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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
13  
14

15 **VIRGINIA DUNCAN, RICHARD**  
16 **LEWIS, PATRICK LOVETTE,**  
17 **DAVID MARGUGLIO,**  
18 **CHRISTOPHER WADDELL, and**  
19 **CALIFORNIA RIFLE & PISTOL**  
20 **ASSOCIATION, INC., a California**  
21 **corporation,**

Plaintiffs,

v.

22 **XAVIER BECERRA, in his official**  
23 **capacity as Attorney General of the**  
24 **State of California; and DOES 1-10,**

Defendant.

17-cv-1017-BEN-JLB

**EXHIBITS 29-33 TO THE  
DECLARATION OF JOHN D.  
ECHEVERRIA IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT OR,  
ALTERNATIVELY, PARTIAL  
SUMMARY JUDGMENT**

Date: April 30, 2018  
Time: 10:30 a.m.  
Judge: Hon. Roger T. Benitez  
Courtroom: 5A  
Action Filed: May 17, 2017

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# **Exhibit 29**



## LAPD Chief Backs Ban on Some Ammo Magazines

"There is no reason that a peaceful society based on rule of law needs its citizenry armed with 30-round magazines"



LOS ANGELES, CA - JANUARY 6: Los Angeles Police Chief Charlie Beck announces the 2009 crime statistics for Los Angeles on January 6, 2010 in Los Angeles, California. The city is reporting its lowest crime rate in about 50 years with a violent crimes falling 10.8 percent and property crimes down 8 percent compared to 2008. (Photo by David McNew/Getty Images)

LA's police chief said Wednesday he supports a proposed federal ban on the sale of high-capacity ammunition magazines.

If passed, the ban would prohibit the sale or transfer of any magazine that holds more than 10 rounds, though possession of magazines legally purchased before the ban's start date would be allowed.

"There is no reason that a peaceful society based on rule of law needs its citizenry armed with 30-round magazines," [Police Chief Charlie Beck](#) said at a news conference, adding that the clips transform a gun "into a weapon of mass death rather than a home-protection-type device."

[Jared Loughner](#), the suspect in the shooting that wounded [U.S. Rep. Gabrielle Giffords](#) and killed six people in Arizona, legally bought the 9 mm handgun he's accused of using at a Tucson grocery store. Authorities say he was carrying extended magazines that hold 30 rounds of ammunition.

The federal bill was authored by [Rep. Carolyn McCarthy, D-N.Y.](#), whose husband was killed and son seriously wounded in a 1993 shooting. The sale of high-capacity magazines is already banned in California.

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Several law enforcement officials have endorsed the proposed ban, but Beck, who heads the nation's third-largest police force after New York and Chicago, has the highest profile.

The National Rifle Association would do everything in its power to stop the law, the group's spokesman [Andrew Arulanandam](#) said. Members of the public should be allowed access to the ammunition clips to protect themselves from attacks by armed mobs, he said.

"When someone is being attacked by multiple people, it is only reasonable that they are given as much opportunity to defend themselves as they need," Arulanandam said.

High-capacity magazines were banned in 1994, but Congress refused to renew the law and it expired in 2004.

Since then, large-capacity magazines have been used in several mass shootings, including the Virginia Tech slayings in 2007 that left 33 dead, and the 2009 attack at Fort Hood, Texas, that killed 13.

McCarthy's bill, which was introduced Jan. 18, currently has 90 co-sponsors.

Published at 12:36 PM PST on Mar 2, 2011 | Updated at 2:22 PM PST on Mar 2, 2011

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# **Exhibit 30**

## ORIGINAL ARTICLE

## Impact of handgun types on gun assault outcomes: a comparison of gun assaults involving semiautomatic pistols and revolvers

D C Reedy, C S Koper

*Injury Prevention* 2003;9:151–155

See end of article for authors' affiliations

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**Objective:** To examine whether gun assaults committed with semiautomatic pistols are more injurious and lethal than those committed with revolvers.

**Setting:** Jersey City, New Jersey from 1992 through 1996.

**Methods:** Using police records on fatal and non-fatal handgun assaults, *t* tests and  $\chi^2$  tests were employed to determine if attacks with pistols result in more shots fired than those with revolvers, leading to more gunshot victims and more severely wounded victims.

**Results:** More shots were fired in attacks with pistols (average = 3.2 to 3.7) than in attacks with revolvers (average = 2.3 to 2.6). Although pistol use was unrelated to the probability that an incident resulted in any injury or death, it was associated with a 15% increase in the number of wounded victims in those cases in which people were shot (1.15 per pistol case, 1.0 per revolver case), implying that the total number of gunshot victims may have been 9.4% lower had pistols not been used in any attacks. Pistol use was not related to the number of wounds per gunshot victim.

**Conclusions:** The findings provide limited evidence that recent growth in the production and use of pistols has contributed to higher levels of gunshot victimizations. However, available data did not permit an assessment of whether the associations between gun types and assault outcomes are mediated by characteristics of incidents and actors.

Criminal misuse of firearms continues to be one of America's most serious crime and public health problems. Although rates of gun crime have fallen substantially in recent years,<sup>1,2</sup> over 10 000 persons were murdered with firearms in 2000 and another 49 000 assault victims were treated in hospitals for non-fatal gunshot wounds.<sup>3</sup> The lifetime medical costs of gunshot injuries total approximately two billion dollars a year, with the majority of these costs stemming from criminal assaults.<sup>4</sup>

Handguns are heavily involved in firearm violence, accounting for 80% or more of guns used in urban crimes and homicides.<sup>5–7</sup> During recent decades, there has been a shift away from production of revolvers to production of semiautomatic pistols in the civilian handgun market. Pistols grew from 28% of handgun production in 1973 to 46% by 1985 and to 80% by 1993.<sup>8,9</sup> This trend is also apparent in criminal weaponry, as pistols have overtaken revolvers as the predominant type of handgun used in crime.<sup>5</sup>

Semiautomatic pistols permit a somewhat more rapid rate of fire than do revolvers, and they often have larger ammunition capacities. The firing mechanism of a semiautomatic firearm loads a new round automatically after each shot. In most pistol models, the gun also recocks for firing automatically after each shot, thereby requiring less pressure on the trigger to fire after the first shot than is required with a revolver, which cocks for firing as the trigger is pulled.<sup>10,11</sup>

Further, a pistol holds ammunition in a detachable magazine. Pistol magazines manufactured before September 1994 commonly hold five to 17 bullets, and magazines produced for some models take as many as 30 or more bullets.<sup>12</sup> Production of pistols with magazines holding more than 10 rounds grew during the 1980s and early 1990s,<sup>11</sup> but was interrupted by the federal *Violent Crime Control and Law Enforcement Act of 1994* (that is, the 1994 Crime Act), which now limits magazine capacity to 10 bullets. However, larger magazines manufactured before 13 September 1994 are still

legal to possess and transfer. Revolvers, in contrast, hold ammunition in a revolving cylinder that typically has five to six bullets (and sometimes up to nine bullets).<sup>12</sup>

Pistols enable shooters to fire more shots more rapidly, potentially increasing the number of persons hit and wounds inflicted per shooting incident. Accordingly, it is possible that the increasing substitution of pistols for revolvers has increased deaths and injuries from gun violence. Such concerns have spurred legislation to restrict or deter the use of semiautomatic weaponry. In addition to limiting ammunition magazine capacity, for example, the federal 1994 Crime Act banned semiautomatic assault weapons (a group of semiautomatic, military-style pistols, rifles, and shotguns) and established penalty enhancements for violent and drug trafficking crimes committed with semiautomatics.

Yet evidence linking the spread of semiautomatic weaponry to higher levels of gun deaths and injuries is limited and equivocal. A few studies made indirect links between the growing use of semiautomatics and rising levels of gun homicide and injuries in some cities during the late 1980s and early 1990s.<sup>7,13,14</sup> However, other studies failed to demonstrate convincing links between city level trends in the use of semiautomatics and lethal gun violence.<sup>15,16</sup> National data also present mixed signs as to whether gun attacks have become more injurious and lethal as semiautomatics have become more prevalent.<sup>2,17,18</sup>

There is little direct empirical evidence on how semiautomatics affect attack outcomes. A few studies of firearm homicides suggest that pistol attacks involve more shots fired on average than attacks with revolvers and that victims killed with semiautomatics having large ammunition magazines (that is, those holding over 10 bullets) tend to receive more wounds than victims killed with other guns.<sup>7,19</sup> However, there have been no studies comparing the injuriousness and lethality of attacks with pistols and revolvers. We address this gap using data on handgun homicides and non-fatal handgun

assaults investigated by police in Jersey City, New Jersey during the early to mid-1990s.

## METHODS

Jersey City, New Jersey is a city of approximately 230 000 people. In 1990, its racial composition was 48% white, 30% black, and 22% of other races. Approximately 11% of the city's residents were unemployed in 1990, and almost 19% were living in poverty.<sup>20</sup> Jersey City's violent crime rate in 1995 ranked 11th among 136 cities with populations between 100 000 and 250 000.<sup>21</sup>

The data for this study were collected from the homicide and aggravated assault files of the Jersey City Police Department. Comparisons of police and medical examiner records in urban jurisdictions show police records to be a highly accurate source of data for homicide cases.<sup>22-24</sup> Police records are the single most comprehensive source for city level estimates of non-fatal, assaultive gunshot injuries in places (like Jersey City) that do not have firearm injury surveillance systems that combine police and medical data.<sup>23, 25</sup> Moreover, police records are the only data source that can provide city level estimates of gun assaults not resulting in injury, thereby permitting examination of shots fired and hit rates for all gunfire incidents. However, the most minor types of gun assaults (for example, threats without gunfire, assaults resulting in minor or no wounds) tend to be under-represented even in police data.<sup>26</sup> We assume that this bias works comparably for cases involving pistols and revolvers.

Jersey City police investigated 592 homicides and aggravated assaults involving handguns between January 1992 and November 1996. By law, aggravated assaults include cases in which offenders threatened victims with firearms, as well as cases in which offenders shot or attempted to shoot victims. From the case files, project staff recorded information on shots fired, the number of wounded victims, the number of wounds suffered by each victim, and the type(s) of firearm used in the attack as described by police and/or witnesses.

We estimated shots fired based on reported gunshot injuries, physical evidence (for example, shell casings found at the scene), and the accounts of witnesses and actors. If there was conflicting evidence about the number of shots, we established minimum and maximum ranges. If, for example, police found three shell casings at the scene but witnesses reported four shots, then we coded three as the minimum number of shots fired and four as the maximum number of shots fired. For many cases, the shots fired estimate represents a lower bound. To illustrate, if a case had one victim with one gunshot wound and no additional information on shots fired, then we set shots fired equal to one.

Our analysis focuses upon 239 incidents involving pistols and 104 incidents involving revolvers. We excluded 238 incidents from analysis because the type of handgun was not clearly identified in the police report. The analyzed and excluded cases had comparable outcomes: 38.0% of the excluded cases and 34.9% of the analyzed cases resulted in some form of gunshot injury, while 7.3% of the excluded cases and 8.0% of the analyzed cases resulted in deaths. These differences were statistically insignificant ( $\chi^2$  p level > 0.05). In addition, we excluded 11 cases involving multiple handguns because we could not determine which gun(s) was used in the shooting.

