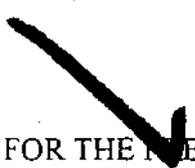


11-14-97

THE WHITE HOUSE
WASHINGTON

November 13, 1997

'97 NOV 13 PM 5:21



MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES F.C. RUFF
ELENA KAGAN

SUBJECT: Importation of Modified Semiautomatic Assault Type Rifles

As you requested, attached is a redraft of the directive. The directive now includes a more detailed discussion of the predicate for the actions to be taken by the Secretary. We have also separated the action of suspending existing permits from the discussion regarding the review process and pending applications.

Attachment

THE WHITE HOUSE
WASHINGTON

November 14, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Importation of Modified Semiautomatic
Assault-Type Rifles

The Gun Control Act of 1968 restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable to sporting purposes. In 1989, the Department of the Treasury (the Department) conducted a review of existing criteria for applying the statutory test based on changing patterns of gun use. As a result of that review, 43 assault-type rifles were specifically banned from importation. However, manufacturers have modified many of those weapons banned in 1989 to remove certain military features without changing their essential operational mechanism. Examples of such weapons are the Galil and the Uzi.

In recent weeks Members of Congress have strongly urged that it is again necessary to review the manner in which the Department is applying the sporting purposes test, in order to ensure that the agency's practice is consistent with the statute and current patterns of gun use. A letter signed by 30 Senators strongly urged that modified assault-type weapons are not properly importable under the statute and that I should use my authority to suspend temporarily their importation while the Department conducts an intensive, expedited review. A recent letter from Senator Dianne Feinstein emphasized again that weapons of this type are designed not for sporting purposes but for the commission of crime. In addition, 34 Members of the House of Representatives signed a letter to Israeli Prime Minister Binyamin Netanyahu requesting that he intervene to stop all sales of Galils and Uzis into the United States. These concerns have caused the Government of Israel to announce a temporary moratorium on the exportation of Galils and Uzis so that the United States can review the importability of these weapons under the Gun Control Act.

The number of weapons at issue underscores the potential threat to the public health and safety that necessitates immediate action. Firearms importers have obtained permits to import nearly 600,000 modified assault-type rifles. In addition, there are pending before the Department applications to import more than 1 million additional such weapons. The number of rifles covered by outstanding permits is comparable to that which existed in 1989 when the Bush Administration temporarily suspended import permits for assault-type rifles. The number of weapons for which permits for importation are being sought through pending applications is approximately 10 times greater than in 1989. The number of such firearms for which import applications have been filed has skyrocketed from 10,000 on October 9, 1997, to more than 1 million today.

My Administration is committed to enforcing the statutory restrictions on importation of firearms that do not meet the sporting purposes test. It is necessary that we ensure that the statute is being correctly applied and that the current use of these modified weapons is consistent with the statute's criteria for importability. This review should be conducted at once on an expedited basis. The review is directed to weapons such as the Uzi and Galil that failed to meet the sporting purposes test in 1989, but were later found importable when certain military features were removed. The results of this review should be applied to all pending and future applications.

The existence of outstanding permits for nearly 600,000 modified assault-type rifles threatens to defeat the purpose of the expedited review unless, as in 1989, the Department temporarily suspends such permits. Importers typically obtain authorization to import firearms in far greater numbers than are actually imported into the United States. However, gun importers could effectively negate the impact of any Department determination by simply importing weapons to the maximum amount allowed by their permits. The public health and safety require that the only firearms allowed into the United States are those that meet the criteria of the statute.

Accordingly, as we discussed, you will:

- 1) Conduct an immediate expedited review not to exceed 120 days in length to determine whether modified semiautomatic assault-type rifles are properly importable under the statutory sporting purposes test. The results of this review will govern action on pending and future applications for import permits, which shall not be acted upon until the completion of this review.

2) Suspend outstanding permits for importation of modified semiautomatic assault-type rifles for the duration of the 120-day review period. The temporary suspension does not constitute a permanent revocation of any license. Permits will be revoked only if and to the extent that you determine that a particular weapon does not satisfy the statutory test for importation, and only after an affected importer has an opportunity to make its case to the Department.

William J. Cristen

THE WHITE HOUSE

WASHINGTON

October 30, 1997

*Assault
Weapons*

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
RAHM EMANUEL

SUBJECT: "Sporterized" Assault Weapons Directive

Attached is a draft directive on the importation of a new class of modified, or "sporterized," assault weapons. As you know, the 1994 Crime Bill bans 19 specific assault weapons, their duplicates, and certain other semiautomatic weapons with military-style features. The 1968 Gun Control Act more generally prohibits the importation of firearms that are not "generally recognized as particularly suitable or readily adaptable to sporting purposes." In recent years, certain gun manufacturers have redesigned "assault-type" weapons in minor ways to circumvent the 1994 ban and to meet the criteria currently used to apply the sporting purposes provision of the 1968 Act. This directive is intended to address importation of such redesigned weapons.

The directive essentially mirrors the action you took in 1993 to ban the importation of assault pistols and the action President Bush took in 1989 to ban the importation of assault rifles. Everyone agrees that the directive should: (1) require Treasury to reexamine, and if necessary, modify the criteria used to keep non-sporting weapons out of the country; and (2) temporarily suspend the approval of all pending and future applications for permits to import sporterized assault weapons. Although only a limited number of these firearms has come into the country since passage of the assault weapons ban (approximately 14,000 in 1994, 12,000 in 1995, 30,000 in 1996, and nearly 20,000 to date this year -- as opposed to nearly 160,000 in 1993), applications are now pending to import as many as 1.1 million more of these firearms. The directive would halt importation of these firearms while Treasury conducts its review -- and depending on the outcome of that review, could lead to a permanent ban on such weapons.

As you know, we have not yet resolved whether the Administration should take the additional step of temporarily suspending permits that already have been granted. While ATF originally estimated that 300,000 sporterized assault weapons could be legally imported under roughly 50 existing permits, the Bureau now puts the figure at about 600,000. The difference is due largely to ATF staff's approval last week of 3 permits for an additional 175,000 sporterized firearms -- action taken in the face of an informal departmental directive not to act on pending applications until the scope of this directive was determined.

We have asked Treasury, Justice, and White House Counsel to develop the strongest possible case for temporarily suspending existing permits. Justice litigators continue to have

serious doubts that we have a sufficient factual basis for taking this action. They point out that, in upholding the Bush Administration's suspension of existing permits in 1989, the court relied on a combination of specific facts, including: a large number of approved and pending permits for assault rifles; a 57% increase in the number of assault rifles recovered at crime scenes; and several highly publicized shootings involving assault rifles, such as the Stockton, CA murders. Arguably, the same combination of circumstances does not exist today. While the number of approved and pending permits is comparable, the 145% increase in the number of sporterized weapons traced since 1994 is largely attributable to an expanded tracing program (indeed, other makes of guns have shown a larger increase in tracings), and no highly publicized crimes have involved these weapons.

Given these circumstances, Justice litigators believe that a court is very likely to enjoin our suspension of existing permits. Justice also points out that a loss on this issue could undermine our ability to defend any future action taken by Treasury to modify the test for non-sporting weapons: for example, a court that believes we stepped over the line in suspending existing permits may doubt whether we have a bona fide basis for modifying the criteria used to apply the sporting purposes test. The Justice Department, however, has stated clearly that it will defend in court an Administration decision to suspend existing permits.

You have the following options with respect to the scope of the directive:

Option 1: Suspend action only on pending and future permits (covering about 1.1 million firearms). Allow imports under the 50 existing permits (covering 600,000 firearms) during the review period. If Treasury ultimately changes the sporting purposes test, revoke permits for firearms inconsistent with the new criteria. Treasury and Justice lawyers believe this option is entirely defensible. Senator Feinstein and other Members of Congress would complain that this action is not sufficiently bold.

Option 2: Suspend action on pending and future permits, and require Treasury to closely monitor the levels of importation and criminal use of sporterized firearms during the review period. If during the review period, the Secretary determines that circumstances warrant additional action, including suspension of existing permits, then Treasury would be directed to take such action. Although this solution will not be acceptable to Senator Einstein, it may dampen criticism from others -- and substantially reduce our litigation risk.

