

# ASSAULT WEAPONS

## Summary

Military-style semi-automatic firearms (so-called assault weapons) do not differ materially from non-military style semi-automatic firearms (one bullet is fired for each pull of the trigger) and are no more powerful than other semi-automatic weapons. Further, a bullet fired from a semi-automatic weapon is no more powerful than one of the same caliber fired from a corresponding non-semi-automatic handgun, rifle, or shotgun. In fact most assault weapons are less powerful than hunting rifles. For example, the AR-15 (a semi-automatic version of the U.S. military's rifle, M-16), is a .223 caliber rifle. Rifles of this caliber, when used for hunting, are generally used on small game rather than deer. A smaller caliber bullet is more likely to wound the animal (and allow it to escape and suffer a slow death) than the more powerful .24 to .30 caliber bullets normally used in deer hunting rifles (see this [hunting rifle ammunition chart](#)).

Assault weapons are not the weapons of choice among drug dealers, gang members or criminals in general. Assault weapons are used in about one-fifth of one percent (.20%) of all violent crimes and about one percent in gun crimes. It is estimated that from one to seven percent of all homicides are committed with assault weapons (rifles of any type are involved in three to four percent of all homicides). However a higher percentage are used in police homicides, roughly ten percent. (There has been no consistent trend in this rate from 1978 through 1996.) Between 1992 and 1996 less than 4% of mass murders, committed with guns, involved assault weapons. (Our deadliest mass murders have either involved arson or bombs.)

There are close to 4 million assault weapons in the U.S., which amounts to roughly 1.7% of the total gun stock.

If assault weapons are so rarely used in crime, why all the hoopla when certain military-style-semi-automatic weapons were banned by the Crime Control Act of 1994? A Washington Post editorial (September 15, 1994) summed it up best:

No one should have any illusions about what was accomplished (by the ban). Assault weapons play a part in only a small percentage of crime. **The provision is mainly symbolic; its virtue will be if it turns out to be, as hoped, a stepping stone to broader gun control.**

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## Definitions

A *genuine* assault weapon, as opposed to a legal definition, is a hand-held, selective fire weapon, which means it's capable of firing in either an automatic or a semiautomatic mode depending on the position of a selector switch. These kinds of weapons are heavily regulated by the National Firearms Act of 1934 and are further regulated in some states. (See [machine guns](#).)

However, current "assault weapon" legislation defines certain semi-automatic weapons as "assault weapons." A semi-automatic weapon is one that fires a round with each pull of the trigger, versus an automatic weapon which continues to shoot until the trigger is released or the ammunition supply is exhausted. These kinds of "assault weapons" are sometimes referred to as military-style semi-automatic weapons.

An example of assault weapon legislation is the Federal 1994 Crime Bill. The bill in part outlaws new civilian manufacture of certain semi-automatic assault weapons. It also prohibits new civilian

manufacture of "large capacity ammunition feeding devices" declared certain weapons as assault weapons, and states a semi-automatic *rifle* is an assault weapon if it can accept a detachable magazine and has two or more of the following:

- A folding or telescoping stock
- A pistol grip
- A bayonet mount
- A flash suppressor, or threads to attach one
- A grenade launcher.

(For the Crime Bill's definition of assault shotguns and pistols, a list of assault weapons, and further legal issues see [Crime Bill FAQ](#).)

[The 1994 Crime Bill expired on September 13, 2004. See [Semiautomatic Assault Weapon \(SAW\) Ban QUESTIONS & ANSWERS](#) from the Bureau of Alcohol, Tobacco, Firearms and Explosives.]

### **Assault Weapons: The Weapons of Choice?**

The following summary of police statistical surveys is excerpted from Kopel, David B, *Rational Basis Analysis of "Assault Weapon" Prohibition*. (Kopel's paper contains the citations for these surveys and lists a few more studies as well.)

- *California*. In 1990, "assault weapons" comprised thirty-six of the 963 firearms involved in homicide or aggravated assault and analyzed by police crime laboratories, according to a report prepared by the California Department of Justice, and based on data from police firearms laboratories throughout the state. The report concluded that "assault weapons play a very small role in assault and homicide firearm cases." Of the 1,979 guns seized from California narcotics dealers in 1990, fifty-eight were "assault weapons."
- *Chicago*. From 1985 through 1989, only one homicide was perpetrated with a military caliber rifle. Of the 17,144 guns seized by the Chicago police in 1989, 175 were "military style weapons."
- *Florida*. Florida Department of Law Enforcement Uniform Crime Reports for 1989 indicate that rifles of all types accounted for 2.6% of the weapons used in Florida homicides. The Florida Assault Weapons Commission found that "assault weapons" were used in 17 of 7,500 gun crimes for the years 1986-1989.
- *Los Angeles*. Of the more than 4,000 guns seized by police during one year, only about 3% were "assault weapons."
- *Maryland*. In 1989-90, there was only one death involving a "semiautomatic assault rifle" in all twenty-four counties of the State of Maryland.
- *Massachusetts*. Of 161 fatal shootings in Massachusetts in 1988, three involved "semiautomatic assault rifles." From 1985 to 1991, the guns were involved in 0.7% of all shootings.
- *Miami*. The Miami police seized 18,702 firearms from January 1, 1989 to December 31, 1993. Of these, 3.13% were "assault weapons."