Although reporting officers and witnesses were able to identify the type of firearm (that is, pistol or revolver) used in the analyzed cases, the precise make and model of the handgun was not identified in most of these reports, often because police did not recover the gun used in the crime. Lack of specific gun model information precluded precise measurement of ammunition capacity for all but a very small number of gunfire incidents.

Following an approach similar to that used by Kleck in his national analysis of gun and non-gun assaults,<sup>26</sup> we contrast pistol and revolver cases on a number of dichotomous outcome measures (that is, occurrence of gunfire, occurrence of gunshot injuries or deaths) and continuous outcome measures (that is, number of shots fired, number of wounded victims, number of wounds per gunshot victim) reflecting different stages of gun assaults. In so doing, we test whether gun attacks with pistols result in more shots fired than those committed with revolvers, leading to more gunshot victims and/or more severely wounded gunshot victims.

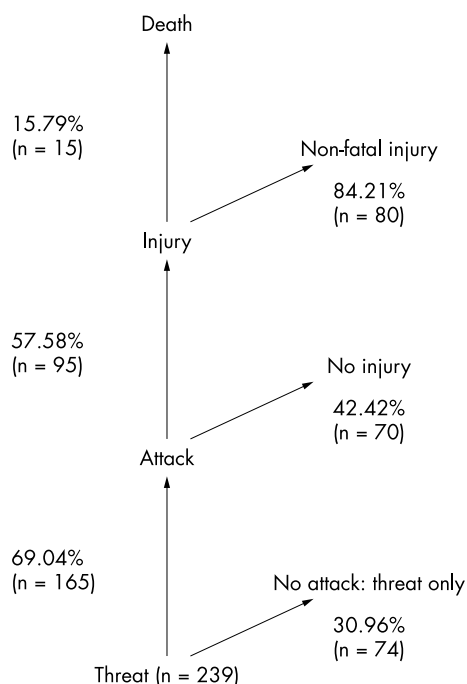
Because the data were collected originally for a study of trends over time in wounds per gunshot victim,<sup>18, 19</sup> only limited information was recorded about the actors or circumstances beyond that noted above. While staff did collect information on a few variables like victim demographics (the victims were predominantly male and African-American) and the number of perpetrators, they did not record information on other potentially important variables, such as offender characteristics or relationships among the actors,<sup>26, 27</sup> in a systematic manner, if at all, because such information was outside the scope of the original study and was not always clear from the reports. And since the data were extracted from the homicide and aggravated assault files, there were relatively few known robberies or sexual assaults among the cases (which would have generally appeared in separate case files), resulting in a more homogeneous sample of assaultive incidents. For these reasons, and because no prior study has examined the differential lethality and injuriousness of assaults involving pistols and revolvers, we chose to conduct bivariate analyses. We present  $\chi^2$  tests of association for dichotomous measures and *t* tests of group means for continuous measures, using a probability level of 0.05 to judge the statistical significance of results.

## RESULTS

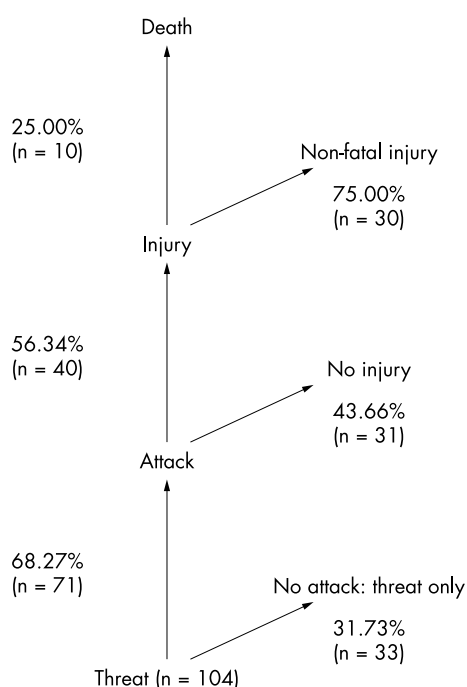
By definition, all cases in the study involved threats with a firearm. Hence, we begin our analysis by looking at whether offenders fired at their victims, which we define as an attack. (Unless stated otherwise, our unit of analysis is the incident rather than the victim since some incidents involved multiple victims.) As shown at the bottom of figs 1 and 2, assailants using pistols attacked victims in virtually the same proportion of cases as assailants using revolvers (69.0% and 68.3%, respectively). This implies that the type of gun used was not correlated with characteristics of actors or circumstances that might affect the probability of gunfire. In particular, it suggests that offenders using pistols were no more or less likely to attempt to injure or kill their victims than were offenders using revolvers.

Given that the gun was fired, the average number of shots in pistol cases ranged from 3.23 to 3.68, based on minimum and maximum estimates (table 1). In contrast, the average number of shots in revolver cases ranged from 2.30 to 2.58. Using both minimum and maximum shots fired estimates, pistol cases averaged about one more shot than did revolver cases, and this difference was statistically significant in both sets of comparisons.

Further inspection of table 1 shows that about two thirds (68.5%) of pistol cases but only about half (52.1%) of revolver cases involved multiple shots according to the minimum shots fired estimates. Using the maximum estimates, over three quarters (78.8%) of pistol cases and about two thirds (66.2%) of revolver cases involved multiple shots. Ten to thirteen percent of pistol cases involved more than six shots, the most common ammunition capacity for revolvers; in contrast, slightly less than 3% of revolver cases involved more than six shots. Finally, 3.6% to 4.2% of pistol cases involved more than 10 shots, the current limit on newly manufactured ammunition magazines.



**Figure 1** Outcomes of assault incidents involving semiautomatic pistols (n = 239). Handgun type was not associated with attack outcomes ( $\chi^2$  p level >0.05).



**Figure 2** Outcomes of assault incidents involving revolvers (n = 104). Handgun type was not associated with attack outcomes ( $\chi^2$  p level >0.05).

Although pistol cases involved higher numbers of shots, they were not significantly more likely to result in injuries (fatal or non-fatal) than were revolver cases. Attackers killed or injured victims in 57.6% of gunfire cases involving pistols and 56.3% of gunfire incidents involving revolvers (see figs 1 and 2).

However, pistol cases resulted in more wounded persons per incident than did revolver cases. Among those incidents resulting in gunshot victims, nearly 12% of the pistol incidents involved multiple victims in contrast to none of the revolver

incidents. As shown in table 2 (left panel), the average number of victims was 1.15 in pistol incidents and 1.0 in revolver incidents. Though statistically significant, we should treat this finding cautiously because there was no variation in the number of wounded victims in the revolver cases (hence, the standard deviation was zero for revolver cases). Nonetheless, it appears that injurious attacks with pistols produced 15% more gunshot victims than did those with revolvers.

Extrapolating from this, there were 95 pistol incidents in which one or more persons were shot, producing a total of 109 victims wounded or killed (table 2). Yet our analysis suggests that only 95 persons would have been wounded in those 95 incidents if the offenders had used revolvers rather than pistols. This reduction of 14 gunshot victims would have reduced the overall number of gunshot victims by 9.4% ( $14/(109+40) \times 100$ ).

Finally, figs 1 and 2 show that gunshot injury incidents involving pistols were less likely to produce a death than were those involving revolvers (15.8% to 25.0%). A number of factors such as gun caliber, wound location, and the physical condition of the victim influence whether a gunshot victim dies. The higher fatality rate among revolver gunshot victims appears to have been linked, at least in part, to factors like wound location and age (analyses not shown). For example, 42.0% of the wounds sustained by revolver victims were wounds to the head, chest or abdomen, in contrast to only 25.2% of those sustained by pistol victims (wound location was known for 83.3% of the wounds inflicted with revolvers and 87.7% of those inflicted with pistols). Also, 14.3% of revolver gunshot victims but only 3.7% of pistol gunshot victims were over age 35 (age was recorded for 87.5% and 75.7% of revolver and pistol gunshot victims, respectively).

However, the key mechanism for a semiautomatic weapon effect is the number of wounds—that is, does the higher number of shots fired in pistol cases increase the likelihood that gunshot victims will suffer multiple wounds, thereby making it more likely that the victims will die? Table 2 (right panel) contrasts the number of gunshot wounds sustained by victims in pistol and revolver cases. Although a higher percentage of pistol victims sustained multiple wounds (24.3% to 20% for pistol and revolver victims, respectively), the average number of wounds for pistol victims (1.44) was actually lower than that for revolver victims (1.50). However, neither of these differences was statistically significant. Therefore, we would not expect victims shot with pistols to die more frequently than victims shot with revolvers, holding gun caliber, wound location, the victim's physical condition, and other relevant factors constant.

## DISCUSSION

This analysis of fatal and non-fatal gun attacks in Jersey City provides limited evidence that assaults committed with semiautomatic pistols produce more injured persons than assaults committed with revolvers. Gun attackers using pistols tend to fire more shots than attackers using revolvers. This shot differential does not appear to influence the probability that an incident will result in injury or death, nor the number of wounds sustained by gunshot victims. However, offenders using pistols do tend to wound more persons. Our analysis suggests that the overall number of wounded victims would have been reduced by 9.4% had revolvers been used in all of the attacks.

The results of this study should be qualified on a number of grounds. General limitations to the data were noted earlier. The shots fired variable was measured with less than optimal precision. Further, indicators of wounds per victim may be less accurate in police records than in medical records.

The effects of semiautomatics on gun attack outcomes could also be contingent on the particular models used; gun model identifications were usually missing in these data, thus



**Table 1** Number of shots fired (% of cases) by handgun type

Shots fired	Minimum estimates		Maximum estimates	
	Pistol incidents (n=165)	Revolver incidents (n=71)	Pistol incidents (n=165)	Revolver incidents (n=71)
1	52 (31.5)	34 (47.9)	35 (21.2)	24 (33.8)
2	37 (22.4)	13 (18.3)	37 (22.4)	20 (28.2)
3	27 (16.4)	9 (12.7)	33 (20.0)	9 (12.7)
4	13 (7.9)	5 (7.0)	19 (11.5)	6 (8.5)
5	13 (7.9)	6 (8.5)	11 (6.7)	8 (11.3)
6	6 (3.6)	2 (2.8)	8 (4.8)	2 (2.8)
7	4 (2.4)	2 (2.8)	3 (1.8)	1 (1.4)
8	3 (1.8)	0	7 (4.2)	0
9	2 (1.2)	0	3 (1.8)	1 (1.4)
10	2 (1.2)	0	2 (1.2)	0
11	1 (0.6)	0	2 (1.2)	0
12	1 (0.6)	0	1 (0.6)	0
13	1 (0.6)	0	1 (0.6)	0
14	0	0	0	0
15	1 (0.6)	0	0	0
16	2 (1.2)	0	2 (1.2)	0
17	0	0	1 (0.6)	0
Mean*	3.23	2.3	3.68	2.58

\*Group means differed significantly for pistol and revolver cases. The *t* statistic = 3.11 (*p*<0.01) using minimum shots fired estimates; *t* statistic = 3.51 (*p*<0.01) using maximum shots fired estimates; *t* statistics were calculated using the formula for populations having unequal variances.

