffered from paranoid delusions. A judge found that he suffered from "extreme mental illness."	Yes	Gun store in Norwood, Ohio; The Oaks Trading Post in Melbourne, Fla.	One rifle, one revolver, one shotgun	Sturm, Ruger Mini-14 semiautomatic rifle; 20-gauge Winchester pump-action shotgun; .357 Ruger Blackhawk revolver	white	Male	http://articles.latimes.com/1987-04-25/news/mn-990_1_palm-bay-police	(Supreme Court of Florida Document) http://www.murderpedia.org/male/C/image/scruse_william_blop-74656.pdf	28.0331886	-80.6429695	Spree

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Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

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Mother Jones Chart-US Mass Shootings

Case	Location	Date	Year	Summary	Fatalities	Injured	Total victims	Venue	Prior signs of possible mental illness	Mental Health	Weapons obtained legally	Where obtained	Type of weapons	Weapon details	Race	Gender	Sources	Mental Health Sources	Latitude	Longitude	Type
United States Postal Service shooting	Edmond, Oklahoma	8/20/1986	1986	Postal worker Patrick Sherrill, 44, opened fire at a post office before committing suicide.	15	6	21	Workplace	Unclear	He was worried he had inherited mental problems and rebuffed a pastor's suggestion he seek psychiatric counseling. His family members denied he had a history of mental illness.	Yes	Issued by Oklahoma National Guard, where Sherrill served, for target competition	Three semiautomatic handguns	22-caliber, two 45-caliber Colt Model 1911-A1 semiautomatic handguns	white	Male	http://news.google.com/news?hl=en&id=umda-AAAAIAAJ&sjid=pydEA-AAAAIAAJ&pg=22974870051&q=patrick+sherrill+hi	http://newsok.com/sherrill-fears-mental-illness-rejected/article/974870051&q=patrick+sherrill+hi	35.6672015	-97.42937037	Mass
San Ysidro McDonald's massacre	San Ysidro, California	7/18/1984	1984	James Oliver Huberty, 41, opened fire in a McDonald's restaurant before he was shot dead by a police officer.	22	19	41	Other	Yes	The day before the shooting, he tried to make an appointment at a mental health clinic.	Yes	Unknown	One semiautomatic handgun, one rifle (assault), one shotgun	9mm Browning P35 HP-Power semiautomatic handgun; 9mm Israeli Military Industries Uzi Model A carbine semiautomatic rifle; 12-gauge Winchester 1200 pump-action shotgun	white	Male	http://www.usandiego.com/san-ysidro-massacre/ http://www.vpc.org/studies/wgun840718.htm	http://www.ctimms.com/new-local/article_2b44343e-7009-94ce-98d1-79e23f8d0d7.html	32.5520013	-117.0430813	Mass

A-1969

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Mother Jones Chart - Weapon Categories