Option 3: In addition to suspending action on pending and future permits, temporarily suspend all existing permits (50 permits for 600,000 firearms) while ATF reviews the sporting purposes criteria. After this review, if Treasury changes the sporting purposes test, revoke permits for firearms inconsistent with the new criteria. Justice litigators believe that this option presents a substantial litigation risk and could undermine our ability to defend future action by Treasury to modify the sporting purposes test. Additionally, key Treasury staff would spend much of the review period in court -- and not necessarily working on re-examining the sporting purposes test.

Recommendation:

Chuck Ruff believes that, although it would be consistent with the Justice Department's professional obligations to defend the revocation of existing permits, there is a substantial risk that any ensuing litigation would ultimately undermine ATF's ability to make defensible changes in the sporting purposes criteria. Not only would discovery reveal the current weaknesses in AT's analysis -- and thus potentially in the predicate for any changes it may propose -- but an adverse decision in the district court (and in the court of appeals) would adversely affect our ability to defend challenges to the new criteria. Thus, he would prefer Option 2.

We are comfortable with either Option 2 or Option 3. (Option 1 looks weak in not holding out even the possibility of a suspension of existing permits.) Option 3 looks stronger to start with, but may well result in a quick loss in court. Option 2 will be subject to immediate criticism by Einstein and others, but may hold up best over time.

*Criminal
Assault
weapons*

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/21 ACTION/CONCURRENCE/COMMENT DUE BY: 10/22

SUBJECT: Proposed Directive Banning 2 Imported Assault Weapons

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BOWLES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
PODESTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RADD	<input type="checkbox"/>	<input type="checkbox"/>
MATHEWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REED	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RAINES	<input type="checkbox"/>	<input type="checkbox"/>	RUFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLUMENTHAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
BERGER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input type="checkbox"/>	<input type="checkbox"/>
ECHAVESTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPERLING	<input type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	TARULLO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERVEER	<input type="checkbox"/>	<input type="checkbox"/>
IBARRA	<input type="checkbox"/>	<input type="checkbox"/>	WALDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	YELLEN	<input type="checkbox"/>	<input type="checkbox"/>
LEWIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BEGALA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MARSHALL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
			_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: *Any comment?*

RESPONSE:

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Importation of Uzi and Galil Firearms

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms, and certain other semiautomatic weapons possessing various military-style features. My Administration and the Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the Nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officers were killed by assault weapons.

In addition to the prohibitions contained in the 1994 ban on assault weapons, the 1968 Gun Control Act restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. To enforce this law, the Department of the Treasury has developed a factoring system to determine whether handguns meet this sporting purposes test and are thus importable. The Department also has determined that semiautomatic assault type rifles do not meet the sporting purposes test and are not importable.

I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israel Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep nonsporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- (1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi, and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons; and
- (2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

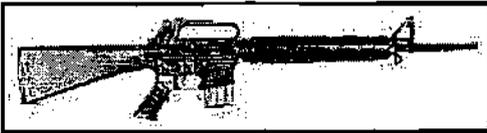


Crime -
Assault Weapons

Rifles & Carbines

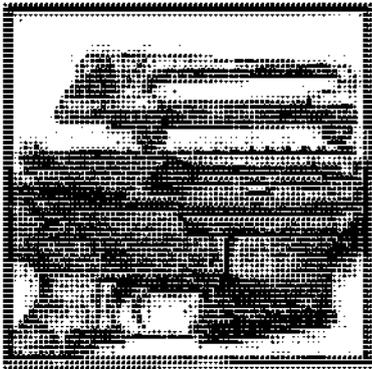
PLEASE NOTE: A Federal Firearms License is REQUIRED for the purchase of any Complete Weapon or Lower Receiver.

XM15 E2S TARGET MODEL - 20" / 24" / 26" Barrels



Click on image for larger view

Also Available with V Match flat-top Upper and Optional A3 type Carry Handle



The BEST AR15 on the market today!

Here's Why:

All the latest M16 A2 design features plus BUSHMASTER improvements...

BARRELS: Other manufacturers use a variety of barrel steels, but, Military Specifications call for the best grade Chrome Moly Vanadium Steel - and we follow Mil. Spec.! Our match heavy barrels are full diameter from end to end while other makers taper their barrels to standard diameter under the Handguards in order to attach the M203 grenade launcher. This defeats the purpose of a heavy barreled gun. Our heavy design improves heat dissipation and decreases barrel whip in extended fire situations. If you intend to attach an M203, we can supply the necessary barrel configuration.

CHROME LINED BORE & CHAMBER: These are without a doubt the finest barrels made - the Govt. Spec. chrome lined bore and chamber completely protects against corrosion because chrome is more than twice as hard as the barrel steel - effectively doubling the barrel's life. The lubricity of chrome (i.e. it's properties of slipperiness) reduces friction, increases velocity, and aids in chambering and ejection to help your weapon function better - longer. These barrels will not rust or corrode and they offer the longest barrel life in the industry.

GOVT. SPEC. FORGED FRONT SITE: This front sight base is not a casting - forgings are far superior in tensile strength. They won't crack and disable your weapon if you bump it against something!

GOVT. SPEC. MANGANESE PHOSPHATE FINISH: We utilize the government's latest recommended protective finish for steel in our manufacturing. This finish protects against corrosion and rust, and produces the correct matte black military surface color. **WE DO NOT PAINT OUR PARTS** like some other manufacturers.

Expect only genuine Mil. Spec. from Bushmaster - we are a U. S. Defense Contractor! **TWIST RATE:** We rifle our barrels 1 turn in 9" of length. The Gov't. does their barrels 1 in 7" and with the powerful SS109 ammo, some barrels are burning out prematurely - especially under full-auto fire. We find that the 1 in 9" twist gives the best results using either SS109 - 63 grain or standard M193 - 55 grain ammo, and will stabilize most bullets up to 72 grains.

E2 RECEIVER FEATURES:

- We machine ours to utilize two standard push pins for simple "tool-less" take down. This is what the military receives (why carry 2 screwdrivers in the field?)
- Into the forging, we incorporate a brass deflector for ejected shell control, and raised areas around the mag. catch button to prevent accidental release of the magazine - all per military specification
- A2 Dual Aperture type rear sight - with adjusting knobs for both windage AND elevation
- Flip-up Field and Target Apertures - for both short and long ranges
- 1/2" at 100 yards increment of adjustment (versus old style one inch increments) and the new A2 rear sight eliminates the need for a sight tool
- Black Thermoplastic Pistol Grip has finger groove and serrated back for solid grasp
- A2 length stock - which is 5/8" longer for a correct trigger pull length of 13.5 inches

Bushmaster XM15 E2S Target Models

COMPLETE WEAPONS PRICES:

20" Match Heavy Barrel (1 x 9 twist) A2 Stock - \$740.00 (PCWA2S 20)

24" Match Heavy Barrel (1 x 9 twist) A2 Stock - \$750.00 (PCWA2S 24)

26" Match Heavy Barrel (1 x 9 twist) A2 Stock - \$760.00 (PCWA2S 26)

- Prices shown are Federal Firearms Licensed Dealer Prices

- Fed. Firearms Licenses are required to purchase complete weapons

- Prices include F.E.T.

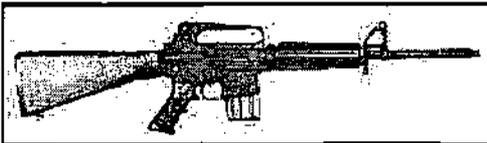
- Shipped with Magazine, Sling and Operational Manual.

- Includes latest M16A2 Sight System

- Add \$50 for barrel fluting on any model .

- Complete Weapons are available to law enforcement officials and governments in Pre-Ban configurations (with bayonet lug, flash suppressor and telescoping stocks).

Bushmaster "SHORTY" XM15 E2S Carbine - \$730.00 (PCWA2S 16)



Click on image for larger view

Also Available with V Match flat-top
Upper and Optional A3 type Carry
Handle

The Bushmaster "Shorty" incorporates all the current mil. spec. advances of the Target Model including A2 rear sight system. This lightweight carbine (less than 7 lbs.) features shorty Handguards; a 16" Heavy Match Chrome Lined Barrel; Standard A2 "trapdoor" Stock and ships with Magazine, Sling and Manual. Add \$50 for barrel fluting.