**Table 2** Number of gunshot victims (% of cases) by handgun type and wounds per victim (% of victims) by handgun type

Victims/wounds	Gunshot victims per incident		Wounds per gunshot victim	
	Pistol cases (n=95 incidents)	Revolver cases (n=40 incidents)	Pistol cases* (n=107 victims)	Revolver cases (n=40 victims)
1	84 (88.4)	40 (100)	81 (75.7)	32 (80)
2	8 (8.4)		13 (12.1)	3 (7.5)
3	3 (3.2)		8 (7.5)	2 (5.0)
4			3 (2.8)	1 (2.5)
5			1 (0.9)	1 (2.5)
6			1 (0.9)	0
7			0	1 (2.5)
Mean†	1.15	1.0	1.44	1.5

\*Two victims were excluded due to missing data.

†Gunshot victims per incident differed significantly for pistol and revolver cases (*t* statistic = 3.29, *p*<0.01). Wounds per gunshot victim did not differ significantly for pistol and revolver cases (*t* statistic = -0.28, *p*>0.05). *T* statistics were calculated using the formula for populations having unequal variances.

precluding examination of ammunition capacity or gun quality. Note that a number of the pistol models used most frequently in crime are inexpensive, lower quality guns (often referred to as Saturday Night Specials) that are prone to jamming and often don't have ammunition capacities larger than those of revolvers.<sup>28 29</sup>

In addition, multivariate studies controlling for characteristics of actors and situations might yield different results if those characteristics tend to be related to both weapon selection and attack outcomes. If, for instance, pistol shooters in this study tended to be younger and/or less skilled shooters than revolver shooters, this might explain why the former fired more often yet didn't injure or kill victims in a higher fraction of attacks and tended to hit victims in less vital areas of the body. Other potential confounders might include the nature of the circumstances (for example, whether the shooting was an execution-style shooting), the general health of the victim(s), the type of location (for example, indoor or outdoor location), the distance between the shooter and intended victim(s), and the presence of multiple persons who could have been shot intentionally or accidentally (as bystanders).

Taking the results at face value, nonetheless, this study has potential ramifications for national trends and policy, imply-

ing that the spread of pistols during the last few decades may have contributed modestly to higher levels of assaultive gun injuries. Hence, policies to restrict or discourage the use of semiautomatic weapons or restrict ammunition magazine capacity might have the potential to reduce gunshot injuries.

We should be cautious about these inferences, however, because the analyses did not support all of our hypotheses about the effects of pistols. Further, achieving the moderate impacts suggested by this study would require complete elimination of the use of pistols in crime; to the extent that policy falls short of achieving this goal, the benefits may be substantially less and difficult to measure. Finally, these results may not generalize well to other places, although the differential in shots fired between pistol and revolver cases seems consistent with that found in other research.<sup>7</sup>

This study provides a first step in assessing differential levels of injury and death from attacks committed with different types of handguns, and it may spur replications to determine if these results can be generalized to other places and whether characteristics of the situations and actors mediate the relationships between weapon types and attack outcomes. Further research into the dynamics and outcomes of gun attacks can help to both clarify the consequences of changes in



**Key points**

- During recent decades, there has been a shift in the civilian handgun market from production of revolvers to production of semiautomatic pistols, which tend to have larger ammunition capacities and a faster rate of fire.
- The consequences of this trend for public health are not clear, in part because no studies have directly compared the injuriousness and lethality of attacks with revolvers and pistols.
- This study of fatal and non-fatal gun attacks investigated by police in one city found that attacks with pistols tended to result in more shots fired and persons wounded than attacks with revolvers, implying that the number of gunshot victims would have been approximately 9% lower had pistols not been used in any of the attacks.
- The recent spread of semiautomatic pistols has likely contributed modestly to higher levels of assaultive gun injuries.
- Policies to restrict or discourage the use of semiautomatic weapons have the potential to reduce gunshot victimizations, but large reductions in the use of these weapons would be required to realize even modest declines in gunshot victimizations.

the civilian firearm arsenal and assess the potential impact of gun control measures designed to restrict the availability of particular types of firearms.

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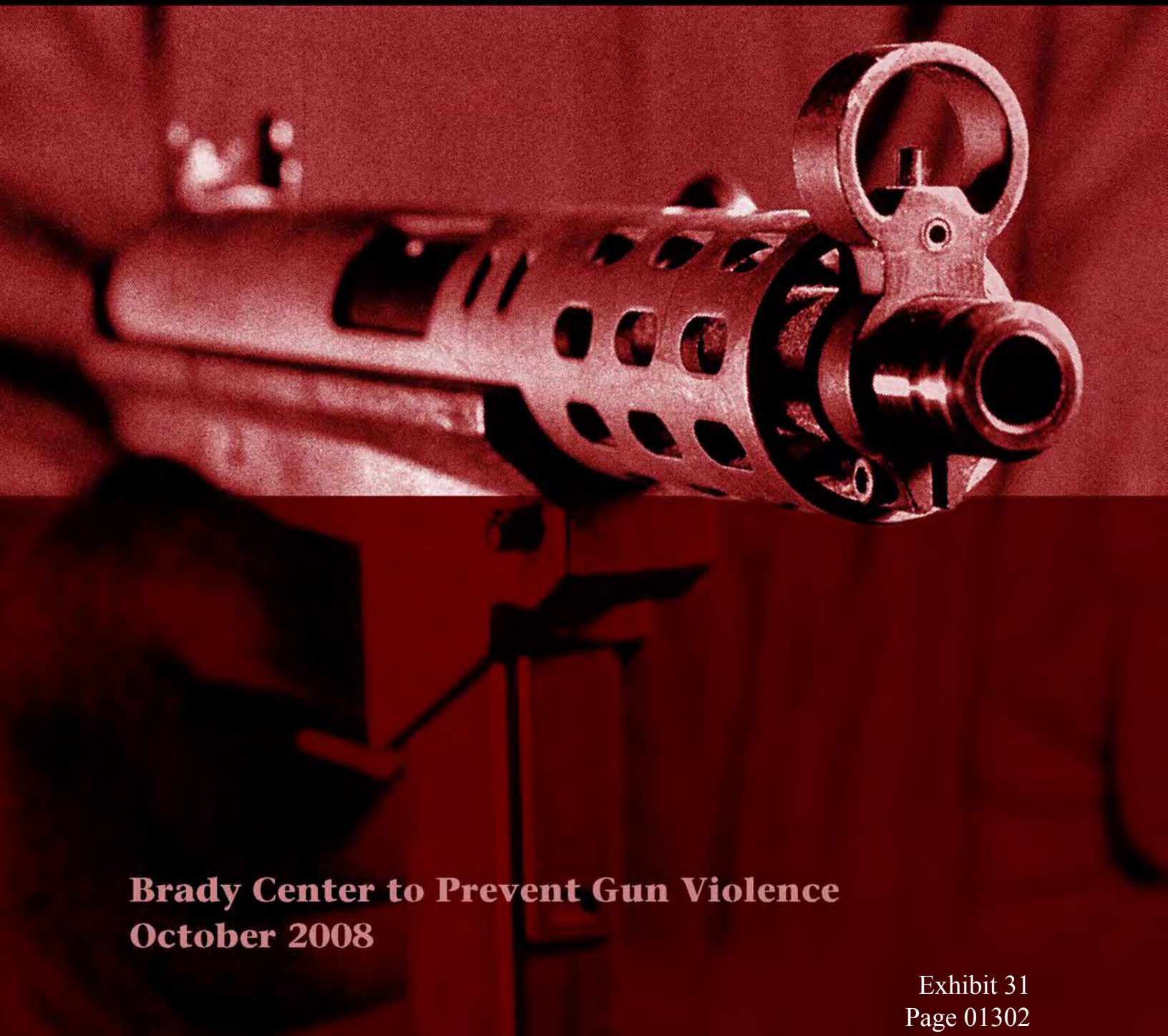
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# **Exhibit 31**

# **Assault Weapons "Mass Produced Mayhem"**



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



# **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](http://www.bradycenter.org/gunindustrywatch) and [www.gunlawsuits.org](http://www.gunlawsuits.org).

### **A Note About the Title**

The phrase "mass produced mayhem" is taken from the federal Bureau of Alcohol, Tobacco, Firearms and Explosive'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.<sup>1</sup> Or that the Columbine high school shooters, who killed 12 students and a teacher, included a TEC-9 assault pistol in their arsenal.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> The list of horrific attacks goes on.<sup>6</sup>

The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has called assault weapons "mass produced mayhem."<sup>7</sup> 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





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)**



## 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.<sup>8</sup>

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.**<sup>9</sup>

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.”<sup>10</sup> 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.”<sup>11</sup>

Assault weapons have distinct features that separate them from sporting firearms.<sup>12</sup> 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.<sup>13</sup>

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.”<sup>14</sup> 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.<sup>15</sup> These findings were confirmed in a second study performed by ATF under the Clinton Administration.<sup>16</sup>



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.<sup>17</sup>

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.<sup>18</sup>

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.<sup>19</sup>

Indeed, numerous law enforcement officers have been killed with high-firepower assault weapons.<sup>20</sup> 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.<sup>21</sup>



**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.<sup>22</sup>

**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.<sup>23</sup>

**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.<sup>24</sup>

**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.<sup>25</sup>

**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.<sup>26</sup>

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.<sup>27</sup> 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.<sup>28</sup>

"We're in an arms race," said Police Chief Scott Knight, chairman of the firearms committee of the International Association of Chiefs of Police.<sup>29</sup> 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.<sup>30</sup>

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."<sup>31</sup>

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.<sup>32</sup> Miami-Dade Police Director Robert Parker stated “there was nothing positively gained by the lifting of the ban on assault weapons by the government.”<sup>33</sup>

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.<sup>34</sup> “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.”<sup>35</sup>

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.<sup>36</sup>

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.”<sup>37</sup>

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.<sup>38</sup>

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.<sup>39</sup>

**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.<sup>40</sup>

**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.<sup>41</sup>

**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.<sup>42</sup>

**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.<sup>43</sup>

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

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.<sup>45</sup>

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."<sup>46</sup> Sergeant Laurie Pfiel of the same office said: "[Criminals] don't have .38s anymore. They have AK-47s."<sup>47</sup>

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."<sup>48</sup>

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.<sup>49</sup> 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.<sup>50</sup>

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.<sup>51</sup> Similarly, Omaha, Nebraska police seized 39 assault rifles in 2007, up from nine in 2006.<sup>52</sup>



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.”<sup>53</sup> 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.<sup>54</sup>

### **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.<sup>55</sup>





- **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.<sup>56</sup>

- **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.<sup>57</sup>

- **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.<sup>58</sup>

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.<sup>59</sup>

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.<sup>60</sup>

- **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.<sup>61</sup>

- **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.<sup>62</sup>



- **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.<sup>63</sup>

- **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.<sup>64</sup>

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.<sup>65</sup>

- **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.<sup>66</sup>

- **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.<sup>67</sup>

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.<sup>68</sup>

- **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.<sup>69</sup>



### **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,<sup>70</sup> 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."<sup>71</sup>