Incident	Date	Type of weapons (all)	Semiauto handguns	Rifles	Revolvers	Shotguns
Hialeah apartment shooting	7/26/2013	One semiautomatic handgun	1	0	0	0
Santa Monica rampage	6/7/2013	One rifle (assault), one handgun	0	1	1	0
Pinewood Village Apartment shooting	4/21/2013	One semiautomatic handgun, one shotgun	1	0	0	1
Mohawk Valley shootings	3/13/2013	One shotgun	0	0	0	1
Newtown school shooting	12/14/2012	Two semiautomatic handguns, one rifle	2	1	0	1
Accent Signage Systems shooting	9/27/2012	One semiautomatic handgun	1	0	0	0
Sikh temple shooting	8/5/2012	One semiautomatic handgun	1	0	0	0
Aurora theater shooting	7/20/2012	Two semiautomatic handguns, one rifle	2	1	0	1
Seattle cafe shooting	5/20/2012	Two semiautomatic handguns	2	0	0	0
Oikos University killings	4/2/2012	One semiautomatic handgun	1	0	0	0
Su Jung Health Sauna shooting	2/22/2012	One semiautomatic handgun	1	0	0	0
Seal Beach shooting	10/14/2011	Two semiautomatic handguns, one revolver	2	0	1	0
IHOP shooting	9/6/2011	Two rifles (both assault), one revolver	0	2	1	0
Tucson shooting	1/8/2011	One semiautomatic handgun	1	0	0	0
Hartford Beer Distributor shooting	8/3/2010	Two semiautomatic handguns	2	0	0	0
Coffee shop police killings	11/29/2009	One semiautomatic handgun	1	0	1	0
Fort Hood massacre	11/5/2009	One semiautomatic handgun	1	0	0	0
Binghamton shootings	4/3/2009	Two semiautomatic handguns	2	0	0	0
Carthage nursing home shooting	3/29/2009	One revolver, one shotgun	0	0	1	1
Atlantis Plastics shooting	6/25/2008	One semiautomatic handgun	1	0	0	0
Northern Illinois University shooting	2/14/2008	Three semiautomatic handguns, one	3	0	0	1
Kirkwood City Council shooting	2/7/2008	One semiautomatic handgun, one revolver	1	0	1	0
Westroads Mall shooting	12/5/2007	One rifle (assault)	0	1	0	0
Crandon shooting	10/7/2007	One rifle (assault)	0	1	0	0
Virginia Tech massacre	4/16/2007	Two semiautomatic handguns	2	0	0	0
Trolley Square shooting	2/12/2007	One revolver, one shotgun	0	0	1	1
Amish school shooting	10/2/2006	One semiautomatic handgun, one rifle, one	1	1	0	1
Capitol Hill massacre	3/25/2006	Two semiautomatic handguns, one rifle (assault), one shotgun	2	1	0	1
Goleta postal shootings	1/30/2006	One semiautomatic handgun	1	0	0	0
Red Lake massacre	3/21/2005	Two semiautomatic handguns, one shotgun	2	0	0	1
Living Church of God shooting	3/12/2005	One semiautomatic handgun	1	0	0	0
Damageplan show shooting	12/8/2004	One semiautomatic handgun	1	0	0	0
Lockheed Martin shooting	7/8/2003	One semiautomatic handgun, two rifles, one derringer, one shotgun	1	2	1	1
Navistar shooting	2/5/2001	Two rifles, one revolver, one shotgun	0	2	1	1
Wakefield massacre	12/26/2000	One semiautomatic handgun, one rifle (assault), one shotgun	1	1	0	1

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

A-1970

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Mother Jones Chart - Weapon Categories

Incident	Date	Type of weapons (all)	Semiauto handguns	Rifles	Revolvers	Shotguns
Hotel shooting	12/30/1999	One semiautomatic handgun, one revolver	1	0	1	0
Xerox killings	11/2/1999	One semiautomatic handgun	1	0	0	0
Wedgwood Baptist Church shooting	9/15/1999	Two semiautomatic handguns	2	0	0	0
Atlanta day trading spree killings	7/29/1999	Three semiautomatic handguns, one revolver	3	0	1	0
Columbine High School massacre	4/20/1999	One semiautomatic handgun (assault), one rifle (assault), two shotguns	1	1	0	2
Thurston High School shooting	5/21/1998	Two semiautomatic handguns, one rifle	2	1	0	0
Westside Middle School killings	3/24/1998	Two semiautomatic handguns, two rifles, three revolvers, two derringers	2	2	5	0
Connecticut Lottery shooting	3/6/1998	One semiautomatic handgun	1	0	0	0
Caltrans maintenance yard shooting	12/18/1997	One rifle (assault)	0	1	0	0
R.E. Phelon Company shooting	9/15/1997	One semiautomatic handgun	1	0	0	0
Fort Lauderdale revenge shooting	2/9/1996	One semiautomatic handgun, one revolver	1	0	1	0
Walter Rossler Company massacre	4/3/1995	One semiautomatic handgun, one revolver	1	0	1	0
Air Force base shooting	6/20/1994	One rifle (assault)	0	1	0	0
Chuck E. Cheese's killings	12/14/1993	One semiautomatic handgun	1	0	0	0
Long Island Rail Road massacre	12/7/1993	One semiautomatic handgun	1	0	0	0
Luigi's shooting	8/6/1993	One rifle, two shotguns	0	1	0	2
101 California Street shootings	7/1/1993	Three semiautomatic handguns (two assault)	3	0	0	0
Watkins Glen killings	10/15/1992	One semiautomatic handgun	1	0	0	0
Lindhurst High School shooting	5/1/1992	One rifle, one shotgun	0	1	0	1
Royal Oak postal shootings	11/14/1991	One rifle	0	1	0	0
University of Iowa shooting	11/1/1991	One revolver	0	0	1	0
Luby's massacre	10/16/1991	Two semiautomatic handguns	2	0	0	0
GMAC massacre	6/18/1990	One rifle, one revolver	0	1	1	0
Standard Gravure shooting	9/14/1989	Three semiautomatic handguns (two assault), one rifle (assault), one revolver	3	1	1	0
Stockton schoolyard shooting	1/17/1989	One semiautomatic handgun, one rifle (assault)	1	1	0	0
ESL shooting	2/16/1988	Two semiautomatic handguns, one rifle, two revolvers, two shotguns	2	1	2	2
Shopping centers spree killings	4/23/1987	One rifle, one revolver, one shotgun	0	1	1	1
United States Postal Service shooting	8/20/1986	Three semiautomatic handguns	3	0	0	0
San Ysidro McDonald's massacre	7/18/1984	One semiautomatic handgun, one rifle (assault), one shotgun	1	1	0	1
Dallas nightclub shooting	6/29/1984	One semiautomatic handgun	1	0	0	0
Welding shop shooting	8/20/1982	One shotgun	0	0	0	1

