United States of Assault Weapons

Gunmakers Evading the Federal Assault Weapons Ban

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On September 13, 2004, the federal ban on assault weapons is scheduled to end. As this date approaches, increasing attention has focused on the gun industry’s almost complete success in evading the ban. Based on the research conducted for this report, the Violence Policy Center (VPC) estimates that **there are more assault weapon manufacturers and assault weapons available for sale in America than ever before.**

Contained in this study are more than 40 companies that are currently marketing new assault weapons for sale legally in the United States. Many of these companies either did not exist, or did not manufacture assault weapons, prior to the 1994 ban.a

Semiautomatic assault weapons manufactured by these gunmakers include: “copycat” AK-47s, AR-15s, UZIs, Galils, MP5s, and FN/FALs; semiautomatic versions of “classic” weapons such as the Tommy Gun and Sten; and, various hybrids.b New AK-47s equipped with high-capacity ammunition magazines that can hold 20, 30, 40, or more rounds are common and can be purchased for less than $300.

At the same time, new assault weapon models that did not exist when the 1994 law was passed, such as the $199 Hi-Point Carbine used in the 1999 Columbine massacre, have been introduced and are selling briskly.

The VPC estimates that **more than one million new assault weapons have been manufactured for sale in the United States since passage of the 1994 law.**c

If the 1994 ban is simply renewed, and not strengthened, every single one of the assault weapons pictured in this study will remain on the market, legal for sale to the American public. Simple renewal of the ban will do absolutely nothing to address the threat posed by these weapons.

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a Estimate taken from Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) production figures, analysis of gun industry trade publications and general readership gun magazines, and annual attendance at the S.H.O.T. (Shooting, Hunting, and Outdoor Trade) Show, the annual trade show for the gun industry.

b Because of the transient nature of the gun industry and the lack of reliable, comprehensive information on firearms manufacturing in the United States, it is impossible to offer an exact number of manufacturers currently producing “copycat” assault weapons as well as the actual number of such guns manufactured. For this study, the Violence Policy Center collected information from manufacturers attending the 2004 S.H.O.T. Show, reviewed advertisements by gunmakers in industry trade publications and consumer gun publications, and surveyed the Internet for manufacturer web sites.

c The VPC estimate is taken from ATF production data, 1995 to 2001, and relies primarily on gunmakers who are known to manufacture only, or primarily, assault weapons. This is an extremely conservative estimate and does not take into account the large numbers of assault weapons imported into the U.S. since 1994. Production data from ATF is extremely limited. Long guns are reported only as rifles or shotguns. In addition, in 2004 the U.S. Congress banned for at least one year the future release of firearms production data to the general public.
This study contains four sections.

**Section One: A Flawed Law** details how virtually from the inception of the 1994 law America’s firearms industry has easily evaded the ban’s intent and bragged of its success in manufacturing “copycat” or “sporterized” assault weapons. The section also briefly details the findings of a 2003 Violence Policy Center analysis of Federal Bureau of Investigation data which found that from 1998 through 2001, one out of five law enforcement officers slain in the line of duty were killed with an assault weapon, including “copycat” versions of banned weapons and assault weapons not covered by the original law.

**Section Two: Legislation That Would Effectively Ban All Assault Weapons** offers a brief summary of federal legislation—the “Assault Weapons Ban and Law Enforcement Protection Act of 2003”—that has been introduced in the U.S. Senate and House that would strengthen current law and address the industry’s subversion of the 1994 ban. The legislation is based on California’s 1999 state assault weapons ban, which, unlike federal law, addresses the “copycat” issue.

**Section Three: Assault Weapon Manufacturers** contains brief profiles of 42 gunmakers that currently market post-ban, “copycat” assault weapons as well as new assault weapon types. Each profile contains available company contact information (address, telephone, fax, and web address) as well as examples of the assault weapons sold by the gunmaker.

**Section Four: A Listing of Assault Weapon Manufacturers by State** is a chart listing the state and city of each of the 42 current assault weapon manufacturers.
Section One: A Flawed Law

The 1994 law banned specific assault weapons by name—e.g. UZI, Avtomat Kalashnikov (AK-47), AR-15—as well as their “copies or duplicates.” The law also classifies as assault weapons semiautomatic firearms that can accept a detachable ammunition magazine and have two additional assault weapon design characteristics. But immediately after the 1994 law was enacted, the gun industry evaded it by making slight, cosmetic design changes to banned weapons—including those banned by name in the law—and continued to manufacture and sell these “post-ban” or “copycat” guns.