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.<sup>72</sup> Both percentages are much higher than the estimated 1% of guns in circulation that are assault weapons.<sup>73</sup>

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.<sup>74</sup>

### **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."<sup>75</sup> 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.<sup>76</sup>

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.<sup>77</sup>

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.<sup>78</sup>

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 11<sup>th</sup> 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.<sup>79</sup>

### **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.<sup>80</sup>

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.<sup>81</sup>

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.<sup>82</sup>

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.<sup>83</sup>



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.<sup>84</sup>

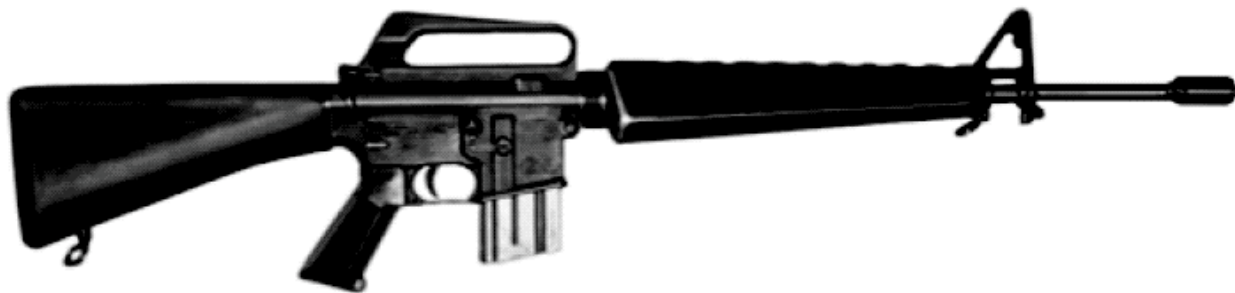
- **Using assault weapons in terrorist attacks**

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,<sup>85</sup> filling a car with gas at a service station,<sup>86</sup> mowing a lawn,<sup>87</sup> or loading one's car in a mall parking lot.<sup>88</sup> 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.<sup>89</sup>

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.<sup>90</sup> After fleeing the country, he was arrested in Pakistan in June 1997 and convicted by a Virginia jury in November of that year.<sup>91</sup>

### **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.”<sup>92</sup>

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.<sup>93</sup>

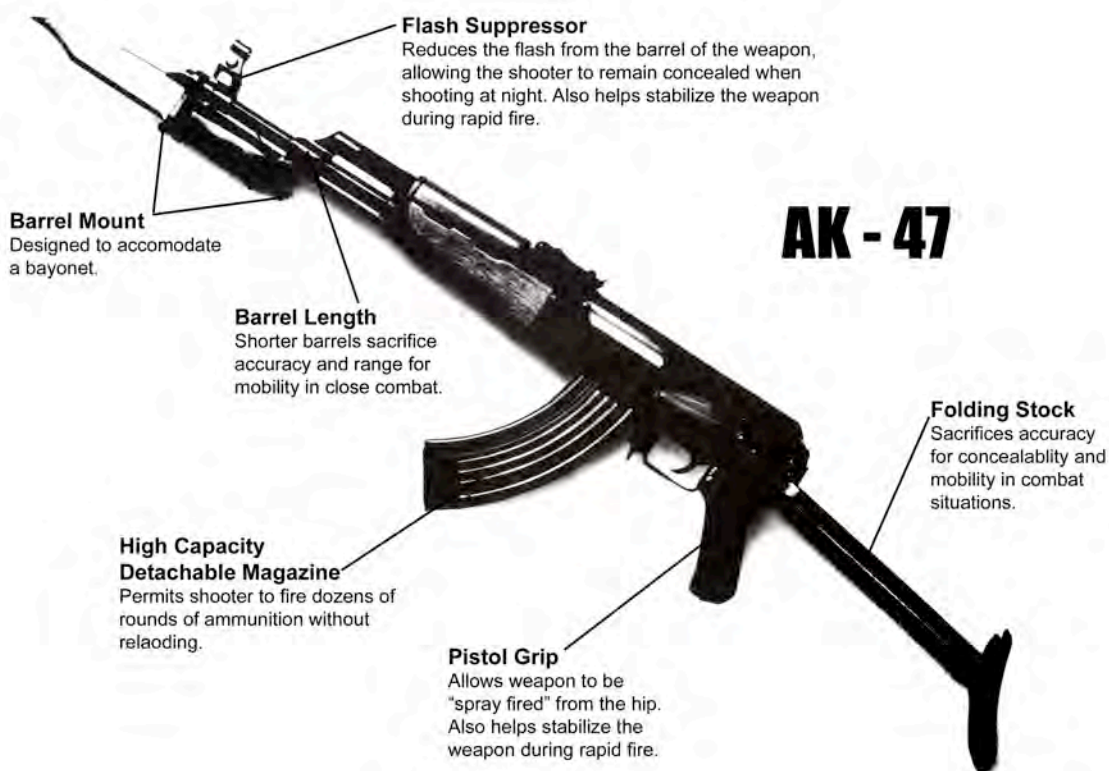
Assault weapons, as opposed to hunting rifles, are commonly equipped with some or all of the following combat features that have no sporting value:

- **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.<sup>94</sup>

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.”**<sup>95</sup> 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.<sup>96</sup>

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.”<sup>97</sup>*

### **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*,<sup>98</sup> the Supreme Court recently ruled that the Second Amendment protects an individual right to keep and bear arms for self-defense in the home.<sup>99</sup> 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.**”<sup>100</sup>

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.<sup>101</sup> 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 20<sup>th</sup> 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.<sup>102</sup> Plus, ATF has twice concluded, after thorough analyses in 1989 and 1998, that assault weapons have no “sporting purpose.”<sup>103</sup> 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.<sup>104</sup> The *Heller* Court relied on these state constitutional provisions, many of which were adopted in the 18<sup>th</sup> and 19<sup>th</sup> 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.<sup>105</sup>

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.<sup>106</sup>

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,<sup>107</sup> 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.<sup>108</sup> 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.<sup>109</sup> These findings were further supported in a later report by one of the same researchers.<sup>110</sup>

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.<sup>111</sup> 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.<sup>112</sup> Representative Carolyn McCarthy has introduced similar strong assault weapons legislation in the U.S. House of Representatives.<sup>113</sup>

### **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.<sup>114</sup> 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.<sup>115</sup> 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.<sup>116</sup> 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.<sup>117</sup> Newspaper editorial boards have also continued their strong support for getting assault weapons off our nation's streets.<sup>118</sup>

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."<sup>119</sup> In 2004, Presidents Ford, Carter, and Clinton wrote to urge re-authorization of the ban.<sup>120</sup> 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 108<sup>th</sup> 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.<sup>1</sup>
- **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.<sup>2</sup>
- **Springfield, Missouri. October 4, 2008.** A 21-year-old shot two men with an AR-15 Assault Rifle during an argument at a nightclub.<sup>3</sup>
- **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.<sup>4</sup>
- **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.<sup>5</sup>
- **Battle Creek, Michigan. September 28, 2008.** A felon with an assault weapon shot two teenagers in retaliation for a shooting several weeks prior.<sup>6</sup>
- **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.<sup>7</sup>
- **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.<sup>8</sup>
- **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.<sup>9</sup>

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

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

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

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

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

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

<sup>7</sup> *2 men charged in shooting denied bond*, ASSOCIATED PRESS, Oct. 2, 2008.

<sup>8</sup> 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.<sup>10</sup>
- **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.<sup>11</sup>
- **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.<sup>12</sup>

**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: Donovan 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.<sup>13</sup>

- **Birmingham, Alabama. September 5, 2008.** A man shot and killed his landlord with an SKS assault rifle after the two argued over stolen property.<sup>14</sup>
- **Dayton, Ohio. August 26, 2008.** A 31-year-old man sustained severe leg injuries when he was shot multiple times with an assault rifle.<sup>15</sup>
- **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.<sup>16</sup>
- **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.<sup>17</sup>

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

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

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

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

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

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

<sup>15</sup> *Man Targeted By Shooter With Assault Rifle*, WHIO-TV, Dayton, Ohio, Aug. 27, 2008.

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

<sup>17</sup> *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.<sup>18</sup>
- **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.<sup>19</sup>
- **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.<sup>20</sup>

**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.<sup>21</sup>

- **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.<sup>22</sup>
- **New Orleans, Louisiana. August 10, 2008.** One man was injured and another man died after being shot with an AK-47 assault rifle.<sup>23</sup>
- **New Orleans, Louisiana. August 8, 2008.** A gunman carrying an assault rifle shot two people.<sup>24</sup>
- **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.<sup>25</sup>

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

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

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

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

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

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

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

<sup>25</sup> *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.<sup>26</sup>
- **Orlando, Florida. July 30, 2008.** A man with an assault rifle shot and killed two teenagers and another man over stolen property.<sup>27</sup>
- **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.<sup>28</sup>
- **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.<sup>29</sup>
- **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.<sup>30</sup>
- **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.<sup>31</sup>
- **Chattanooga, Tennessee. July 24, 2008.** Two men armed with an SKS assault rifle shot a 28-year-old man in the head and back.<sup>32</sup>

**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.<sup>33</sup>

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

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

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

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

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

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

<sup>31</sup> *Airman's arrest for shooting not his first*, STANDARD-EXAMINER, July 29, 2008

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

<sup>33</sup> *Oakland woman killed when assault rifle accidentally fires*, July 24, 2008, available at:

[http://www.insidebayarea.com/ci\\_9977524](http://www.insidebayarea.com/ci_9977524) (last visited Sept. 26, 2008).

<sup>34</sup> 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.<sup>35</sup>
- **Eatonville, Florida. July 8, 2008.** A father and son were shot during a robbery with an AK-47 assault rifle.<sup>36</sup>
- **Youngstown, Ohio. July 8, 2008.** A man beat up and attempted to shoot his girlfriend with an assault weapon.<sup>37</sup>
- **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.<sup>38</sup>
- **Van Buren, Michigan. July 6, 2008.** Two 19-year-olds with an assault rifle shot and killed a man they had argued with earlier.<sup>39</sup>
- **Beaumont, Texas. July 5, 2008.** One person was injured when a man shot an assault rifle into a crowd standing outside a nightclub.<sup>40</sup>
- **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.<sup>41</sup>
- **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.<sup>42</sup>

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

<sup>36</sup> *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).

<sup>37</sup> *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).

<sup>38</sup> 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](http://www.thetelegraph.com/news/county_15966___article.html/madison_accused.html) (last visited Sept. 26, 2008).

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

<sup>40</sup> 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](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).

<sup>41</sup> 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).