Bushmaster XM15 E2S "DISSIPATOR" Carbine - \$740.00 (PCWA2S 16D)

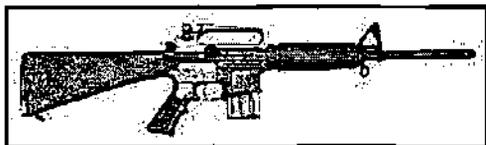

Click on image for larger view

Dissipator shown here with V Match flat-top
Upper and Optional A3 Removable type Carry
Handle (\$89.95 extra)

Bushmaster XM15 E2S "DISSIPATOR" Carbine... Its 16" heavy match chrome lined barrel features a gas port placement like a carbine, but its full length, compression molded, thermoset plastic Handguards give you optimal use of the full sight radius of the new M16A2 sight system.

This unique combination offers superbly reliable gas system operation, increased heat dissipation and great shooter fit and feel. Shipped with A2 "trapdoor" buttstock, Magazine, Sling and Operator's Manual.

(PCWA2S 16D) \$740.00 (F.F.L. Dealer Price). For Fluted Barrel add \$50.00

Bushmaster XM15 E2S "SHORTY AK" Carbine - \$750.00 (PCWA2S 16D)


Click on image for larger view

Also Available with V Match flat-top
Upper and Optional A3 type Carry
Handle

New...Bushmaster "SHORTY AK" Carbine...including the new A2 Upper Receiver and a 14.5" Heavy Barrel with our AK Muzzle Brake permanently attached. This AK Muzzle Brake is one of the most effective attachments we've found for controlling muzzle climb and relieving recoil. This carbine's A2 Rear Sight adjusts for windage and elevation and the dual "flip-up" offers large and small apertures.

The full heavy barrel, with chrome lined bore and chamber and 1 in 9" rifling, offers exceptional accuracy for its length and it's manganese phosphate finish protects against corrosion and rust. Forged, lightweight 7075T6 aircraft quality aluminum receivers feature cartridge case deflector, last round bolt hold-open and raised ridges for magazine release button protection.

**The Bushmaster XM15 E2S 14.5/AK "Shorty" is shipped with Magazine, Sling and Operator's Manual. (PCWA2S 14AK) - \$750.00 (F.F.L. Dealer Price)
For Fluted Barrel add \$50.00.**

Bushmaster XM15 E2S "V MATCH" Rifle...


Click on image for larger view

The V Match is one of Bushmaster's top match/competition rifles. We combine the "flat-top" type A2 upper receiver with a premium, heavy, hard chrome lined barrel (available in 20", 24" and 26" lengths) and our V Match barrel floating handguard to create a competition rifle of superb accuracy.

Barrel material is 4150 Chrome Moly Vanadium Barrel Steel per MIL. STD. S-11595 D AMD.I. and is hardened to Rockwell C26 to 32. The .223 Rem. caliber bore of this superb barrel is rifled one turn in 9" (six grooves and lands, right hand twist) and its hard chrome plating in bore and chamber is per MIL-STD-171 QQ-C-320 CLASS 2. The black hard anodized finished aluminum handguard allows the barrel to "free float" for optimum accuracy and is machine checkered for greater control and a "non-slip" grip.

Specify milled (shown) front sight base or regular front sight. Shipped with Magazine, Sling and Operational Manual.

BUSHMASTER XM15 E2S V MATCH - COMPLETE WEAPONS PRICES...

· Federal Firearms Licenses are required to purchase complete weapons/ Prices include F.E.T.

· Includes A2 "Flat-top" receiver with integral scope rails & checkered aluminum handguard

· Shipped with 10 Round Magazine, Sling and Operator's Manual

20" Match Heavy Barrel (1 x 9 twist) A2 Stock (PCWVMS 20AH) - \$795.00

24" Match Heavy Barrel (1 x 9 twist) A2 Stock (PCWVMS 24AH) - \$805.00

26" Match Heavy Barrel (1 x 9 twist) A2 Stock (PCWVMS 26AH) - \$815.00

For Fluted Barrel installed on any model, add (Add "F" to Part #) - \$50.00

For A3 Type Removable Carry-Handle Assembly (see below), add (RC39X40A) - \$89.95

With Rubber-Armored "Delta Type" Scope (3 x 9 x 40 mm) add (9349063-9) - \$125.00

NEW! from BUSHMASTER....

Bushmaster XM15 E2S V Match "Commando" Carbine - \$785.00 (PCWVMS 16)



Click on image for larger view

This new V Match model is proving very popular with Three Gun Match competitors. Our "flattop" type A2 Upper Receiver is matched with a premium, heavy, hard chrome lined, 16" barrel. Shorter V Match style handguard allows the barrel to "free-float" and the carbine's low swing weight speeds up target acquisition. Mount your favorite optic quickly and easily using "see-thru" rings, the ARMS multibase or the Swan Sleeve (elsewhere in this catalog). You can order either the full front sight or the "milled" style base. Shipped with Magazine, Sling and Operational Manual. Add \$50 for barrel fluting.

BUSHMASTER'S "A3" TYPE REMOVABLE CARRY HANDLE ASSEMBLY for V-Match & Other Flat-Top Receivers - \$89.95 (9349063-9)



Click on image for larger view

Our "A3" type REMOVABLE Carry Handle Assembly has been carefully engineered to perform with accuracy on almost any V-Match or "Flat-Top" upper receiver/barrel assembly. It clamps on solidly with two knurled thumbnuts and includes the latest A2 Dual Aperture Rear Sight Assembly with windage and elevation adjustments. This quality forged and machined piece is

absolutely mil. spec., and will work with any mil. spec. barrel from any manufacturer. Our handle will fit on the Colt "flat-top"/Match Target barrel, but will require considerable elevation adjustment (about 10 clicks), and then a resetting of the dial scale to 6/3.

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Last update: Thursday July 29, 1999 11:05 AM -0400.

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122889

5/30/99 10:52AM



Home: 800-888-8747 / Customer Service: 800-888-8747

Order Form

QUESTIONS of MISCELLANEOUS & "LEGAL" Nature...

Q. What do the letters NATO on the Bushmaster AR-15 Rifle barrel mean?

A. NATO means North Atlantic Treaty Organization. Our barrels are military barrels and must be marked that they meet the mil. spec. both for the U. S. Gov't. and for NATO.

Q. What has the Gun Legislation of 1994 done to change the AR15 rifle?

A. The Assault Rifle Ban has required removal of the bayonet lug, banned the threading of the muzzle for flash hider attachment, and banned the installation of the telescoping stock on Post-ban lowers. The rest of the rifle is unchanged, and target shooters will notice some accuracy gains from the crowned post-ban muzzles. Also, magazine capacity has been limited to 10 rounds, although there are still 20; 30; and 40 round "grandfathered" magazines out there for sale.

Q. I see that a Federal Firearms License is required to purchase a stripped lower receiver? Can I buy everything else to build my rifle without worrying about that legal requirement?

A. Yes, once you purchase your lower receiver through an F.F.L. dealer, we can supply anything else you need directly. In fact, we sell complete weapons kits (less the lower) in over 700 variations to suit your needs.

Q. Can I still buy a full auto M16 if I have the necessary paperwork?

A. No, M16s built before the 1986 Full Auto Ban are no longer available from Bushmaster. Although we still build the M16 for law enforcement agencies, U.S. and Foreign Governments, your only purchase option is a used piece from a Class III dealer.

Order Form

Last update: Tuesday July 06, 1999 10:43 AM -0400.

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122907

5/30/99 10:52AM

THE WHITE HOUSE
WASHINGTON

Crim -
Assault
weapons

4-20-98

RAHM/BRUCE/ELENA:

FYI - LETTER FROM REP. BARR
TO GINGRICH TO OVERTURN
OUR ASSAULTS DECISION.
TWO POINTS TO NOTE: (1)
MY UNFORTUNATE MENTION BY
NAME (THOUGH MISPELLED); AND
(2) BARR'S RECOMMENDATION THAT
THIS BE ATTACHED (POSSIBLY)
TO THE SUPPLEMENTAL
CURRENTLY BEFORE THE HOUSE.
WE CAN ONLY HOPE THEY'LL
FILE THIS.

