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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

Dear Colleague
on free-standing bill

March 20, 1989

Dear Colleague:

All across America we have seen an alarming proliferation of deadly assault weapons, designed for military battlefield use. The most tragic example of this trend occurred just weeks ago, when Patrick Edward Purdy opened fire in a crowded schoolyard in Stockton, California with an AK-47 semi-automatic assault rifle. He fired over 100 rounds of ammunition in less than two minutes. The result was five children killed, 29 children and one teacher wounded.

Despite an extensive arrest record, misdemeanor convictions, and a history of mental illness, Purdy was able to walk into a gun shop, fill out a simple federal firearms form with no background check, pay his money and walk out with a weapon designed by the Soviet Union for its combat troops.

Semi-automatic assault firearms have become the weapons of choice of drug dealers. The easy availability of these weapons dangerously tips the balance of power away from our law enforcement officers, who are on the front line in our nation's "War on Drugs." These weapons are not designed for hunting game but for killing human beings.

In an effort to place some controls on these weapons of war, we have introduced S. 386, the Assault Weapon Control Act of 1989. This bill bans the transfer, importation, transportation, shipping, receiving, and possession of any new assault weapon, except for those used by the military and law enforcement.

Persons who lawfully own assault weapons now would be allowed to keep them, but would be required to register those weapons with the Secretary of the Treasury.

Any transfer or sale of a lawfully possessed and registered assault weapon would be subject to a thorough background check of the buyer, comparable to that now employed when a machine gun is sold. This background check allows a local law enforcement official to stop the sale of an assault

weapon to an individual known to the local police as someone who would present a risk to the community if armed with that firearm.

In defining assault weapons, the bill specifically identifies the most dangerous weapons now available to the general public, including the AK-47, the UZI, the MAC 10 and MAC 11, the TEC 9 and TEC 22, the Ruger Mini 14, the AR-15, the FN-FAL and FN-FNC, the Steyr Aug, the Beretta AR 70, and Street Sweeper and Striker 12 shotguns. The bill also covers a narrow very specific category of semi-automatic firearms with a fixed magazine capacity exceeding ten rounds of ammunition, and shotguns with a fixed magazine, cylinder, or drum capacity exceeding six rounds. No conventional hunting rifles or handguns are covered by this definition.

The bill also provides that the Secretary of the Treasury, in consultation with the Attorney General, shall determine which firearms are substantially identical to those named in the bill. Such a provision is necessary to prevent manufacturers from circumventing the bill by making only cosmetic changes to one of the assault weapons specifically listed. The Secretary has no discretion to designate a weapon as an assault weapon. The Secretary may recommend to Congress that additional weapons be designated as assault weapons, but doing so would require new legislation.

With this approach this bill does not in any way limit one's ability to purchase a legitimate hunting rifle or handgun.

This legislation also bans the transfer, importation, transportation, shipping, receiving, and possession of large capacity detachable magazines or large capacity ammunition belts, with a capacity of greater than ten rounds. A magazine or belt is the mechanism for feeding ammunition into a firearm.

Persons already in possession of large-capacity magazines or belts must, within 60 days of the bill's enactment, dispose of them, or sell or donate them to the government. This will prevent the sale of large-capacity magazines and belts for use with semi-automatic rifles and handguns. It is extremely rare for hunters to use magazines in excess of five rounds. In fact, in some states it is illegal to hunt with a firearm armed with a large-capacity magazine.

Our intent in this bill is to control specific assault weapons that present a law enforcement problem, not to restrict the sale and possession of legitimate hunting rifles or handguns, including semi-automatics. We believe that the bill accomplishes that objective. However we are open to

suggestions or changes in language that any of our colleagues feel would clarify the bill's intention.

The National Association of Police Organizations, the International Association of Chiefs of Police, the National Sheriffs' Association, the Police Executive Research Forum, the National Education Association, the U.S. Conference of Mayors, and the American Bar Association are among the groups who have voiced support for federal legislation on assault weapons.

These weapons of war have no place on the streets and in the schoolyards of America. We believe the American people are fed up with the death and violence brought on by these assault weapons. They demand action. We hope that you can join the law enforcement community, and the education community in supporting this much needed public safety legislation.

Sincerely,



Howard M. Metzgerbaum



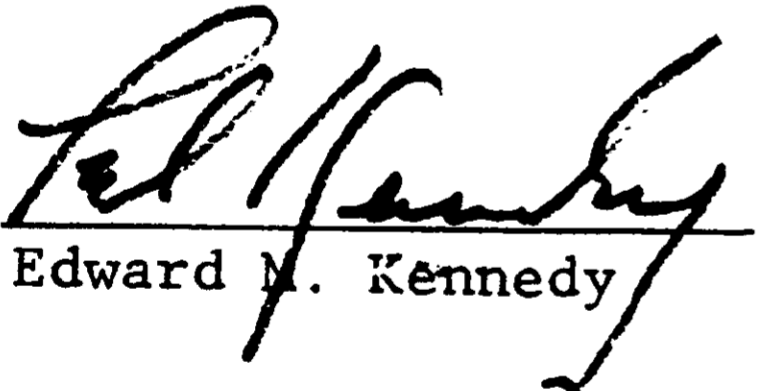
John H. Chafee



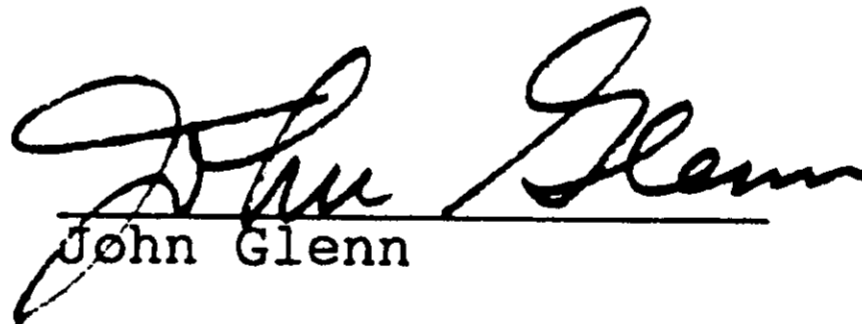
Claiborne Pell



Alan Cranston



Edward M. Kennedy



John Glenn