<sup>42</sup> *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.<sup>43</sup>

- **Adairsville, Georgia. June 29, 2008.** A man carrying an AK-47 assault rifle shot a woman twice in the chest during a robbery attempt.<sup>44</sup>
- **Overtown, Florida. June 28, 2008.** A 15-year-old died after he was shot with an assault weapon during a drive-by shooting.<sup>45</sup>
- **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.<sup>46</sup>
- **Powhatan, Virginia. June 25, 2008.** A 17-year-old with an assault weapon shot and killed an 18 year old after the two argued.<sup>47</sup>
- **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.<sup>48</sup>
- **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.<sup>49</sup>
- **Opa Locka, Florida. June 22, 2008.** A man shot an AK-47 assault rifle at a business, injuring three people inside.<sup>50</sup>

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

<sup>44</sup> 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).

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

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

<sup>47</sup> *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).

<sup>48</sup> 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.

<sup>49</sup> 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).

<sup>50</sup> *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.<sup>51</sup>
- **Elyria, Ohio. June 14, 2008.** A woman died after being shot with an AK-47 assault rifle during a robbery.<sup>52</sup>
- **Miami, Florida. June 13, 2008.** A man shot six people at a graduation party with an assault rifle. One of the victims died.<sup>53</sup>
- **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.<sup>54</sup>
- **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.<sup>55</sup>
- **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.<sup>56</sup>
- **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.<sup>57</sup>
- **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.<sup>58</sup>

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

<sup>52</sup> 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](http://www.zwire.com/site/news.cfm?newsid=19801129&BRD=1699&PAG=461&dept_id=46371&rft=6) (last visited Sept. 26, 2008).

<sup>53</sup> *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).

<sup>54</sup> *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](http://www.zwire.com/site/news.cfm?newsid=19801129&BRD=1699&PAG=461&dept_id=46371&rft=6) (last visited Sept. 26, 2008).

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

<sup>56</sup> *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](http://www.goblueridge.net/index.php?option=com_content&task=view&id=3821&Itemid=1) (last visited Sept. 26, 2008).

<sup>57</sup> 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).

<sup>58</sup> 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.<sup>59</sup>
- **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.<sup>60</sup>
- **Shreveport, Louisiana. May 19, 2008.** A 15-year-old shot a 14-year-old with an assault weapon.<sup>61</sup>
- **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.<sup>62</sup>
- **Miami, Florida. May 14, 2008.** A man was shot multiple times after his car was sprayed with bullets from an assault weapon.<sup>63</sup>
- **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.<sup>64</sup>
- **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.<sup>65</sup>

**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.<sup>66</sup>

- **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.<sup>67</sup>

<sup>59</sup> *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).

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

<sup>61</sup> *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](http://www.ksla.com/Global/story.asp?S=8350809&nav=menu50_11_16_4) (last visited Sept. 26, 2008).

<sup>62</sup> 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).

<sup>63</sup> *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).

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

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

<sup>66</sup> 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.<sup>68</sup>

**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.<sup>69</sup>

- **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.<sup>70</sup>
- **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.<sup>71</sup>
- **Cordova, New Mexico. May 4, 2008.** A man killed his 17-month-old son by shooting him in the chest with an assault rifle.<sup>72</sup>
- **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.<sup>73</sup>
- **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.<sup>74</sup>

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

<sup>68</sup> *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).

<sup>69</sup> 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).

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

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

<sup>72</sup> 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).

<sup>73</sup> 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), available at: <http://www.odmp.org/officer/19359-sergeant-stephen-liczbinski> (last visited Sept. 30, 2008).

<sup>74</sup> *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.<sup>75</sup>
- **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.<sup>76</sup>
- **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.<sup>77</sup>
- **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.<sup>78</sup>
- **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.<sup>79</sup>
- **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.<sup>80</sup>
- **Tarpon Springs, Florida. March 30, 2008.** A man fired several rounds from an assault weapon toward another man who was exiting his car.<sup>81</sup>
- **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.<sup>82</sup>
- **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

<sup>75</sup> *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).

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

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

<sup>78</sup> *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).

<sup>79</sup> *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](http://www.wcpo.com/news/local/story.aspx?content_id=c473d379-e54d-4b46-a24d-397f12369149) (last visited on Sept. 29, 2008).

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

<sup>81</sup> *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).

<sup>82</sup> 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.<sup>83</sup>

- **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.<sup>84</sup>
- **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.<sup>85</sup>
- **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.<sup>86</sup>
- **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.<sup>87</sup>

**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.<sup>88</sup>

- **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.<sup>89</sup>
- **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.<sup>90</sup>

<sup>83</sup> *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](http://www.wvec.com/news/vabeach/stories/wvec_local_031908_vb_shooting.79dfc43.html) (last visited Sept. 29, 2008).

<sup>84</sup> 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](http://wdef.com/news/east_lake_shootout_caught_on_tape/03/2008) (last visited Sept. 26, 2008).

<sup>85</sup> *Police and fire briefs*, BATON ROUGE ADVOCATE, Mar. 8, 2008.

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

<sup>87</sup> 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).

<sup>88</sup> *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).

<sup>89</sup> *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.<sup>91</sup>
- **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.<sup>92</sup>
- **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.<sup>93</sup>
- **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.<sup>94</sup>
- **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.<sup>95</sup>
- **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.<sup>96</sup>
- **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.<sup>97</sup>
- **Carmichael, California. January 16, 2008.** A 24-year-old man was shot with an assault rifle in a drive-by shooting and died.<sup>98</sup>

<sup>90</sup> *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).

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

<sup>92</sup> *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).

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

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

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

<sup>96</sup> *Teen shot in face by assault rifle*, WTVM.COM, Jan. 22, 2008, available at: [http://www.wtvm.com/Global/story.asp?S=7757100&nav=menu91\\_2](http://www.wtvm.com/Global/story.asp?S=7757100&nav=menu91_2) (last visited Sept. 26, 2008).

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

<sup>98</sup> *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.<sup>99</sup>
- **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.<sup>100</sup>
- **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.<sup>101</sup>

**Little Rock, Arkansas. December 29, 2007.** 6-year-old Kamyia 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, Kamyia died when her family made the decision to take her off life support.<sup>102</sup>

- **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.<sup>103</sup>
- **Southington, Connecticut. December 24, 2007.** One man shot another in the head with an assault rifle, killing him, after the two argued.<sup>104</sup>
- **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.<sup>105</sup>

<sup>99</sup> 4<sup>th</sup> 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).

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

<sup>101</sup> *M'ville man charged in shooting*, THETIMESONLINE.COM, Jan. 4, 2008, available at: [http://www.thetimesonline.com/articles/2008/01/04/news/lake\\_county/doc88e35a05299f4540862573c600061f09.txt](http://www.thetimesonline.com/articles/2008/01/04/news/lake_county/doc88e35a05299f4540862573c600061f09.txt) (last visited Sept. 26, 2008).

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

<sup>103</sup> *Ozark shooting suspect surrenders*, PRESS-REGISTER, Jan. 1, 2008.

<sup>104</sup> 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).

<sup>105</sup> 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.<sup>106</sup>
- **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.<sup>107</sup>
- **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.<sup>108</sup>
- **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.<sup>109</sup>
- **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.<sup>110</sup>
- **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.<sup>111</sup>
- **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.<sup>112</sup>
- **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

<sup>106</sup> *The American Way*, REGISTER-GUARD, Dec. 17, 2007.

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

<sup>108</sup> 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.

<sup>109</sup> 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).

<sup>110</sup> 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.

<sup>111</sup> *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.

<sup>112</sup> 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.<sup>113</sup>

- **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.<sup>114</sup>
- **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.<sup>115</sup>
- **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.<sup>116</sup>
- **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.<sup>117</sup>

**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.<sup>118</sup>

- **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.<sup>119</sup>
- **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.<sup>120</sup>

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

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

<sup>115</sup> *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).

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

<sup>117</sup> 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.

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

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

<sup>120</sup> 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.<sup>121</sup>
- **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.<sup>122</sup>
- **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.<sup>123</sup>
- **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.<sup>124</sup>
- **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.<sup>125</sup>
- **Philadelphia, Pennsylvania. February 13, 2007.** A gunman used an assault weapon to kill 3 and wound another before killing himself.<sup>126</sup>
- **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.<sup>127</sup>
- **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

<sup>121</sup> 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).

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

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

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

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

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

<sup>127</sup> 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.<sup>128</sup>

- **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.<sup>129</sup>
- **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.<sup>130</sup>
- **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.<sup>131</sup>
- **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.<sup>132</sup>
- **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.<sup>133</sup>

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

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

<sup>130</sup> *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).

<sup>131</sup> 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.

<sup>132</sup> 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.

<sup>133</sup> *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.<sup>134</sup>

- **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.<sup>135</sup>
- **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.<sup>136</sup>
- **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.<sup>137</sup>
- **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.<sup>138</sup>
- **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.<sup>139</sup>
- **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.<sup>140</sup>

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

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

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

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

<sup>138</sup> FOX NEWS, June 24, 2006.

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

<sup>140</sup> 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.<sup>141</sup>
- **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.<sup>142</sup>
- **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.<sup>143</sup>
- **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.<sup>144</sup>
- **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.<sup>145</sup>
- **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.<sup>146</sup>
- **Port Salerno, Florida. May 12, 2006.** A deputy sheriff was shot and wounded with an AK-47 assault rifle.<sup>147</sup>

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

<sup>142</sup> 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.

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

<sup>144</sup> 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.

<sup>145</sup> *Digest*, SOUTH FLORIDA SUN-SENTINEL, May 17, 2006.

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

<sup>147</sup> 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.<sup>148</sup>

- **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.<sup>149</sup>
- **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.<sup>150</sup>
- **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.<sup>151</sup>
- **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.<sup>152</sup>

**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.<sup>153</sup> However, he was arrested soon after.<sup>154</sup>

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

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

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

<sup>151</sup> AP-News Agenda, Broadcast News, May 5, 2006.

<sup>152</sup> *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.

<sup>153</sup> 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.

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



- **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.<sup>155</sup>
- **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.<sup>156</sup>
- **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.<sup>157</sup>
- **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.<sup>158</sup>
- **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.<sup>159</sup>
- **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.<sup>160</sup>
- **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.<sup>161</sup>
- **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.<sup>162</sup>
- **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.<sup>163</sup>

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

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

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

<sup>158</sup> Charles Sheehan, *Neighborhood buries another child*, CHICAGO TRIBUNE, Mar. 19, 2006.

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

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

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

<sup>162</sup> CBS 8 WISH, Indianapolis, IN, Jan. 5, 2006.

<sup>163</sup> 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.<sup>164</sup>
- **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.<sup>165</sup>
- **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.<sup>166</sup>
- **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.<sup>167</sup>

**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.<sup>168</sup>

- **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.<sup>169</sup>
- **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.<sup>170</sup>
- **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.<sup>171</sup>

<sup>164</sup> NBC 51 WDIV, Detroit, MI, Jan. 4, 2006.

<sup>165</sup> *Man killed in early morning shooting*, MIAMI HERALD, Dec. 28, 2005.

<sup>166</sup> *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).