Data obtained from: <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>

A-1971

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EXHIBIT 46

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"A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines Page 1 of 5

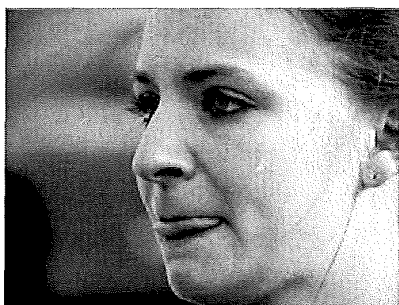
Mother Jones

"A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines

31 of 62 mass shooters we investigated used these powerful ammo feeding devices. Will Congress ban them?

By [Mark Follman](#) and [Gavin Aronsen](#) | Wed Jan. 30, 2013 4:01 AM PST

As lawmakers across the country and in the nation's capital debate possible restrictions on high-capacity magazines, one question emerges: Are these ammunition-feeding devices, which allow a shooter to fire many times without reloading, in fact commonly used by mass killers? We examined the data from *Mother Jones'* [continuing investigation into mass shootings](#) [1] and found that high-capacity magazines have been used in at least 31 of the 62 cases we analyzed. A half-dozen of these crimes occurred in the last two years alone. (With some of the cases we studied, it remains unclear whether high-capacity magazines were used. We included all those involving magazines with more than 10 rounds; in many of the cases their capacities were far greater. For more details, [jump to our data set below](#).)



Tragedy in Newtown

- [The NRA Myth of Arming the Good Guys](#) [2]
- [A Guide to Mass Shootings in America](#) [3]
- [More Guns, More Mass Shootings—Coincidence?](#) [4]
- [151 Victims of Mass Shootings in 2012: Here Are Their Stories](#) [5]
- [Do Armed Civilians Stop Mass Shooters? Actually, No.](#) [6]
- ["A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines](#) [7]

"A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines Page 2 of 5

- [Mass Shootings: Maybe We Need a Better Mental-Health Policy](#) [8]
- [Why Mass Shootings Deserve Deeper Investigation](#) [9]
- [DATA: Explore our mass shootings research](#) [10]

[See our full special report](#) [1] on gun laws and the rise of mass shootings in America.

In the shooting that injured Rep. Gabby Giffords in Tucson, Arizona, Jared Loughner emptied a 33-round magazine in 30 seconds, killing 6 and injuring 13. Inside a movie theater in Aurora, Colorado, James Holmes used 40- and 100-round magazines to injure and kill an unprecedented 70 victims. At Sandy Hook Elementary School in Newtown, Connecticut, Adam Lanza used high-capacity magazines to fire upwards of 150 bullets as he slaughtered 20 kids and 6 adults.

"It turns a killer into a killing machine," says David Chipman, who served for 25 years as a special agent in the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Outlawing high-capacity magazines won't prevent gun crimes from happening, Chipman notes, but might well reduce the carnage: "Maybe 3 kids get killed instead of 20."