Changes that allow an assault weapon to stay on the market can be as minor as removing a flash suppressor at the end of a gun’s barrel. The gun industry dubbed this process “sporterization.” Gunmakers’ quick and successful evasion of the law was no secret. In February 1995, just five months after the ban’s enactment, lead sponsor Senator Dianne Feinstein (D-CA), in a 60 Minutes interview, charged that the industry was violating both “the spirit and intent of the law” and promised, “I can assure you if I can figure a way to stop it, I’ll try to do that.”

In the nearly 10 years following that interview, the situation has gone from bad to worse. Today, of the nine assault weapon brand/types banned by name and manufacturer in the law, six of the brand/types are still marketed in post-ban,

“...the Kalashnikov [AK-47], in various forms and guises, has flourished. Today there are probably more models, accessories and parts to choose from than ever before.”
Gun World, August 2001

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1 60 Minutes, CBS News Transcripts, Sunday, February 5, 1995. “Does this violate the spirit and intent of the law? Absolutely. Should they be doing this? No. And I think it does say that there are craven interests out there who simply want to use this legislation to profiteer wherever they possibly can. And I can assure you if I can figure a way to stop it, I’ll try to do that.”

2 The law states, “The term `semiautomatic assault weapon’ means—(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR, and FNC; (vi) SWD—10, M-11/9, and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12....”
Guns Banned by the 1994 Law\textsuperscript{3} and Their Legal Counterparts\textsuperscript{4}

\begin{itemize}
\item Pre-Ban Colt AR-15 Sporter
\item Post-Ban Colt AR-15 Match Target “Copycat”
\item Bushmaster XM 15 AR “Copycat”
\item Pre-Ban Imported AK-47
\item MAK-90 AK-47 “Copycat” (modified to evade import ban)
\item Post-Ban VEPR II “Copycat” AK-47
\end{itemize}

\textsuperscript{3} First horizontal row of chart.
\textsuperscript{4} Second and third horizontal rows of chart.
“copycat” configurations. In fact, gunmakers openly boast of their ability to circumvent the ban. Their success is described in an August 2001 *Gun World* magazine article about the Vepr II assault rifle, a “sporterized” version of the AK-47:

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

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

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

Just such a post-ban AR-type assault rifle, the Bushmaster XM15 M4 A3, was used by the Washington, DC-area snipers to kill 10 and injure three in October 2002. The snipers’ Bushmaster is even marketed as a “Post-Ban Carbine.”

In addition to the threat assault weapons pose to the general public, they continue to pose a unique threat to law enforcement. The May 2003 Violence Policy Center study “Officer Down”—*Assault Weapons and the War on Law Enforcement* (http://www.vpc.org/studies/officecont.htm) revealed that, according to Federal Bureau of Investigation data, one in five law enforcement officers (41 of 211) slain in the line of duty from January 1998 through December 2001 were slain with an assault weapon, many of which were “post-ban” models that will remain untouched by a renewal of current law.

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5 Assault weapons that have not been reintroduced are the Beretta AR70, Street Sweeper and Striker 12 assault shotguns (the latter two guns were re-classified by ATF as subject to the strict regulations of the National Firearms Act of 1934), and Steyr AUG.
Section Two: Legislation That Would Effectively Ban All Assault Weapons

Legislation to address the industry’s subversion of the 1994 ban has been introduced in the 108th Congress by Representatives Carolyn McCarthy (D-NY) and John Conyers (D-MI) in the U.S. House of Representatives (H.R. 2038) and Senator Frank Lautenberg (D-NJ) in the U.S. Senate (S. 1431). The legislation is based on California’s 1999 state assault weapons ban, which, unlike federal law, addresses the “copycat” issue. The “Assault Weapons Ban and Law Enforcement Protection Act of 2003” would:

- **Expand the list of named, banned assault weapons.** The limited list of banned assault weapons contained in the original law is expanded to address new, post-ban weapons marketed by the industry as well as assault weapons not covered by the 1994 law.