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

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

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

<sup>170</sup> 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.<sup>172</sup>
- **Cincinnati, Ohio. June 22, 2005.** Assailants armed with SKS-type assault rifles sprayed over forty armor-piercing bullets in twenty seconds, hitting two women leaving a grocery store.<sup>173</sup>
- **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.<sup>174</sup>
- **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.<sup>175</sup>
- **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.<sup>176</sup>
- **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.<sup>177</sup>
- **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.<sup>178</sup>
- **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.<sup>179</sup>

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

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

<sup>173</sup> *Two wounded in West End*, CINCINNATI POST, June 24, 2005.

<sup>174</sup> *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).

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

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

<sup>177</sup> *Security guard at apartment is shot*, TULSA WORLD, May 29, 2005.

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

<sup>179</sup> *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.<sup>180</sup>

- **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.<sup>181</sup>
- **Canton, Texas. April 8, 2005.** A man shot his son's football coach in the chest with an AK-47 after a dispute.<sup>182</sup>
- **Houston, Texas. April 8, 2005.** Two robbers armed with AK-47s fired nearly twenty rounds at police during a shoot-out outside a pawnshop.<sup>183</sup>
- **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.<sup>184</sup>

**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.<sup>185</sup>

- **Dallas, Texas. March 15, 2005.** Three people were killed after a man fired an assault rifle at them through the sunroof of his car.<sup>186</sup>
- **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.<sup>187</sup>
- **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

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

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

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

<sup>183</sup> *Pawnshop heist ends in bloody shootout*, HOUSTON CHRONICLE, April 7, 2005.

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

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

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

<sup>187</sup> *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.<sup>188</sup>

- **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.<sup>189</sup>

**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.<sup>190</sup>

- **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.<sup>191</sup>
- **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.<sup>192</sup>
- **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.<sup>193</sup>
- **Dayton, Ohio. January 31, 2005.** Three teens were shot with a Russian-made assault rifle following an argument at a grocery store.<sup>194</sup>

<sup>188</sup> 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.

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

<sup>190</sup> 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.

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

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

<sup>193</sup> WKRN TV NEWS 2, Nashville, TN, Feb. 10, 2005.

<sup>194</sup> 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.<sup>195</sup>

**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.<sup>196</sup>
- **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.<sup>197</sup>
- **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.<sup>198</sup>
- **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.<sup>199</sup>
- **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.<sup>200</sup>
- **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

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

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

<sup>197</sup> *Officer shot, held hostage*, HARTFORD COURANT, Dec. 31, 2004.

<sup>198</sup> *Barbarity beyond belief*, THE TIMES-PICAYUNE, Dec. 23, 2004.

<sup>199</sup> *Wisconsin Shooting Rampage*, ST. PAUL PIONEER PRESS, Nov. 23, 2004.

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



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

- **Minneapolis, Minnesota. October 21, 2004.** A store clerk died after being shot in the chest with an assault rifle during a botched robbery attempt.<sup>202</sup>
- **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.<sup>203</sup>

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<sup>201</sup> Local news – Washington County, THE OREGONIAN, May 4, 2006.

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

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



## Endnotes

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

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

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

<sup>4</sup> *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.

<sup>5</sup> *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.

<sup>6</sup> 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.

<sup>7</sup> ATF, *Assault Weapons Profile* 19 (1994)

<sup>8</sup> 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=A75O0-QolJI>.

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

<sup>10</sup> *Id.*

<sup>11</sup> *Assault rifles concern police*, MONTGOMERY ADVERTISER, May 25, 2006.

<sup>12</sup> ATF, *Assault Weapons Profile*, *supra* note 7, at 20.

<sup>13</sup> See *infra* p. 15.

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

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

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

<sup>17</sup> 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'].

<sup>18</sup> 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](http://www.lacity.org)).

<sup>19</sup> 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'].



<sup>20</sup> 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).

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

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

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

<sup>24</sup> 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).

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

<sup>26</sup> 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).

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

<sup>29</sup> Matt Sedensky, *AK-47s are turning up more in U.S.*, ASSOCIATED PRESS, Mar. 27, 2008; Lise Fisher, *Phasing in firepower*, GAINSVILLE SUN, Dec. 17, 2007; Jeffrey Kofman, *Increasing Assault Weapons in Criminal Hands*, ABC NEWS, Nov. 27, 2007

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<sup>31</sup> 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](http://cbs2chicago.com/topstories/local_story_158180945.html).

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<sup>34</sup> Jack Dolan, *Miami Police get OK for more firepower*, MIAMI HERALD, Sept. 16, 2007.

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- <sup>47</sup> Susan Candiotti, *Cops find themselves in arms race with criminals*, CNN.COM, Nov. 6, 2007.
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- <sup>58</sup> *The American Way*, REGISTER-GUARD, Dec. 17, 2007.
- <sup>59</sup> *Suspect: 'follow screams', Man opens fire at mall in Tacoma; 6 wounded*, AKRON BEACON JOURNAL, Nov. 22, 2005.
- <sup>60</sup> *Mall Gunman Had Columbine Fixation, an Official Says*, THE NEW YORK TIMES, Feb. 15, 2005.
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<sup>68</sup> 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.

<sup>69</sup> *Wisconsin Shooting Rampage*, ST. PAUL PIONEER PRESS, Nov. 23, 2004.

<sup>70</sup> Marianne Zawitz, *Guns Used in Crime*, U.S. Dep't of Justice, Bureau of Justice Statistics 6 (1995).

<sup>71</sup> ATF, *Assault Weapons Profile* *supra* note 7, at 19-20.

<sup>72</sup> NIJ, *Firearm Use By Offenders 2-3* (2001).

<sup>73</sup> ATF, *Assault Weapons Profile*, *supra* note 7, at 19.

<sup>74</sup> Dep't of Treasury, *Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, *supra* note 14, at 17.

<sup>75</sup> Paul Salopek, *A Chilling Look into Terror's Lair*, CHICAGO TRIBUNE, Nov. 18, 2001.

<sup>76</sup> Complaint, United States v. Shnewer, Magistrate No. 07-M-2045 (D.N.J. 2007).

<sup>77</sup> *Indictment Details Terror Weapons Smuggling Scheme*, NEW YORK SUN, March 16, 2005.

<sup>78</sup> Press Release, U.S. Dep't of Justice, Rockford Man Faces Federal Explosives Charges; Large Cache of Weapons, Ammunition and Explosives Materials Seized (Apr. 21, 2004).

<sup>79</sup> *Gun Land – Are guns bought in the U.S. ending up in the hands of terrorists?*, NOW WITH BILL MOYERS, Nov. 15, 2002.

<sup>80</sup> *ATF: Phoenix Gun Dealer Supplied Mexican Drug Cartels*, ABC NEWS, May 6, 2008.

<sup>81</sup> *U.S. guns arm Mexican drug cartels*, LOS ANGELES TIMES, Aug. 11, 2008.

<sup>82</sup> *Man Accused of Shipping Arms, Ammunition to Beirut*, ASSOCIATED PRESS, Nov. 21, 2000.

<sup>83</sup> *Gun Land – Are guns bought in the U.S. ending up in the hands of terrorists?*, NOW WITH BILL MOYERS, *supra* note 79.

<sup>84</sup> Elena Cabral, *Attempt to Buy Rifles Linked to Terrorist*, MIAMI HERALD, June 2, 2001.

<sup>85</sup> 22-year-old Rupinder “Benny” Oberoi was shot in the lower back outside his place of work in Silver Spring, Maryland on September 14th. 52-year-old liquor store manager Claudine Parker was shot and killed as she and a coworker closed the store in Montgomery, Alabama. 45-year-old beauty supply store manager named Hong Im Ballenger was shot and killed outside a store she managed in Baton Rouge, Louisiana on September 23<sup>rd</sup>.

<sup>86</sup> 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.

<sup>87</sup> 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.

<sup>88</sup> 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.

<sup>89</sup> Second Amended Complaint, Halberstam v. S.W. Daniel, Inc., No. 95-C3323 (E.D.N.Y.1998), Nov. 19, 1997.



<sup>90</sup> *CIA Killings Prompt Scrutiny on 2 Fronts; Fairfax Loophole Expedited Gun Purchase*, WASHINGTON POST, Feb. 11, 1993.

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

<sup>92</sup> 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* *supra* note 15.

<sup>93</sup> 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*, *supra* note 14.

<sup>94</sup> See ATF, *Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles*, *supra* note 15, at 5-8 (describing numerous military features of assault weapons).

<sup>95</sup> *Police Fear a Future of Armored Enemies*, USA TODAY, Mar. 3, 1997.

<sup>96</sup> 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).

<sup>97</sup> Jim Zumbo, *Assault Rifles for Hunters?*, available at: [http://razoreye.net/mirror/zumbo/zumbo\\_assault\\_rifles.html](http://razoreye.net/mirror/zumbo/zumbo_assault_rifles.html) (last visited Oct. 7, 2008).

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

<sup>99</sup> 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.

<sup>100</sup> *Id.* at 55.

<sup>101</sup> See *infra* p. 1, *Assault Weapons are Designed to Slaughter People*.

<sup>102</sup> Those include California, which passed the nation's first statewide ban in May 1989, as well as New Jersey (1990), Hawaii (1991), Connecticut (1993), Maryland (1994), Massachusetts (1998), and New York (2000). California expanded its ban in 2000 to include all semiautomatic rifles or pistols that have the ability to accept a detachable magazine and contain any one of a series of military-style features similar to the list found in the federal ban. CAL. PENAL CODE § 12276.1.

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

<sup>104</sup> 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).

<sup>105</sup> 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).



<sup>106</sup> 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.

<sup>107</sup> The data available at the time of the study went up through the end of 2001.

<sup>108</sup> 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>.

<sup>109</sup> 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>).

<sup>110</sup> 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.

<sup>111</sup> 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).

<sup>112</sup> CAL. PENAL CODE § 12276.1.

<sup>113</sup> H.R. 1022, 110th Cong. (2007).

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

<sup>115</sup> *Id.*

<sup>116</sup> 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](http://www.harrisinteractive.com/harris_poll/index.asp?PID=498) (last visited Oct. 3, 2008).

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

<sup>118</sup> 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](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.

<sup>119</sup> 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.bradiycampaign.org/media/release.php?release=565> (quoting letter from President Reagan).

<sup>120</sup> 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.bradiycampaign.org/media/release.php?release=569>.



# **Exhibit 32**



# Brady Center



## To Prevent Gun Violence

**Testimony of Brian J. Siebel  
Senior Attorney  
Brady Center to Prevent Gun Violence  
Before the Council of the District of Columbia  
October 1, 2008**

Thank you, Chairman Mendelson and other members of the Council, for inviting the Brady Center to Prevent Gun Violence to speak at this important committee hearing.

The Brady Center to Prevent Gun Violence and the Brady Campaign to Prevent Gun Violence are the nation's largest organizations working for sensible gun policies. The Legal Action Project of the Brady Center represents victims of gun violence and defends gun laws in the courts.

In addition to the other measures being suggested here today, which we support, the Brady Center and Brady Campaign strongly urge the Council to pass an assault weapons ban, a ban on .50 caliber sniper rifles, and retain its recently-passed ban on high-capacity ammunition magazines, as part of its process of strengthening the District's gun laws in light of the *Heller* decision.