With Congress undertaking a highly charged debate over firearms restrictions, many observers are skeptical that Democratic Sen. Dianne Feinstein's [proposal](#) [11] to ban assault weapons will garner enough votes on Capitol Hill. But there may be momentum for mandating universal background checks on gun purchasers, and for outlawing the sale of magazines containing more than 10 rounds. A recent *NBC News/Wall Street Journal* [poll](#) [12] found that a majority of Americans support stricter regulation of firearms sales, and 59 percent believe that high-capacity magazines were significantly to blame in the recent spate of mass shootings.

The problem dates back to long before Newtown. In 1984, the assailant who massacred 21 at a McDonald's in San Ysidro, California, unleashed more than 200 rounds. School and workplace shootings in Stockton, California, and San Francisco in the late '80s and early '90s also involved large magazines, with an estimated 100 shots fired in each case. In 1997, a gunman in Orange, California, fired nearly 150 shots, wielding an AK-47 with a 30-round magazine three years after a federal law banned such assault weapons.

High-capacity magazines also play a role in the daily gun deaths plaguing US cities from LA to Chicago to Baltimore. "A lot of these folks who are driving in their cars and shooting out the window,

they're shooting whatever is in their magazine," Chipman says. "So if it's only 10 rounds instead of 20, maybe the kid halfway down the block doesn't get hit with round 18."

The 1994 federal assault weapons ban limited magazines to 10 rounds, a threshold generally accepted by law enforcement officials and policy makers. Feinstein's bill aims to reinstate this limit, as does legislation introduced by Democratic Sen. Frank Lautenberg of New Jersey. Seven states have some restrictions [13] on high-capacity magazines; a new state law passed in New York limits magazines to no more than seven rounds.

Gun rights advocates argue that larger magazines, which can add convenience for gun owners who enjoy sport shooting, are simply "standard" for semi-automatic handguns and rifles. The debate turns semantic quickly, in the same contentious vein [14] as the one over the definition of "assault weapon." [15] Law enforcement officials, meanwhile, tend to agree that no law-abiding citizen needs high-capacity magazines for self-defense.

Gun rights advocates also commonly argue that mass shooters could kill just as easily by rapidly reloading smaller magazines, and that a ban would make no difference. But such capability requires extensive training under intense conditions, according to Chipman. "Anyone who's been a cop or in the military knows that that's not something you can do unpracticed," he says.

The Tucson mass shooting is telling here in another regard: It was only after Loughner had emptied his 33-round magazine and paused to reload that bystanders were able to tackle him and end the carnage.

[Click here for the full Google spreadsheet view](#) [16] of the data below. To explore the rest of our yearlong investigation into gun laws and mass shootings, [click here](#) [1].

"A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines Page 4 of 5

Mother Jones' Investigation: High-Capacity Magazines Used in Mass Shootings, 1982-2012