- *New Jersey*. According to the Deputy Chief Joseph Constance of the Trenton New Jersey Police Department, in 1989, there was not a single murder involving any rifle, much less a "semiautomatic assault rifle," in the State of New Jersey. No person in New Jersey was killed with an "assault weapon" in 1988. Nevertheless, in 1990 the New Jersey legislature enacted an "assault weapon" ban that included low-power .22 rifles, and even BB guns. Based on the legislature's broad definition of "assault weapons," in 1991, such guns were used in five of 410 murders in New Jersey; in forty-seven of 22,728 armed robberies; and in twenty-three of 23,720 aggravated assaults committed in New Jersey.
- *New York City*. Of 12,138 crime guns seized by New York City police in 1988, eighty were "assault-type" firearms.
- *New York State*. Semiautomatic "assault rifles" were used in twenty of the 2,394 murders in New York State in 1992.
- *San Diego*. Of the 3,000 firearms seized by the San Diego police in 1988-90, nine were "assault weapons" under the California definition.
- *San Francisco*. Only 2.2% of the firearms confiscated in 1988 were military-style semiautomatics.
- *Virginia*. Of the 1,171 weapons analyzed in state forensics laboratories in 1992, 3.3% were "assault weapons."
- *National statistics*. Less than four percent of all homicides in the United States involve any type of rifle. No more than .8% of homicides are perpetrated with rifles using military calibers. (And not all rifles using such calibers are usually considered "assault weapons.") Overall, the number of persons killed with rifles of any type in 1990 was lower than the number in any year in the 1980s.

Gary Kleck, in *Targeting Guns: Firearms and Their Control* (Walter de Gruyter, Inc., New York 1997), summarizes the findings of forty-seven such studies, indicating that less than 2% of crime guns were assault weapons (the median was about 1.8%). According to Bureau of Justice Statistics, (*Criminal Victimization in the United States, 1993*, May 1996) offenders were armed with a firearm in 10% of all violent crimes. *That would mean less than .20% (one-fifth of one percent or 1 in 500) of violent crime offenders used an assault weapon (1.8% X 10% = .18%).*

### **The Police and Assault Weapons**

According to Roth and Koper (Roth), (*Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*, May 1996), "assault weapons are estimated to be involved in 1 to 7 percent of gun homicides". Their study further reports, "In sum, police officers are rarely murdered with assault weapons. Yet the fraction of police gun murders perpetrated with assault weapons is higher than that for civilian gun murders. Assault weapons accounted for about 10% of police gun murders from 1992 through May of 1996 when considering only those cases for which the gun make could be ascertained."

(From 1982 to 1993, of the 687 officers who were killed by firearms other than their own guns, more were killed by .38 caliber revolvers than by any other firearm. Source: Bureau of Justice Statistics, *Guns Used in Crime*, July 1995, p. 5. [PDE])

The police view of assault weapons.

## **Assault Weapons and Mass Shootings**

In "Appendix A" Roth et. al found, "contrary to our expectations, only 2 -- 3.8 percent - of the 52 mass murders we gleaned from the Nexis search [from Jan. 1992 through May 1996] unambiguously involved assault weapons. This is about the same percentage as for other murders... media accounts lend some tenuous support to the notion that assault weapons are more deadly than other weapons in mass murder events, as measured by victims per incident. However in Footnote 61 Roth states: "If, for instance, the substituted long guns were .22 caliber, rimfire (i.e., low velocity) rifles (and in addition did not accept large-capacity magazines), then a substitution effect [as a result of the assault weapons ban] would be less likely to have demonstrably negative consequences. If, on the other hand, offenders substituted shotguns for assault weapons, there could be negative consequences for gun violence mortality. "

Gary Kleck in *Targeting Guns: Firearms and Their Control* (Walter de Gruyter, Inc., New York, 1997) after examining the FBI's *Supplementary Homicide Reports* for the years 1976 to 1992, reports "the rate of killings with four or more victims was higher in 1976-1982, prior to the popularity of assault weapons, than in 1983-1992. Regardless of the numerical cutoff defining mass shootings, there was no increase in such incidents associated with the increased popularity of assault weapons after 1984".

Dr. Kleck also states that "Oddly enough, mass killings are actually *less* likely to involve the use of guns of any kind than homicides involving small numbers of victims. For all murders and non negligent manslaughters covered in *Supplementary Homicide Reports* (about 90% of all U.S. killings) for the period 1976 to 1992, only 48.3% of victims killed in incidents with four or more victims were killed with guns, compared to 62.3% of those killed in incidents with three or fewer victims. This is mainly due to the large share of mass killings committed with arson, which is rarely involved in ordinary homicides."

Incidentally, there are an estimated 4 million assault rifles in the U.S., which amounts to roughly 1.7% of the total gun stock. (Institute for Research on Small Arms in International Security, *Assault Rifle Fact Sheet #2*, 1989)

### **Assault Weapons Easily Converted to Full-auto?**

Not according to LAPD Detective Jimmy Trahin, testifying before the California State Assembly (Feb. 13,1989):

... over 4,000 guns that came into the custody of our unit last year, less than 120 would be classified as this military-type weapon. Of those, only ten or less than ten were actually illegally converted to fully-automatic machine gun stocks. Why? Because these military style assault weapons of today are not easily and readily convertible without extensive knowledge of modifications to the weapon and/or substitution of available parts. ([source](#))

These military style assault weapons of today are not easily and readily convertible without extensive knowledge and modifications to the weapon and/or substitution of available parts.

Now, in my 12 years within the unit, considering the enormous amount of firearms that we have taken into custody, and that's over fifty-thousand, I would say, and these included ones from the hardcore gangs, and from the drug dealers, our unit has never, ever, had one AK-47 converted, one Ruger Mini-14 converted, an H&K 91, 93 never converted, an AR-180 never converted. So this media blitz of many of these assault weapons, or supposedly military style weapons are being

converted to full automatic is not true.