CC: LEANNE.

Joe

Congress of the United States

Washington, DC 20515

April 3, 1998

The Honorable Newt Gingrich
Speaker of the House of Representatives
H-232 The Capitol
Washington, DC 20515

IN RE: Appropriations Amendment on Imported Firearms

Dear Mr. Speaker:

We have carefully monitored the Administration's suspension of imports for foreign made semiautomatic rifles announced in a presidential "directive" on November 14, 1997. We are extremely troubled by the Administration's actions to halt the importation of legally importable firearms by unilaterally bypassing the Congress and manipulating the "sporting purposes" test in the Gun Control Act, Section 925(d)(3) of Title 18, United States Code. The Administration's own words raise concerns: "We are taking the law (the Gun Control Act) and bending it as far as it can to capture a whole new class of guns," White House official Jose Corda, Los Angeles Times, 10/22/97.

Thus far, the Administration's actions have caused unfair economic hardship on many legitimate businesses through the Administration's unlawful actions to eliminate firearms that the law allows to be owned, manufactured and possessed in our Nation. Congress set the parameters of the law, and should still do so in the future.

There is reason to believe that the Administration will release the results of the Department of the Treasury's study, and take adverse administrative action on this matter while Congress is in recess. If so, an immediate response is necessary. With the limited number of legislative vehicles, we urge your support for the enclosed appropriations amendment which could be attached to a supplemental appropriations bill or another appropriate vehicle as soon as possible.

The amendment will simply preserve the status quo by returning the law to the way it was interpreted before October 22, 1997. This amendment is vitally needed as an emergency measure to prevent the Clinton Administration from usurping Congress' power and changing Congressional policy by bending the law to enact new gun bans.

The Honorable Newt Gingrich
April 3, 1998
Page 2

Thank you for your immediate attention to this matter.

Sincerely,

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The Honorable Newt Gingrich
April 3, 1998
Page 3

Thank you for your immediate attention to this matter.

Sincerely,

[Handwritten signature]
 Jim Mathis
 Ed
 Bob Inglis
 Nick
 Tom Cihot
 Ron Klun

[Handwritten signature]
 John Gannon
 Bob Davis
 Ted Strickland
 Chip Pickens
 Ray Bryant
 Randall

John Peterson

Jerry Moran

Richard Ponto

Sam Hytkiewicz

Jim Swenson

Robert Albert

Linda Smith

Virgil Good

Phil English

J. Barcia

Wes Watkins

Tom V. Hannon

Jimmy Hwang

Bill Pedernault

Bob Schuster

Dan Yang

Pat Sandoz

LOIS CAPPS
22^D DISTRICT, CALIFORNIA1118 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0522
(202) 225-3601

Congress of the United States
House of Representatives
Washington, DC 20515-0522

April 15, 1998

KEEP THE BAN ON MODIFIED ASSAULT WEAPONS

Dear Colleague,

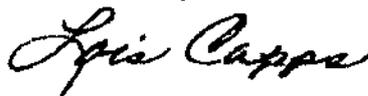
Last week the President took the bold step of banning the import of "modified" assault weapons into this country. I am currently circulating a bi-partisan letter (on reverse) which commends the President for taking this action, and pledges the support of all who sign it to oppose any legislative efforts to overturn the President's action.

The "modified" weapons affected by the President's action are really just assault weapons that have been cosmetically altered. These guns still have the capacity to hold ten or more rounds of ammunition and cause carnage on our streets. A recent BATF study indicates that since 1991, 425,000 such weapons have been imported into the U.S. from at least 17 different countries.

Currently there is a letter circulating to Speaker Gingrich, urging his support of an amendment to block the President's ban. I respect my colleagues who have signed this letter and I share their support of legitimate sporting activities. However, I strongly disagree with their position on importing assault weapons. Please join us in the fight to keep these dangerous firearms off of our streets. Let's support the President's directive and defeat any legislative effort to overturn it.

If you would like to sign this letter, please contact Clare Dowling at 5-3601.

Sincerely,



LOIS CAPPS
MEMBER OF CONGRESS

co-signers: Lantos, Pelosi, Manton, Morella, Schumer, McCarthy, Shays, Berman, Campbell, Gejdenson, Miller, G., Stark, Harman, Markey, Stokes, Blumenauer, Farr, McDermott, Olver, Davis, D., Towns, McGovern, Weygand, Millender-McDonald, Ackerman, Maloney, C., Velazquez, Tauscher, Roybal-Allard, Brown, G., DeLauro, Gutierrez, Filner, Barren, T., Lofgren, Engel, Johnson, E.B.

THE WHITE HOUSE
WASHINGTON

April 5, 1998

MODIFIED ASSAULT WEAPONS EVENT

DATE: April 6, 1998
LOCATION: Rose Garden
BRIEFING: 10:15 a.m, Oval Office
EVENT: 10:45 a.m. to 11:15 a.m.
FROM: Bruce Reed and Rahm Emanuel

4-6-98
98 APR 5 PM 2
Copied
Emanuel
Reed
Cos

I. PURPOSE

To announce that the Treasury Department has concluded that modified semiautomatic assault rifles that accept large capacity military magazines (or LCMM rifles) are generally not importable. This decision will affect over 50 kinds of modified assault weapons, and may prevent the importation of up to 1.5 million guns under current permits or pending permit applications.

II. BACKGROUND

You will speak to approximately 50 individuals from the law enforcement, gun control, and victims communities, as well as Members of Congress, on the importation of modified semiautomatic assault rifles.

In your November 15, 1997 radio address to the nation you announced that the Treasury Department was temporarily suspending the importation of certain modified assault weapons to review whether these weapons should be allowed to come into the country. Tomorrow, Secretary Rubin will recommend that most of the weapons studied be generally banned from importation.

Under the 1968 Gun Control Act, the Treasury Department has an obligation to restrict the importation of firearms unless they are determined to be "particularly suitable for or readily adaptable to sporting purposes." After taking several months to review the weapons in question, the Treasury Department has concluded that modified semiautomatic assault rifles that accept large capacity military magazines -- or LCMM rifles -- do not meet the sporting purposes test and are generally not importable. LCMMs are magazines that contain more than 10 rounds of ammunition; they were prohibited by the 1994 Crime Act.

Since passage of the 1968 Gun Control Act, Administrations of both parties have repeatedly invoked this authority to ensure that only legitimate sporting weapons are brought into the country. In 1968, the Act was used to ban the importation of Saturday Night Specials and other small and inexpensive handguns; in 1984 and 1986, it was used to ban the importation of the Striker-12 and USAS-12 riot control shotguns; in 1989, it was used to ban the importation of 43 semiautomatic assault rifles; and in 1993, its authority was invoked to propose a ban on the importation of certain assault pistols, though the 1994 Crime Act made this executive action unnecessary.

The more than 50 models of firearms affected by the announcement on Monday are modified versions of military assault weapons that were banned by the Bush Administration in 1989 or by the Crime Act of 1994. Most of these models are based on the AK 47 assault rifle, but some are variants of the Uzi, FN-FAL, HK 91 and 93, and SIG SG550.

Up to 1.5 million firearms whose importation had been suspended during the review may be affected by this decision. Importers will be notified in writing and given an opportunity to respond.

III. PARTICIPANTS

Briefing Participants

Bruce Reed
Rahm Emanuel
Secretary Rubin
Attorney General Reno
Under Secretary Ray Kelly
Karen Popp
Jose Cerda

Event Participants

The President
The Vice President
The Secretary of the Treasury
The Attorney General
15 local law enforcement officers

IV. PRESS PLAN

Open Press

V. SEQUENCE OF EVENTS

10:15 a.m. THE PRESIDENT and THE VICE PRESIDENT are briefed in the Oval Office.

10:35 a.m. THE PRESIDENT and VICE PRESIDENT greet law enforcement officers in the Oval Office.

10:45 a.m. THE PRESIDENT and VICE PRESIDENT are announced into the Rose Garden accompanied by Secretary Rubin, the Attorney General, and law enforcement officers.

PROGRAM BEGINS

The VICE PRESIDENT gives welcoming remarks and introduces Attorney General Reno.