### **The Need for An Assault Weapons Ban**

Assault weapons had been banned for more than 30 years under the broader D.C. ban on all semiautomatic weapons. However, now that that ban has been repealed, an assault weapon ban is needed to protect the people of the District, visitors, and law enforcement from these particularly dangerous weapons. An assault weapons ban would continue to allow law-abiding citizens to have common pistols in their homes for self-defense, and would remain in compliance with the *Heller* decision. We believe it is imperative for the Council, now that it has legalized common semiautomatic pistols, to restore a ban on military-style assault weapons.

### **Assault Weapons Are "Mass Produced Mayhem"**

Assault weapons are semiautomatic versions of fully automatic guns designed for military use. Even semiautomatic assault weapons 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.

The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") has described assault weapons in stark terms.

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.<sup>1</sup>

Assault weapons have distinct features that separate them from sporting firearms.<sup>2</sup> While 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 generally 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.

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."<sup>3</sup> 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."<sup>4</sup>

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.<sup>5</sup> Or that the Columbine high school shooters who killed 12 students and a teacher included a TEC-9 assault weapon in their arsenal. 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.<sup>6</sup> 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.<sup>7</sup> The list goes on.

<sup>1</sup> ATF, *Assault Weapons Profile* 19 (1994) (emphasis added).

<sup>2</sup> *Id.* at 20.

<sup>3</sup> DEP'T OF TREASURY, *Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles* 38 (1998).

<sup>4</sup> ATF, *Assault Weapons Profile*, *supra* note 1, at 19-20.

<sup>5</sup> *Ferri Used Guns That California Ban Does Not Forbid*, SAN FRANCISCO EXAMINER, July 4, 1993.

<sup>6</sup> *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.

<sup>7</sup> *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.

### Assault Weapons Threaten Law Enforcement

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

assault 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.<sup>8</sup>

Assault weapons have even been used in a brazen attack at D.C. Police Headquarters. On November 22, 1994, a man armed with a MAC-11 assault pistol walked into Metropolitan Police headquarters and shot and killed Sergeant Henry Daly and FBI Agents Mike Miller and Martha Martinez. The shooter seriously wounded FBI Agent John Kuchta and shot at couches, walls, computers, and desks before shooting and killing himself with Agent Martinez's gun.<sup>9</sup>

In addition, numerous law enforcement officers have been killed with high-firepower assault weapons. Here are a few recent examples:

- **Philadelphia, PA. 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 suspects were arrested and charged with murder.<sup>10</sup>
- **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-grade 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.<sup>11</sup>

<sup>8</sup> Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, U. Penn. Jerry Lee Center of Criminology 87 (June 2004).

<sup>9</sup> Brian Reilly, *Cop killers' guns similar; handgun converted to fiercer weapon*, THE WASHINGTON TIMES, May 1, 1995.

<sup>10</sup> 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; Sergeant Stephen Liczbinski, [www.odmp.org](http://www.odmp.org), available at: <http://www.odmp.org/officer/19359-sergeant-stephen-liczbinski> (last visited Sept. 30, 2008).

<sup>11</sup> David Ovalle et. al., *The murder and the manhunt started in a South Miami-Dade townhouse; zigzagged...*, MIAMI HERALD, Sept. 15, 2007.

- **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.<sup>12</sup>

The threat posed to law enforcement is one reason why major law enforcement organizations are united in supporting bans on assault weapons.

### **Assault Weapons Threaten Civilians**

Assault weapons have also been used to massacre and terrorize civilians. Who can forget the nightmare we lived through in the District of Columbia and surrounding communities during the attacks committed by the D.C. snipers. Their weapon of choice? A Bushmaster XM-15 assault rifle.

There have been hundreds of other shootings committed with semiautomatic assault weapons. Here, we list just a few recent examples:

- **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, including two teenage sisters, in Colorado Springs. He died after being shot by a security guard and then shooting himself.<sup>13</sup>
- **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.<sup>14</sup>
- **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.<sup>15</sup>
- **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

<sup>12</sup> Ian Urbina, *Fatal police station attack shocks tranquil community*, NEW YORK TIMES, May 10, 2006; *Officer Killed*, BOSTON GLOBE, May 18, 2006.

<sup>13</sup> 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.

<sup>14</sup> *The American Way*, REGISTER-GUARD, Dec. 17, 2007.

<sup>15</sup> 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.

was in grave condition. The gunman fled the scene but was pursued and shot by police when he exited his car and shot toward officers.<sup>16</sup>

- **Akron, Ohio. February 24, 2005.** A man shot and killed his girlfriend and her seven-year old son using an AR-15 assault weapon, 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 weapon. Police subsequently seized 21 weapons kept by the suspect, including an Uzi and an AK-47.<sup>17</sup>

### Assault Weapons Threaten Homeland Security

These weapons pose particular and severe risks for homeland security here in the Nation's Capital. The extraordinary firepower of these weapons could wreak havoc at any number of high-profile sites or events that occur in Washington, or victimize any number of high-profile targets, from government officials to foreign dignitaries.

And make no mistake: these weapons have great appeal for terrorists. 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.

The *Chicago Tribune* has reported that, found among the mounds of rubble 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."<sup>18</sup> Tellingly, the manual singles out the United States for its easy availability of firearms and stipulates that al-Qaeda members living in the United States "obtain an assault weapon legally, preferably AK-47 or variations."

Terrorists have used assault weapons in numerous attacks. I am going to mention just one that is close to home.

- **Langley, Virginia, January 25, 1993.** Pakistani national Mir Aimal Kasi killed two CIA employees and wounded three 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.<sup>19</sup> After fleeing the country, he was arrested in Pakistan in 1997.<sup>20</sup>

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> Paul Salopek, *A Chilling Look into Terror's Lair*, CHICAGO TRIBUNE, Nov. 18, 2001.

<sup>19</sup> *CIA Killings Prompt Scrutiny on 2 Fronts; Fairfax Loophole Expedited Gun Purchase*, WASHINGTON POST, Feb. 11, 1993.

<sup>20</sup> Robert O'Harrow, Jr., *Kansi's Shadowy Stay in U.S. Leaves a Hazy Portrait*, WASHINGTON POST, Mar. 3, 1993.

### **.50 Caliber Sniper Rifles Pose Serious Dangers**

Fifty caliber sniper rifles also pose an extraordinary risk in the District. In 1987, Barrett Firearms Manufacturing Inc., patented its self-described “armor-penetrating” .50 caliber BMG sniper rifle.<sup>21</sup> Capable of destroying armored personnel carriers, aircraft and bulk fuel and ammunition sites, the .50 caliber sniper rifle is now proliferating in the civilian market.<sup>22</sup> Accurate at up to 2,000 yards, it can inflict effective damage to targets over four miles away.<sup>23</sup> With more power on impact than any other semi-automatic rifle legally available on the civilian market,<sup>24</sup> the .50 caliber represents a serious threat to local law enforcement and national security. A 2004 report on airport security at Los Angeles International Airport warned that terrorists could use .50-caliber sniper rifles to target parked and taxiing airplanes “firing over 50 shots in five minutes.”<sup>25</sup> The Council should take action to prohibit the possession of these weapons in civilian hands.

### **High-Capacity Magazines Increase Firepower**

The threat posed by military-style assault weapons is increased significantly if they can be equipped with high-capacity ammunition magazines, defined as those accepting more than ten rounds. The 1994-2004 federal ban on assault weapons also banned these magazines. By permitting a shooter to fire more than ten rounds without reloading, they greatly increase the firepower of mass shooters. For example, the shooter at Virginia Tech equipped himself with numerous high-capacity magazines of up to 30 rounds, which enabled him to get off nearly 200 rounds in his attack. In self-defense situations, too much firepower is a hazard, because the tendency is for defenders to keep firing until all bullets have been expended, which poses grave risks to others in the household, passersby, and bystanders.

### **Assault Weapons Bans Already In Place**

Six states currently ban assault weapons. Those include California, which passed the nation’s first statewide ban in May 1989, as well as New Jersey (1990), Hawaii (1991), Connecticut (1993), Maryland (1994), Massachusetts (1998), and New York (2000). California expanded its ban in 2000 to include all semiautomatic rifles or pistols that have the ability to accept a detachable magazine and contain any one of a series of military-style features. We strongly support that legislation as a model for the District of Columbia.

<sup>21</sup> Carolyn Marshall, *California Bans Large Caliber Guns, and the Battle is on*, NEW YORK TIMES, Jan. 4, 2005.

<sup>22</sup> See, Government Accounting Office for U.S. House of Representatives, Committee on Government Reform, *Long Range 50 Caliber Sniper Weapons* 4 (May 3, 1999).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 3.

<sup>25</sup> Donald Stevens, *Near Term Options for Improving Security at Los Angeles International Airport*, RAND (2004).



In addition, from 1994-2004, there was a federal ban on assault weapons. Plus, as mentioned above, ATF currently bans assault weapons from being imported into this country because they are not weapons suitable for sporting purposes.

### **Banning Assault Weapons and Sniper Rifles Is Consistent with *Heller***

A ban on assault weapons and .50 caliber sniper rifles would be constitutional and consistent with the Supreme Court's decision in *District of Columbia v. Heller*. In *D.C. v. Heller*, the Supreme Court narrowly defined the Second Amendment as protecting the right of law-abiding citizens to keep and use guns in the home for self-defense. At the same time, the Court indicated that the right to keep and bear arms is limited in a number of ways. The Court made clear that the Second Amendment does not entitle citizens to any and all guns. Certainly, military-style assault weapons and .50 caliber sniper rifles are not a part of this right. The Court held 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.**"<sup>26</sup>

Assault weapons and .50 caliber sniper rifles 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. 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 and .50 caliber sniper rifles are not "in common use." As semiautomatic versions of machine guns developed for use during the World Wars of the 20<sup>th</sup> Century, assault weapons are a relatively recent invention. Plus, ATF has twice concluded, after thorough analyses in 1989 and 1998, that assault weapons have no sporting purpose. And the Barrett .50 caliber sniper rifles was patented a mere twenty-one years ago, and was made for military, not civilian use.

Finally, assault weapon bans have been challenged in court, but have never been struck down as unconstitutional under the Second Amendment or under right to bear arms provisions in state constitutions.<sup>27</sup>

### **Conclusion**

Outside of the military or law enforcement, assault weapons and .50 caliber sniper rifles have no place in civilized society. We would urge the D.C. Council to adopt a ban on these weapons. Thank you.

<sup>26</sup> *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008).

<sup>27</sup> 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).

# **Exhibit 33**

# Gunshot victimisations resulting from high-volume gunfire incidents in Minneapolis: findings and policy implications

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## ABSTRACT

Laws restricting large ammunition magazines for semiautomatic weapons are intended to reduce firearm deaths and injuries by preventing gun attacks involving high numbers of shots. However, data on shootings from high-volume gunfire (HVG) incidents are extremely limited. This study examined gunshot victimisations resulting from HVG attacks (>10 shots fired) using police data on shootings in Minneapolis, Minnesota from January through August 2014 (n=135 to 167). Shots fired estimates were generated from police reports based on physical evidence recovered, reported gunshot victims, and accounts of witnesses and actors. HVG incidents accounted for 20%–28% of victims and were more likely to involve multiple victims. Most HVG cases seemed likely to have involved a gun with a large capacity magazine though these data were limited. Restricting large ammunition magazines may have greater potential for preventing shootings than previously estimated, but further studies of this issue are needed.