Cases	Sources
Case & location	Date Weapons involved Magazines involved
Sandy Hook Elementary - New	12/14/2012 10mm Glock, 9mm SIG Sauer P2 15- to 20-round magazines (h
Accent Signage Systems - Mi	9/27/2012 9mm Glock semiautomatic handg Two 15-round magazines
Sikh temple - Oak Creek, WI	8/5/2012 9mm Springfield Armory XDM ser Three 19-round magazines
Aurora movie theater - CO	7/20/2012 Two .40-caliber Glock semiautom 40-round extended magazine
IHOP - Carson City, NV	9/6/2011 AK-47 Norinco Arms variant, AK-4 30-round magazines (rifles)
Tucson shooting - AZ	1/8/2011 9mm Glock 19 semiautomatic har Two 15-round magazines, tw
Hartford Distributors - Manch	8/3/2010 Two 9mm Ruger SR9 semiautom Two 17-round magazines
Fort Hood massacre - TX	11/5/2009 FN Five-seveN semiautomatic ha One 20-round magazine, one
Immigration center - Bingham	4/3/2009 9mm Beretta, .45-caliber Springfield Multiple magazines including
Northern Illinois University - I	2/14/2008 9mm Glock 19, Hi-Point CF380, 9 15- and 33-round magazines
Westroads Mall - Omaha	12/5/2007 WASR-10 Century Arms semiaut Two 30-round magazines
Virginia Tech - Blacksburg	4/16/2007 9mm Glock 19, .22-caliber Walthe 17 10- to 15-round magazines
Goleta post office - CA	1/30/2006 9mm Smith & Wesson 915 semia 15-round magazine
Edgewater Technology - Wak	12/26/2000 .32-caliber Retolaza semiautomat 60-round magazine (rifle)
Xerox office - Honolulu	11/2/1999 9mm Glock 17 semiautomatic har Three 15- to 17-round magaz
Wedgwood Baptist - Fort Wo	9/15/1999 .380-caliber, 9mm Ruger P85 sen Three 15-round magazines
Columbine High School - Litt	4/20/1999 9mm Intratec DC-9 semiautomatic 13 10-round magazines, one
Thurston High School - Sprin	5/21/1998 9mm Glock, .22-caliber Ruger ser 30-round magazine (handgun
Westside Middle School - Jor	3/24/1998 FIE 380, .380-caliber Star semiau 15-round magazines, three 30
Connecticut Lottery - Newing	3/6/1998 9mm semiautomatic handgun 19-round magazine
Caltrans maintenance yard -	12/18/1997 7.62mm AK-47 Chinese variant se Five 30-round magazines
Fairchild Air Force Base - WA	6/20/1994 MAK-90 semiautomatic rifle 70- to 75-round magazine
Long Island Rail Road - Gard	12/7/1993 9mm Ruger P89 semiautomatic h Four 15-round magazines
101 California Street - San Fr	7/1/1993 Two Intratec DC-9, .45-caliber Co 30-round magazine (.45-calib
Luby's - Killeen, TX	10/16/1991 9mm Glock 17, 9mm Ruger P89 s 15- and 17-round magazines
GMAC - Jacksonville, FL	6/18/1990 .30-caliber Universal M1 carbine r 30-round magazine (rifle)
Standard Gravure - Louisville	9/14/1989 Two Intratec MAC-11, 9mm SIG S 30-round magazines (unclear
Stockton schoolyard - Stockt	1/17/1989 9mm Taurus semiautomatic hand Four 35-round magazines, tw
Shopping centers spree - Pal	4/23/1987 Sturm, Ruger Mini-14 semiautoma Five 30-round magazines (rifl
McDonald's - San Ysidro, CA	7/18/1984 9mm Browning P35 Hi-Power sen 25-round magazines (unclear
Dallas nightclub - TX	6/29/1984 9mm Smith & Wesson 459 semia Two 14-round magazines

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Links:

- [1] <http://www.motherjones.com/special-reports/2012/12/guns-in-america-mass-shootings>
- [2] <http://www.motherjones.com/politics/2012/12/nra-mass-shootings-myth>
- [3] <http://www.motherjones.com/politics/2012/07/mass-shootings-map>
- [4] <http://www.motherjones.com/politics/2012/09/mass-shootings-investigation>
- [5] <http://www.motherjones.com/politics/2012/12/mass-shootings-victims-2012>

"A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines Page 5 of 5

- [6] <http://www.motherjones.com/politics/2012/12/armed-civilians-do-not-stop-mass-shootings>
- [7] <http://www.motherjones.com/politics/2013/01/high-capacity-magazines-mass-shootings>
- [8] <http://www.motherjones.com/politics/2012/11/jared-loughner-mass-shootings-mental-illness>
- [9] <http://www.motherjones.com/politics/2013/01/mass-shootings-james-alan-fox>
- [10] <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>
- [11] <http://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=5dffbf07-d8e5-42aa-9f22-0743368dd754>
- [12] <http://tv.msnbc.com/2013/01/23/a-look-back-at-gun-control-history/>
- [13] <http://usatoday30.usatoday.com/news/nation/story/2012-07-31/gun-control-colorado-theater-shooting/56621536/1>
- [14] <http://p.washingtontimes.com/news/2013/jan/27/the-high-capacity-magazine-myth/>
- [15] http://www.nytimes.com/2013/01/17/us/even-defining-assault-weapons-is-complicated.html?hpw&_r=0&pagewanted=all
- [16] https://docs.google.com/spreadsheet/ccc?key=0Ah9Oqlm_qMOGdG1CRlZsaTY4TDI2QTJIWU5KYWNuQXc#gid=0