Attorney General Reno gives remarks and introduces Secretary Rubin.

Secretary Rubin gives remarks and introduces THE PRESIDENT.

THE PRESIDENT makes remarks.

11:15 a.m. THE PRESIDENT and THE VICE PRESIDENT depart.

VI. REMARKS

To be provided by Jeff Shesol.

VII. ATTACHMENTS

The final Treasury report will be available on Monday morning.

Banning the Importation of Modified Assault Weapons

April 6, 1998

Announcement: Today, in response to a previously issued memorandum, the President announced that the Treasury Department has concluded that more than 50 kinds of modified assault weapons are generally not importable because they accept large capacity military magazines. Up to 1.5 million rifles whose importation had been temporarily suspended may be affected this decision.

- On November 15, 1997, in his radio address to the nation, President Clinton announced that the Treasury Department would temporarily suspend the importation of certain modified assault weapons to review whether these weapons should be allowed to enter the country. Today, the Secretary of the Treasury informed the President that most of the weapons studied should be generally banned from importation.
- Under current law (the 1968 Gun Control Act), the Treasury Department has the obligation to restrict the importation of firearms unless they are determined to be "particularly suitable for or readily adaptable to sporting purposes." After taking several months to review the weapons in question, the Treasury Department has concluded that modified semiautomatic assault rifles that accept large capacity military magazines -- or LCMM rifles -- do not meet the sporting purposes test and are generally not importable.
- Since passage of the 1968 Gun Control Act, Administrations of both parties have repeatedly invoked this authority to ensure that only legitimate sporting weapons are brought into the country. In 1968, the Act was used to ban the importation of Saturday Night Specials and other small and inexpensive handguns; in 1984 and 1986, it was used to ban the importation of the Striker-12 and USAS-12 riot control shotguns; in 1989, it was used to ban the importation of 43 semiautomatic assault rifles; and in 1993, its authority was invoked to propose a ban on the importation of certain assault pistols, though the Assault Weapons Ban of 1994 made this executive action unnecessary.
- The more than 50 models of firearms affected by today's decision are modified versions of military assault weapons that were banned by the Bush Administration in 1989 or by the Assault Weapons Ban of 1994. Most of these models are based on the AK 47 assault rifle, but some are variants of the Uzi, FN-FAL, HK 91 and 93, and SIG SG550.
- Up to 1.5 million firearms whose importation had been suspended during the review may be affected by this decision. Importers will be notified in writing and given an opportunity to respond.

Treasury Department Determination on
Importation of Modified Semiautomatic Assault Rifles

Q. What action did the Secretary of the Treasury take?

A. Secretary Rubin announced after an extensive review that *certain modified semiautomatic assault rifles with the ability to accept large capacity military magazines* ("LCMM rifles") do not meet the legal standard for importation into the United States -- they do not meet the "sporting purposes test."

Q. What is the sporting purposes test?

A. Weapons generally are not importable into the United States. However, there is an exception for weapons which the Secretary determines are of a type that is "generally recognized as particularly suitable for or readily adaptable to sporting purposes." (This is one of four exceptions: sporting purposes; curios and relics; scientific research; your own weapon.)

Q. What weapons are covered by the Secretary's decision?

A. The weapons covered are modified semiautomatic assault rifles whose original configuration failed to meet the sporting purposes test in 1989, but were later found importable when certain military features were removed. These rifles have the ability to accept large capacity military magazines, and are all based on one of the following *military assault rifle designs*: AK47, FN-FAL, HK91 and 93, SIG SG550, and Uzi.

Q. What is a large capacity military magazine (LCMM)?

A. For the purposes of this study, the term refers to a magazine that has the ability to accept more than 10 rounds of ammunition and that was originally designed and produced for an AK47, FN-FAL, HK91 or 93, SIG SG550, or Uzi military assault weapon.

Q. How many rifles are covered by the Secretary's decision?

A. The Secretary's decision covers approximately 59 different models of rifles. Presently there are *applications to import approximately 1 million* of the affected rifles and *outstanding permits for nearly 600,000* of the rifles. We cannot tell how many of these rifles actually will be kept out of the United States because the Bureau of Alcohol, Tobacco and Firearms will not take final action on individual applications and permits involving these rifles until affected importers have had the *opportunity to respond and present additional information and arguments*.

Q. Why did the Secretary decide to bar these rifles from importation?

A. The Treasury Department's study found that the *ability to accept a large capacity military magazine was a military/combat feature*, not a sporting feature and that rifles with this ability are not generally recognized as particularly suitable for or readily adaptable to sporting purposes.

Q. Are you saying that no one uses these rifles for sporting purposes?

A. No. The fact that a rifle is used for a sporting purpose does not necessarily mean that it is *generally recognized as particularly suitable* for hunting or organized competitive target shooting.

Q. Will keeping these weapons out reduce crime?

A. As a part of Treasury's study, we looked at cases and trace request data, which indicated that these rifles are attractive to criminals. While it is impossible to predict crime rates, keeping these rifles out of the country will *reduce access to rifles that have the ability to expend large amounts of ammunition quickly without manually reloading.*

1.5 million rifles have a potential impact on the market for LCMM rifles. Since 1995, approximately 107,500 have been imported. At a minimum, keeping 1.5 million LCMM rifles out of the United States could keep prices for this type of weapon from dropping.

Q. How many of these rifles have already entered the United States since 1989?

A. Since 1991, approximately 425,000 of these rifles have been imported into the United States.

Q. These weapons were being imported as of 1991. Why didn't you act before?

A. The 1994 ban on semiautomatic assault weapons and large capacity ammunition feeding devices affected our evaluation of these rifles. This ban sent a strong signal that firearms with the ability to expel large amounts of ammunition quickly are not sporting. Moreover, the 1994 embargo on the importation of firearms from China drastically reduced the importation of these rifles into the United States. Only recently did these rifles again begin to come into the country in significant numbers.

Q. Are semiautomatic rifles that have the ability to accept large capacity military magazines produced in the United States?

A. Yes. For example, the Ruger Mini 14, the M1A, and several models based on the Colt AR-15. (Production of Colt AR-15 units was 29,000 in 1996.)

Q. Does this mean there is a different standard for domestic production of semiautomatic rifles that have the ability to accept large capacity military magazines?

A. The sporting purposes test set forth in *the law only applies to the importation of firearms.* Therefore, the Secretary does not have authority to stop the domestic production of weapons that do not meet the sporting purposes test.

Q. What is the difference between what the Treasury Department concluded in 1989 and what the Secretary decided today?

A. In 1989, after the shooting of five schoolchildren at Stockton, California by a gunman with a semiautomatic copy of an AK47, ATF banned the importation of certain semiautomatic assault rifles containing *military features* such as folding stocks, bayonet lugs, and grenade launchers.

The rifles which are the subject of the present study did not exist in 1989. Therefore the 1989 study and the present study involved different rifles.

Although the present study affirms the basic findings of the 1989 study that military-style semiautomatic rifles are not importable, it goes further to hold that *the ability to accept a large capacity military magazine should be added to the list of disqualifying military features* identified in the 1989 report.

Q. Why wasn't the ability to accept a large capacity military magazine found to be a disqualifying feature in 1989?

A. It wasn't until 1994 that Congress decided that large capacity magazines represented a crime threat. The 1994 Crime Act banned the manufacturing, possession, and transfer of large capacity ammunition feeding devices -- magazines holding more than 10 rounds.

Q. What was the impact of the 1994 Assault Weapons Ban on the Treasury's decision?

A. Both the 1994 law and its legislative history demonstrate that Congress recognized that ammunition capacity is a factor in determining whether a firearm is a sporting firearm. For example, large capacity ammunition feeding devices (magazines with more than 10 rounds) were banned, and rifles and shotguns with small ammunition capacities were exempted from the assault weapons ban. The House Report specifically states that the ability to accept a large capacity magazine "serve[d] specific, combat-functional ends."