## INTRODUCTION

From 2010 through 2012, the USA experienced an annual average of 11 256 firearm homicides and 48 534 non-fatal assault-related gunshot victimisations that cost nearly \$22 billion a year in life-time medical and work-related costs.<sup>1</sup> One policy response to reduce gunshot victimisations involves restricting large capacity ammunition magazines (LCMs), which are typically defined as firearm ammunition-feeding devices holding >10 rounds of ammunition (some laws have higher limits). Most notably, these laws limit the capacity of detachable magazines for semiautomatic weapons and are thus intended to reduce firearm injuries by preventing gun attacks involving high numbers of shots fired. The federal government imposed a national ban on LCMs from 1994 to 2004, and some have proposed its reinstatement. Currently, eight states and the District of Columbia have LCM restrictions, as do some additional localities.<sup>2</sup>

In evaluating the potential of LCM restrictions to reduce shootings, one key issue is estimating the prevalence of high-volume gunfire (HVG) incidents—particularly those involving >10 shots—and the deaths and injuries they produce.<sup>3 4</sup> However, there is no national or state data source that captures information on shots fired in gun attacks, and only one published study has investigated this issue for a locally representative sample of gun crimes extending beyond mass shooting incidents.

That study examined handgun assaults in one large city, finding that cases with >10 shots (ie, those most likely to have involved an LCM) accounted for 2%–3% of the attacks and produced nearly 5% of the gunshot victims in the sample.<sup>3 5</sup> However, those data were collected in the 1990s during the years of the federal LCM ban and in a city (Jersey City, New Jersey) that was also subject to state-level LCM restrictions. Hence, these findings may not generalise well to other locations and the current time frame. The study presented here provides a new examination of this issue using recent data on shootings in the city of Minneapolis, Minnesota, which is not subject to LCM restrictions.

## METHODS

This study examines shots fired in fatal and non-fatal gunshot victimisations investigated by the Minneapolis Police Department (MPD) from January through August 2014. Minneapolis, a city of approximately 400 000 people, experiences roughly 30 homicides and 1000 non-fatal threats or attacks with guns annually according to records of the MPD. Recent studies have shown increases in the use of high-capacity semiautomatics and shots fired in the city's gun crimes.<sup>6 7</sup> The MPD's ShotSpotter system, an acoustical gunshot detection system that covers portions of the city, indicates that 5%–7% of detected gunfire incidents produce >10 shots. Police also find evidence of ≥10 shots fired at 15% of crime scenes where ballistics evidence is recovered.<sup>7</sup>

Gunshot victimisations for the study period were identified through the MPD's records management system, which includes indicators for victim injuries. Anonymised information on shots fired and victims killed or wounded in these incidents was then collected from investigative case files. Estimates of shots fired were generated based on physical evidence recovered (eg, shell casings found at the scene), reported gunshot victims and the accounts of witnesses and actors as recorded in investigators' reports and calls made to dispatchers at the Minneapolis Emergency Communications Centre. Minimum and maximum estimates were generated for cases that had conflicting evidence about the number of shots fired. If, for example, police found 8 shell casings at the scene but witnesses reported 12 shots, then the case was coded as involving a minimum of 8 shots and a maximum of 12. HVG cases were defined as those involving >10 shots fired.



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**Table 1** Distribution of incidents and victims by estimates of shots fired for assault-related gunshot victimisation cases in Minneapolis, January–August 2014

Number of shots	Count of incidents		Count of victims	
	Min	Max	Min	Max
1 shot	33 (32.4%)	25 (24.5%)	35 (25.9%)	25 (18.5%)
2–6 shots	41 (40.2%)	41 (40.2%)	49 (36.3%)	48 (35.6%)
7–10 shots	12 (11.8%)	17 (16.7%)	17 (12.6%)	24 (17.8%)
11–15 shots	13 (12.7%)	12 (11.8%)	29 (21.5%)	24 (17.8%)
>15 shots	3 (2.9%)	7 (6.9%)	5 (3.7%)	14 (10.4%)
Totals	102	102	135	135
All >10 shots	16 (15.7%)	19 (18.6%)	34 (25.2%)	38 (28.1%)
	95% CI 8.1% to 23.2%	95% CI 10.6% to 26.7%	95% CI 17.5% to 32.9%	95% CI 20.2% to 36.1%

Analysis based on cases with at least one gunshot victim. Minimum estimates reflect incident and victim counts using minimum estimates of shots fired for each case. Maximum estimates reflect incident and victim counts using maximum estimates of shots fired for each case. Percentages may not sum to 100 due to rounding.

This analysis is based on 102 assault-related cases (ie, murders, assaults or robberies) involving a total of 135 gunshot victims (all but 5 were non-fatal shooting victims). An additional 27 assault-related cases with a total of 32 victims were excluded from the main sample because the number of shots could not be estimated (16 cases) or because they were under active investigation and the files were not accessible (11 cases, primarily homicides). The distribution of incidents and victims by shots fired was analysed with an emphasis on HVG incidents using both minimum and maximum estimates of shots fired. Victim counts were also compared for HVG and non-HVG incidents. For cases involving >10 shots (based on minimum or maximum estimates), additional information was collected where available on offender counts and firearms used to identify incidents most likely to have involved a firearm with an LCM.

## RESULTS

Across all cases, shots fired averaged 5.3–6.3 based on minimum and maximum estimates. Counts of incidents and victims are cross-tabulated by estimates of shots fired in [table 1](#). Using minimum estimates of shots for each case, 16 of the 102 cases (15.7%) involved  $\geq 11$  shots (95% CI 8.1% to 23.2%). This number rose to 19 cases (18.6%) using the maximum shots fired estimates (95% CI 10.6% to 26.7%). The majority of the HVG cases involved 11–15 shots.

Of the total 135 gunshot victims in the sample, 34 (25.2%) were wounded in HVG incidents based on the minimum estimates of shots fired (95% CI 17.5% to 32.9%), and 38 victims (28.1%) were wounded in HVG incidents based on the maximum estimates of shots (95% CI 20.2% to 36.1%). Assuming conservatively that all cases excluded from the main sample due to missing data were low-volume gunfire cases suggests that HVG cases produced at least 20%–23% of the shooting victims known to Minneapolis police during the study period.

As shown in [table 2](#), 37%–38% of HVG incidents involved multiple wounded victims, and the average number wounded in HVG cases was approximately 2 (the maximum was 3). HVG incidents were roughly three times more likely than non-HVG cases to involve multiple victims and had average victim counts 71%–82% higher, though the latter comparisons were not statistically significant with these small samples.

Although information on the specific firearm models used in the HVG incidents was rarely available, cases most likely to have involved a firearm with an LCM, or which could have been most facilitated by an LCM, were identified based on four criteria: reported use of a semiautomatic firearm model equipped or typically sold with an LCM (two cases); a single shooter firing >10

rounds with one or an unknown weapon (seven cases); a single shooter using multiple guns who fired enough shots to suggest that at least one weapon may have had an LCM (eg, the offender had two firearms but fired >20 shots) (two cases); or multiple shooters who fired enough shots to suggest at least one shooter had a weapon with an LCM (no cases). Using the minimum and maximum shots fired estimates, between 58% and 63% of the HVG cases met at least one of these conditions, and this subset of cases produced 71%–77% of the gunshot victims across all HVG incidents. Although the remaining HVG cases may have also involved firearms with LCMs, the use of LCMs did not appear to have been as necessary to their outcomes (eg, because there were multiple shooters or a single shooter using multiple weapons).

## DISCUSSION

These results imply that shootings linked to HVG incidents may be more common than suggested by earlier research,<sup>3 5</sup> perhaps due in part to the increasing use of high-capacity semiautomatic firearms.<sup>6 8</sup> However, the findings should be viewed cautiously. The shots fired estimates are based on information in police files that was often inexact. In addition, the sample of cases is small and represents just one city during a portion of 1 year. These findings may not generalise well to other locations (particularly non-urban ones) and/or time periods. Further studies of this issue seem warranted with additional locations and larger samples.

A policy implication from this study is that restrictions on LCMs may have greater potential for preventing gunshot

**Table 2** Comparisons of gunshot victimisations in HVG and non-HVG incidents using minimum and maximum estimates of shots fired

Outcome measure	Minimum shots estimates	Maximum shots estimates
Proportion with multiple wounded victims	HVG: 6 of 16 (0.38) Non-HVG: 12 of 86 (0.14) 95% CI (diff) –0.01 to 0.48	HVG: 7 of 19 (0.37) Non-HVG: 11 of 83 (0.13) 95% CI (diff) 0.01 to 0.47
Average victims wounded	HVG: 2.13 (n=16) Non-HVG: 1.17 (n=86) 95% CI (diff) –0.38 to 2.29	HVG: 2.00 (n=19) Non-HVG: 1.17 (n=83) 95% CI (diff) –0.29 to 1.95

HVG, high volume gunfire.

Analysis was based on cases with at least one gunshot victim. Minimum estimates reflect incident and victim counts using minimum estimates of shots fired for each case. Maximum estimates reflect incident and victim counts using maximum estimates of shots fired for each case. 95% CIs are for differences in proportions and averages between HVG and non-HVG incidents. Differences in the proportion with multiple victims have P levels <0.05 in  $\chi^2$  tests. Differences in the average persons wounded have P levels <0.10 using one-tailed t-tests and formulas for groups with unequal variances.

victimisations than has been previously estimated,<sup>3,4</sup> especially in urban areas where gun violence is most concentrated. However, lack of weapon information for HVG cases precluded a definitive determination as to how often such magazines were used. This study also cannot quantify the precise impact that use of LCMs had on the outcomes of the incidents; in most cases, for example, it was not possible to determine how many victims were wounded with rounds fired in excess of 10. This study has also not examined LCM use in cases with fewer than 10 shots. Further research is needed to examine offenders who use LCMs, situations in which they use them, and the effects of LCM use on a wider range of case outcomes. This study has highlighted the potential value of LCM restrictions for reducing HVG cases, which pose clear public dangers (nearly all HVG cases in this study occurred in public or outdoor settings). The findings underscore the concern that criminal use of semiautomatic weapons with large ammunition magazines facilitates particularly dangerous and injurious HVG incidents that contribute to a notable share of gunshot victimisations.

### What is already known on the subject

- Laws restricting the capacity of ammunition magazines for semiautomatic weapons, commonly at 10 rounds, are intended to reduce firearm injuries by preventing gun attacks involving high numbers of shots.
- Prior research suggests that 4%–5% of assault-related gunshot victims are wounded in attacks involving >10 shots, but data on this issue are extremely limited and dated.

### What this study adds

- In a more recent urban sample, this study finds that 20%–28% of victims were wounded in incidents involving >10 shots, most of which seem likely to have involved high-capacity semiautomatics.
- Restrictions on large capacity ammunition magazines may have greater potential for preventing shootings than has been previously estimated.

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