- **Improve the definition of “assault weapon” to cover all assault weapons.** The definition is refined to include firearms that accept a detachable ammunition magazine and incorporate one other assault weapon characteristic such as a pistol grip or folding stock. Current law requires the presence of two such characteristics before a gun is labeled an “assault weapon.” The narrowness of this definition has resulted in a proliferation of post-ban assault weapons, including legal versions of guns—such as the MAC-10 and AR-15—banned by name in the 1994 law.

- **Revise the list of assault weapon characteristics to delete some extraneous characteristics and better define others.** Some “assault weapon” characteristics used to define such weapons in current law actually have no bearing on whether the firearm functions as an assault weapon. For example, the ability to attach a bayonet to the barrel of a gun has no bearing on whether the firearm functions as an assault weapon. In addition, the term “pistol grip” is clarified to include so-called “thumbhole stocks” or other design features that perform the same function.

- **Clarify the term “firearm” as used in the assault weapons ban to include the frame or receiver of a prohibited gun.** The “receiver” of any firearm is its major working part. Receivers and frames are defined by the Gun Control Act of 1968 as “firearms.” The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), however, has adopted a different interpretation of this basic federal gun law in the case of assault weapons, determining that the term “firearm” as applied to assault weapons does not include receivers or frames. This interpretation allows gun dealers and wholesalers to sell new receivers of otherwise banned guns. Furthermore, all of the other parts necessary to make an assault weapon are readily available, often sold as “parts kits.”
Compounding this problem is the fact that it is legal for an individual to manufacture a firearm for personal use.

- **Prohibit manufacturers from using pre-ban, high-capacity ammunition magazines in post-ban assault weapons.** Under the 1994 law, no new firearm may be manufactured or sold in the United States with an ammunition magazine that has a capacity greater than 10 rounds. Assault weapon manufacturers are circumventing the law by equipping new guns with “grandfathered” high-capacity magazines of 10 rounds or more.

- **Ban the Importation of high-capacity ammunition magazines.** Currently, ATF regulations allow for the importation of foreign-made, high-capacity magazines manufactured prior to the 1994 ban. This not only ensures that there will always be a supply of high-capacity magazines available for sale in the United States, but also dramatically increases the possibility that the manufacture date of new high-capacity magazines can be falsified.

As seen by the product lines of these manufacturers, the firearms industry has successfully evaded the 1994 ban. Therefore, simple renewal of the existing ban will do nothing to address the severe danger that assault weapons pose to public safety. Reauthorization of the ban must include substantial improvements to prevent the gun industry from continuing to flood America’s streets with these deadly weapons.
Section Three: Assault Weapon Manufacturers

This section contains brief profiles of gunmakers that currently market post-ban, “copycat” assault weapons as well as new assault weapon types. Each profile contains available company contact information (address, telephone, fax, and web address) as well as examples of the assault weapons sold by the gunmaker.
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### Section Four:
**A Listing of Assault Weapon Manufacturers by State**

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<th>State</th>
<th>Manufacturer</th>
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The Violence Policy Center (VPC) is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce gun-related death and injury. This study was authored by VPC Executive Director Josh Sugarmann and VPC Policy Analyst Marty Langley, and was edited by VPC Publications Coordinator Aimée Newth. Research assistance was supplied by Sofia Checa. This study was funded in part with the support of The David Bohnett Foundation, The California Wellness Foundation, Richard and Rhoda Goldman Fund, The George Gund Foundation, The Joyce Foundation, and, The John D. and Catherine T. MacArthur Foundation. Past studies released by the VPC include:

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- **Really Big Guns: Even Bigger Lies** (March 2004)
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- **Handgun Licensing and Registration: What it Can and Cannot Do** (September 2000)
- **Pocket Rockets: The Gun Industry’s Sale of Increased Killing Power** (July 2000)
- **Guns For Felons: How the NRA Works to R Are Criminals** (March 2000)
- **One Shot, One Kill: Civilian Sales of Military Sniper Rifles** (May 1999)
- **Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence** (Revised, October 1997)

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About the Violence Policy Center

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

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