Q. Was one of these rifles used in the Jonesboro shooting?

A. No. It appears that all the firearms used in the shooting were domestically manufactured.

Q. Were rifles that accept large capacity magazines used in the Jonesboro shooting?

A. This is an open criminal investigation and I therefore cannot comment.

Q. Were large capacity magazines used in the Jonesboro shooting?

A. This is an open criminal investigation and I therefore cannot comment.

Q. Will this decision affect the importation of M1 Carbines?

A. Generally, M1 Carbines are not importable due to State Department controls on the importation of surplus U.S. military firearms. They are "curio and relic" firearms under the Gun Control Act, and the sporting purposes test does not apply to them. Some would like to see more M1 Carbines imported into this country. The Administration strongly opposes these efforts.

Q. Does this decision cover SKS rifles?

A. No. These rifles do not accept large capacity military magazines. (An SKS is not based on a machine gun design and was primarily designed for a fixed 10 round magazine.)

Q. Does this decision cover the importation of all semiautomatic rifles that can accept large capacity magazines?

A. No. The decision only applies to *the specific rifles that were the subject of the Study* that have the ability to accept large capacity *military* magazines. ATF will continue to make decisions regarding the importability of other firearms on a case by case basis. Generally, traditional sporting rifles that are imported were not designed to accept large capacity military magazines.

Q. Have you determined that any of the firearms you studied are importable?

A. Yes. One of the firearms we studied, the VEPR caliber .308 - an AK47 variant - does not have the ability to accept a large capacity military magazine. Therefore it is not an LCMM rifle and is importable into the United States.

Q. How many VEPRs are involved?

A. At this time, there are permits allowing importation of 25,000 .308 caliber VEPRs. One importer has two permits covering 20,000 .308 caliber VEPRs, and 500 of these are now held in a bonded warehouse. Another importer has a permit covering 5,000 .308 caliber VEPRs, none of which have been imported.

Q. Are there changes that can be made to the LCMM rifles to make them importable?

A. They would have to be redesigned to no longer accept large capacity military magazines. However, a redesigned firearm that can accept a large capacity military magazine with only minor adjustments would still be considered an LCMM rifle and would not be importable.

Q. How can a person know if a firearm that they wish to import meets the "sporting purposes test?"

A. A person may file an application to "conditionally" import a firearm into the United States and ATF will examine the firearm to determine whether it is importable.

Q. Wasn't this a political decision determined from day one, and the Study is meaningless?

A. Absolutely not. The Treasury Study was a thorough and honest look at all aspects of the issue as it has developed since 1989. The Study contains summaries of the actual information collected so that everyone can evaluate the information for themselves.

Q. Won't this permit guns that look and operate just like these to come into the country?

A. Yes, however they will not accept large capacity military magazines from which you can expel large amounts of ammunition quickly without manually reloading. This is a step forward.

Q. Isn't it true that even if large capacity magazines are banned it only takes seconds to re-load a fresh 10 round magazine?

A. Congress has recognized that large capacity military magazines are different and more threatening. We agree.

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March 05, 1998, Thursday 13:21 Eastern Time

*Crime -
Assault Weapons*

SECTION: State and regional

LENGTH: 999 words

HEADLINE: Assault weapons ban shot down by state appellate court

BYLINE: Bill Ainsworth

DATELINE: SACRAMENTO

BODY:

A state appellate court yesterday ruled California's landmark assault weapons ban unconstitutional, leaving the state under a weaker federal law and putting new urgency into a debate over pending gun control legislation.

In a strongly worded opinion, the 3rd District Court of Appeal struck down the add-on part of the Roberti-Roos Assault Weapons Control Act of 1989, which allows the attorney general to add copycat weapons to the list of banned firearms.

The justices also made it clear the heart of the law a list banning 62 assault rifles violated the equal protection provisions of the Constitution because in many cases guns banned under the law are no different than guns allowed to be sold legally. ✓

"The listed guns are no more dangerous in the hands of criminals than the functionally indistinguishable guns, nor than the identical clone guns. Nor do they have a greater rate of fire, capacity for firepower, nor pose a greater danger of use to kill and injure human beings," wrote Justice Fred Morrison, the opinion's author.

As a technical matter, however, the court is going to require a trial court to decide whether the original list is unconstitutional. That portion of the ruling shouldn't change the outcome of the decision, but it will delay the effective date of the ruling by months.

The Roberti-Roos law, the first assault weapons ban in the nation, was a turning point in the nationwide battle over gun control.

It was passed in 1989, a few months after a mentally disturbed young man fired 105 bullets into a Stockton schoolyard, killing five children and wounding many others.

The horror of the shooting spree put gun-owner advocates like the National Rifle Association on the defensive and gave gun-control proponents new momentum.

After Roberti-Roos was passed, the California Legislature passed bills requiring mandatory background checks, waiting periods and safety training for gun owners. In 1994, Congress followed the lead of California by passing a federal assault weapons ban.

Gun owner advocates yesterday celebrated the court decision because it overturns a law that ushered in a new era of gun control legislation.

"This is the death knell for the Roberti-Roos Act," said Chuck Michel, a Los Angeles attorney who represents Colt Manufacturers, a huge gun-making company. "This is a victory for any citizen who doesn't like symbolic, feel-good laws that are filled with technical flaws."

Michel argued that the law, named after former Senate leader David Roberti and former Assemblyman Mike Roos, was arbitrary because it banned some guns while leaving more powerful weapons on the market.

He also contended that it was unworkable because weapons could be banned without properly notifying people that they were illegal. As a result, he said, gun owners could become felons without realizing it.

The court agreed with that argument, saying that the law contained a gap in its notice provisions, which would leave open the theoretical possibility that a person could be prosecuted before he knew that a gun he owned was illegal.

"This is intolerable," Morrison wrote.

Gun-control advocates said they were disappointed with the ruling.

But they believe it could actually improve the political prospects for the passing of a broader, more effective ban of semi-automatic weapons.

Currently, the Legislature is considering AB 23, sponsored by Assemblyman Don Perata, D-Oakland.

Perata's bill would replace the list of 62 banned weapons in the Roberti-Roos Act with a broad definition of assault weapons based on their firepower and the presence of military characteristics. The bill would ban semiautomatic rifles with magazines of more than 10 rounds and some rapid firing pistols.

Unlike the Roberti-Roos law, Perata's bill would not allow gun makers to avoid the ban by simply changing the name of their weapon.

"The law is gone that's the bad news. The good news is that we have legislation ready to replace it," Perata said.

Now that the current law is on its way out, the vote on Perata's bill, scheduled to be taken up by the state Senate next week, will have added importance for both sides of the gun control debate. The measure has passed the Assembly once, but would need to go back for a final vote if the Senate approves.

"This ruling will put enormous pressure on the Legislature to pass the bill and the governor to sign it," said Luis Tolley, West Coast director for Handgun Control.

Gov. Pete Wilson, considered a moderate on gun control issues, might not have signed AB 23 if the current law were still in effect, he said.

Five years after the Roberti-Roos bill became law in California, Congress passed the federal assault weapons ban. The federal law bars the manufacturing of certain types of assault rifles, but does not prohibit the sale of those weapons. As a result, many of these guns can still be purchased.

Tolley and other gun control advocates argue that the federal law is weaker than California's law because in California banned guns like Uzis cannot be purchased, distributed or made. ✓

Attorney General Dan Lungren, whose office defended the law, declined comment yesterday. Lungren's spokesman Rob Stutzman said the office has not decided whether to appeal the decision to the California Supreme Court.

Lungren has been criticized by both camps in the gun issue.

Gun owners lambaste him for supporting modest gun control legislation, while gun-control advocates say he failed to enforce the law vigorously by declining to add copycat weapons to the list of banned firearms.

Michel, the gun manufacturer's lawyer, said that politically the decision may be beneficial to Lungren, the likely Republican nominee for governor.

"This is probably the best thing that could happen to Dan Lungren and the Department of Justice," he said. "There are so many potential problems with this law that it's better just not to have to enforce any of it."

LOAD-DATE: March 06, 1998

Copyright 1998 Times Mirror Company
Los Angeles Times

March 6, 1998, Friday, Home Edition

SECTION: Part A; Page 3; Metro Desk

LENGTH: 512 words

HEADLINE: CALIFORNIA AND THE WEST;
LUNGREN TO APPEAL RULING ON ASSAULT WEAPONS LAW;
COURT: APPELLATE PANEL STRUCK DOWN KEY PROVISION THAT ALLOWED SOME ADDITIONS TO
LIST OF BANNED GUNS.

BYLINE: STEVE BERRY and DAN MORAIN, TIMES STAFF WRITERS

BODY:

Atty. Gen. Dan Lungren said Thursday he will ask the state Supreme Court to reverse an appellate ruling declaring a key provision of California's assault weapons law unconstitutional.

"I was very disappointed," Lungren said. "My disappointment comes from the broad scope of the decision."

The 2-1 ruling by the 3rd District Court of Appeal on Wednesday outlawed a provision of the state law that allowed the attorney general--with a judge's consent--to add newly marketed assault weapons to a list of 75 banned firearms.

The Sacramento appeals court said the law violated the separation of powers principle by giving judges legislative authority to decide whether copycat weapons are illegal military-style weapons.

Lungren said he was particularly concerned about the justices' statement that the list of 75 banned weapons may be unconstitutional as well because it unfairly penalizes owners of the restricted weapons while exempting people who own similar weapons that are not banned. The panel sent the case, which was filed in 1991 by Colt Manufacturing Co., back to the Superior Court in Sacramento to determine whether weapons on the list are distinguishable from those that are not.

Although the Legislature is considering a new assault weapons bill, Lungren said his decision to appeal the ruling prevents him from expressing an opinion about the legislation.

On Thursday, the state Senate postponed a vote on the bill for a week after Assemblyman Don Perata (D-Alameda) amended it for the 12th time.

The bill, AB 23, seeks to replace the 1989 list of banned guns with a generic definition listing a variety of attributes that would make a semiautomatic gun an assault weapon. The bill seeks to prohibit the sale of semiautomatic pistols that accept magazines holding more than 19 rounds, and semiautomatic rifles that take magazines holding 10 or more rounds. People who own such weapons would have six months to register them or face criminal charges.

If the Senate approves it as expected, the measure would head to the Assembly for a final vote before being sent to Gov. Pete Wilson. He declined Thursday to say whether he would sign it, but he voted for federal assault weapons restrictions when he was in the U.S. Senate.

If the court decision stands and lawmakers fail to approve new legislation, California would be without any state restrictions on such weapons. As a result, Perata said, the appeals court decision adds pressure on lawmakers to act, particularly in so-called swing suburban districts where he believes voters support assault weapons bans.

"If you want to get elected, you better pay attention to these swing voters," he said.

Although most Democrats in the Democratic-controlled Assembly support the legislation, the bill cannot pass the 80-seat house without Republican support. Among the key votes is that of Assemblyman Jim Cunneen (R-San Jose), a moderate. Cunneen said Thursday he probably will vote for the bill, saying Perata's amendments made him "much more comfortable" with the legislation.

LANGUAGE: English

LOAD-DATE: March 6, 1998

CALIFORNIA ENACTS THE TOUGHEST BAN ON ASSAULT GUNS

BIG LOOPHOLE IS CLOSED

Passage After Years of Debate Reflects a Shift in Politics

and in Public Opinion

AI

By TODD S. PURDUM

SAN FRANCISCO, July 19 — Six years ago this month a disgruntled businessman named Gian Luigi Ferri took two TEC-9 semiautomatic pistols into the office tower at 101 California Street here and, in less than 15 minutes, killed eight people and wounded six others before turning a gun on himself and committing suicide.

Ever since, those shots have helped inspire a gun-control debate that reached a milestone today when Gov. Gray Davis signed into law the nation's toughest and most comprehensive ban on assault-style weapons.

"My friends, guns do kill people," Mr. Davis said in an elaborate signing ceremony at the San Francisco Hall of Justice, surrounded by a sea of law-enforcement officers and relatives of the victims of the 101 California shootings. "In short, assault weapons on our street are an assault on our common values. Today, California fights back."

To be sure, California has not been alone in fighting back, or at least trying to. Amid the fierce Congressional gun-control deadlock that followed the Columbine High School shootings this spring, state legislatures around the country have been grappling with a variety of proposals to restrict firearms. But no other measure yet has gone so far as California's, which passed both houses of the Legislature by 2 to 1 last week after years of partisan feuding and the veto of a similar bill last year by Mr. Davis's Republican predecessor, Pete Wilson.

Political professionals in both parties here say the bill's enactment reflects a steady shift in public opinion and political winds in a state that first adopted a law banning dozens of specific weapons in 1989, after five children were shot to death outside an elementary school in Stockton.

Gun manufacturers skirted, that law by changing the names and the model numbers of the banned weapons. The new measure aims to close that loophole by outlawing characteristics instead of specific weapons, essentially banning the manufacture, import or sale of any semiautomatic rifles or pistols that can hold more than 10 rounds of ammunition or that have any of various accessories like pistol grips or folding stocks. Taken together, these provisions are a stricter standard than the existing Federal ban on some 20 types of assault weapons.

The new law also makes it a crime to manufacture, import, sell or give away any magazine that can hold more than 10 rounds of ammunition. And earlier today, Mr. Davis signed a separate measure barring any individual from buying more than one handgun in a month.

"This is a prototype for reasonable gun-control legislation," said State Senator Don Perata, a Democrat and former Alameda County school-teacher who sponsored the assault-weapons measure. "And if it can be done in California, I would argue that it can be done in the United States as a whole. This state is large enough and diverse enough to reflect the diversity of Congress. This is not, as many people would think, a progressive state. There are ways in which it's pretty conservative."

In the New York region, Connecticut and New Jersey ban the sale of assault weapons, but New York State does not. And while New Jersey pro-

'My friends,' the Governor says, 'guns do kill people.'

hibits the sale of ammunition clips that can hold more than 15 rounds, Connecticut and New York have no such ban. Further, none of those three states limit the number of handguns that a person may buy in a month, although Maryland, South Carolina, Virginia and Los Angeles restrict handgun purchases to one a month.

The California ban on assault weapons, which takes effect next Jan. 1, may be heavily symbolic. No one knows for sure how many such weapons California already has, and existing owners of guns covered by the ban will have a year to register their weapons or face penalties, of up to \$500 for first-time offenders.

"It's good politics from the sponsors' perspective, but it's close to completely meaningless," said Steve Helsley, the California lobbyist for the National Rifle Association, who nevertheless fought the measure vigorously but now contends that weapons banned by it could be easily converted to skirt it, by sawing off a pistol grip, for example. "This is political buffoonery, and it is going to inconvenience a lot of people. It will result in people going to jail who didn't know what they were doing wrong."

But it is precisely the powerful symbolism of restricting what Governor Davis, a Vietnam veteran, today called a "weapon of war" that has made this a potent political issue. Mr. Davis and his fellow Democrats used that issue with great success in the elections last year to retain control of the Legislature and sweep all but one statewide office. And they expect to use it again next year against Gov. George W. Bush of Texas if he becomes the Republican Presidential nominee.

In fact, political experts here say, the latest legislation succeeded because it focused on an extraordinary category of weapons, with large-capacity ammunition and special features, that the public is most wary about. That wariness is all the more acute given high-firepower shootouts

like the one, much televised on videotape, that marked a bank robbery in North Hollywood two years ago. National polls have consistently shown that roughly three-quarters of respondents support a ban on assault-type weapons, while most oppose a ban on all handguns.

"Historically we've just had such a string of incidents, starting with the Stockton schoolyard and going to the North Hollywood bank robbery, and all of those had assault weapons," said Bill Carrick, a leading Democratic political consultant and adviser to Senator Dianne Feinstein, one of the state's earliest and most unwavering advocates of gun control. "I think it's just left a deeper, more indelible impression on Californians' political consciousness than in the rest of the country. The whole thing has had a long, 10-year run as a major issue, and it's played its way through a lot of campaigns."

Mr. Davis himself has undergone something of a sea change on the issue. He did vote for an assault-weapons ban as a member of the Assembly in 1985 but has generally maintained a cautious stance on gun control. Longtime colleagues say he was much spooked by the outcome on an unsuccessful 1982 ballot measure that would have frozen the number of handguns in the state. The measure was widely seen as helping draw conservative voters to the polls to defeat the Democratic candidate for governor that year, Tom Bradley, the first black mayor of Los Angeles.

Even this week, Davis advisers are taking pains to emphasize that the assault-weapons ban is a "reasonable" and "sensible" measure, and that Mr. Davis, who campaigned last year as a passionate moderate, remains one. Indeed, the Governor's aides have warned that Mr. Davis will not sign all of perhaps 10 gun-control measures that are headed to his desk this year, though he is expected to approve bills setting safety standards for the cheap handguns

known as Saturday night specials, and a requirement that guns be sold with child safety locks.

Tony Quinn, a Republican strategist in Sacramento, acknowledged that "the Republicans have totally bobbled this issue as far as suburban voters go." But he added: "Now the dynamic will change, and the Democrats will have to produce some results. We're told that crimes will go down if we pass these bans on assault weapons. So let's see them go down."

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Fund-Raisers Find Bonanza In Impeachment

Dredging Up Donations and Raw Emotions

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By DON VAN NATTA Jr.

WASHINGTON, July 16 — Fund-raisers for both the Republican Party and the Democratic Party have discovered that invoking the impeachment of President Clinton still dredges up raw emotions and motivates Americans to write checks to candidates seeking election in 2000.

Even five months after Mr. Clinton's trial in the Senate, the President's impeachment by the House of Representatives remains an energizing issue that still angers supporters of both parties enough to make them reach for their checkbooks, they say. Many donors view their contributions as a way to reward, or punish, leaders of the impeachment drive.

Although the impeachment issue is hardly the only reason for the record-shattering pace of campaign fund-raising, which has given huge windfalls to both major parties, some fund-raisers and political analysts say it is still a factor in their election strategies.

Nobody has benefited more than the 13 House managers who prosecuted the President on charges of perjury and obstruction of justice. Although some of the managers talked about the political risks of taking on a popular President, unsolicited checks began pouring into their offices on Capitol Hill and in their home districts almost as soon as the impeachment proceedings began. After the trial, the managers formed their own political action committee and Web site to collect money for their re-election campaigns.

In one of the most hotly contested House races, Representative James E. Rogan, a California Republican who was one of the most outspoken House managers, raised more than \$1 million in just six months, a sum political strategists called extremely high for a freshman House member who was not a party leader. Mr. Rogan's contributor base has skyrocketed, to 20,000 today from 3,000 two years ago. A majority of his contributions have come from people who say they admire his "courage"

in prosecuting the President.

"God bless you for fighting for what's right with America and for principled individuals to serve it," Katie Cook of Laguna Hills, Calif., wrote to Mr. Rogan in a letter this month that included a \$25 check.

But Mr. Rogan's opponent, State Senator Adam Schiff, has raised more than \$500,000 from Democrats, and many of them have told fund-raisers they want to punish Mr. Rogan for serving as a House manager.

The \$500,000 Mr. Schiff has raised "is an enormous amount for a challenger," said Erik Smith, a spokesman for the Democratic Congressional Campaign Committee. "I can't think of another challenger who ever raised that much money so quickly."

Mr. Rogan's active role in the Senate trial motivated David Geffen, a founder of the Dreamworks SKG film studio, to play host to a fund-

raiser for Mr. Schiff on June 23 on the Dreamworks campus in Glendale, Calif. The event raised \$120,000.

"I think Rogan is a bad guy, and we're going to do everything we can to see that he loses," Mr. Geffen said. "James Rogan sort of marketed himself as a moderate when he ran for that election. The impeachment hearings made it very clear that he is certainly not a moderate, and he is as extreme as anybody else in Congress."

Much of the Republicans' impeachment-related fund-raising was

fueled by a statement attributed to Mr. Clinton in an article published in The New York Times one day after the Senate trial concluded on Feb. 12. The article said that the President intended to seek revenge against the House managers who had prosecuted him in the Senate.

"Based just on that story, we got at least 1,000 unsolicited checks, from small donors, the \$5, \$10 and \$20 donors," said Greg Mitchell, Mr. Rogan's chief of staff. "We got a direct-mail vendor, and we did a test-mailing of our own, and the response was big." Mr. Mitchell said the campaign used mailing lists from the Heritage Foundation, a conservative group, and weekly edition of The Washington Times.

Unlike Mr. Rogan, most of the other Republican managers have seats that are considered relatively safe. But another manager who is considered politically vulnerable is Representative Steve Chabot of Ohio. Mr. Chabot has raised about \$335,000 in the first six months of this year, about five times the amount he raised in the comparable period in 1997, according to Federal Election Commission records. Democrats say they think Mr. Chabot and Mr. Rogan are particularly vulnerable because they were elected in November 1998 with less than 55 percent of the vote.

Another House manager, Representative Bill McCollum, Republican of Florida, is using the impeachment issue to fuel fund-raising for a Senate bid. In a fund-raising letter that his campaign aides say has attracted a strong response, Mr. McCollum wrote, "The same forces that sought to undermine the rule of law are now seeking revenge against me as a result of my role as one of the impeachment House managers."

For many years, fund-raisers have invoked enemies to drum up donations. In the 1980's, Republican fund-raisers often cited Senator Edward M. Kennedy, Democrat of Massachusetts, in their mailings. Democrats denounced conservative Supreme Court nominees like Robert H. Bork in their appeals for money.

Supporters of Mr. Clinton have

routinely mentioned the five-year-old investigation by Kenneth W. Starr, the Whitewater independent counsel, in pitches for money to pay the \$10 million that the Clintons owe their lawyers.

And Republicans of late have raised tens of thousands of dollars from conservatives by invoking Hillary Rodham Clinton's all-but-certain Senate candidacy in New York.

But the impeachment debate was such a deeply divisive issue that its memory is still fresh in the minds of most politically active people.

In numerous fund-raising letters sent by Democrats, the rallying cry is to eliminate the slim Republican majority in the House of Representatives. Almost always, Mr. Clinton's impeachment is mentioned.

In a letter sent in April, Representative Richard A. Gephardt of Missouri, the House minority leader, wrote: "As you just witnessed with the Republican-led impeachment proceedings, the G.O.P. ignored the will of the people to serve their own

extremist agenda. With impeachment behind them, they have turned their sights to the budget surplus, where they are fighting to get tax cuts to the rich instead of President Clinton's plan to use the surplus to save Social Security."

The pitches are working. The Democratic Congressional Campaign Committee, which supports the party's House candidates, has raised a record \$17 million in the first six months of 1999, a 150 percent increase from the total raised in the comparable period in 1997.

A card the committee sent in April also invoked impeachment and the phrase coined by Mr. Clinton and other Democrats, "the politics of personal destruction."

"During the impeachment debate," the card said, "Democrats in the House, led by Democratic leader Richard Gephardt, fought vigorously to defend the Constitution and to bring an end to the politics of personal destruction. Their stalwart defense of democratic principles is deserving of support from D.C.C.C. members all across the nation."

And in a fund-raising letter on behalf of Mr. Schiff, Senator Barbara Boxer, Democrat of California, dropped former Speaker Newt Gingrich's name, saying Mr. Rogan was "handpicked by then-Speaker Newt Gingrich to organize the impeachment effort."

The use of impeachment by both sides surprised Floyd Brown, who runs Citizens United, a conservative action group and a prolific fund-raiser. "No. 1, Republicans lost, and when you lose, you don't want to keep bringing up the fact that you lost, over and over again," Mr. Brown said. "The Democrats, while they won, it's a very risky strategy to bring up with a broader audience except the hard-core Democratic audience."

Mr. Brown said he thought that "Clinton fatigue" was driving much of the record amounts that have gone to the Presidential campaign of Gov. George W. Bush of Texas and other Republican and conservative causes.

"Whoever is the Republican nominee is not going to have any money problems — they can back up the dump truck," Mr. Brown said. "Conservatives are going to express their Clinton fatigue with dollars."

More than one-third of the checks given to Mr. Rogan have come from outside of California, his aides said.

"People respect Jim Rogan for standing up for what he believed was right and risking his political future for what he believes is right," said Mr. Mitchell, Mr. Rogan's chief of staff. "A lot of people were writing to us saying they don't think there are many people in politics like that any more. Most politicians won't take risks. They'll just do whatever they can to save their seat in Congress."

One supporter, Eileen P. Roth of Burbank, Calif., vowed to send \$25 every month until the election in November 2000. In a handwritten letter, Mrs. Roth told Mr. Rogan, "I wish we had many millions just like you in our beloved America."

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