

**STATEMENT OF  
THE VIOLENCE POLICY CENTER**

**BEFORE THE**

**SENATE COMMITTEE ON THE JUDICIARY  
“CONSTITUTIONAL AND COMMON SENSE STEPS TO REDUCE GUN VIOLENCE”**

**March 23, 2021**

Thank you, Mr. Chairman, and members of the committee, for this opportunity to present the views of the Violence Policy Center (VPC).<sup>1</sup> The VPC is a national non-profit educational organization working to prevent violence. The VPC has studied the firearms industry for more than 30 years. Our comments will focus on the public safety threat posed by assault weapons.

**What is a Semiautomatic Assault Weapon?**

Semiautomatic assault weapons are civilian versions of automatic military assault rifles (like the M-16 and AK-47), automatic military assault pistols (like the UZI), and semiautomatic shotguns with military features (such as the ability to accept a detachable ammunition magazine). Semiautomatic assault rifles look the same as their military counterparts because they are virtually identical, save for one feature: military assault rifles are machine guns. A machine gun fires continuously as long as the trigger is held back or in bursts of multiple shots with one trigger pull. Civilian assault rifles are semiautomatic weapons. The trigger of a semiautomatic weapon must be pulled back separately for each round fired. Because federal law has banned the sale of new machine guns to civilians since 1986, and heavily regulates sales to civilians of older machine guns, there is virtually no civilian market for fully automatic assault weapons. The gun industry introduced semiautomatic versions of military assault weapons in order to create and exploit new civilian markets for these deadly weapons.

Assault weapons did not “just happen.” They were developed to meet well-defined combat needs. All assault weapons—military and civilian alike—incorporate features that were designed to provide a specific military combat function. The first mass produced assault rifle was the German Sturmgewehr-44, or StG-44, developed by the Nazis in WWII. The distinctive “look” of assault weapons is not merely “cosmetic,” as the gun lobby often argues—the

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<sup>1</sup> For more information about the Violence Policy Center, please see [www.vpc.org](http://www.vpc.org).

weapon's appearance is the result of the design of the gun following its function. The most significant assault weapon functional design features are: (1) ability to accept a detachable high-capacity ammunition magazine; (2) a rear pistol or thumb-hole grip; and, (3) a forward grip or barrel shroud. These features also distinguish assault weapons from traditional sporting firearms.

Although the gun industry likes to argue in public that only firearms capable of fully automatic fire can be classified as "assault" weapons, some experts concede that any difference between semiautomatic and fully automatic versions of the same gun are negligible. In the words of Duncan Long, author of the 1986 book *Assault Pistols, Rifles and Submachine Guns*:

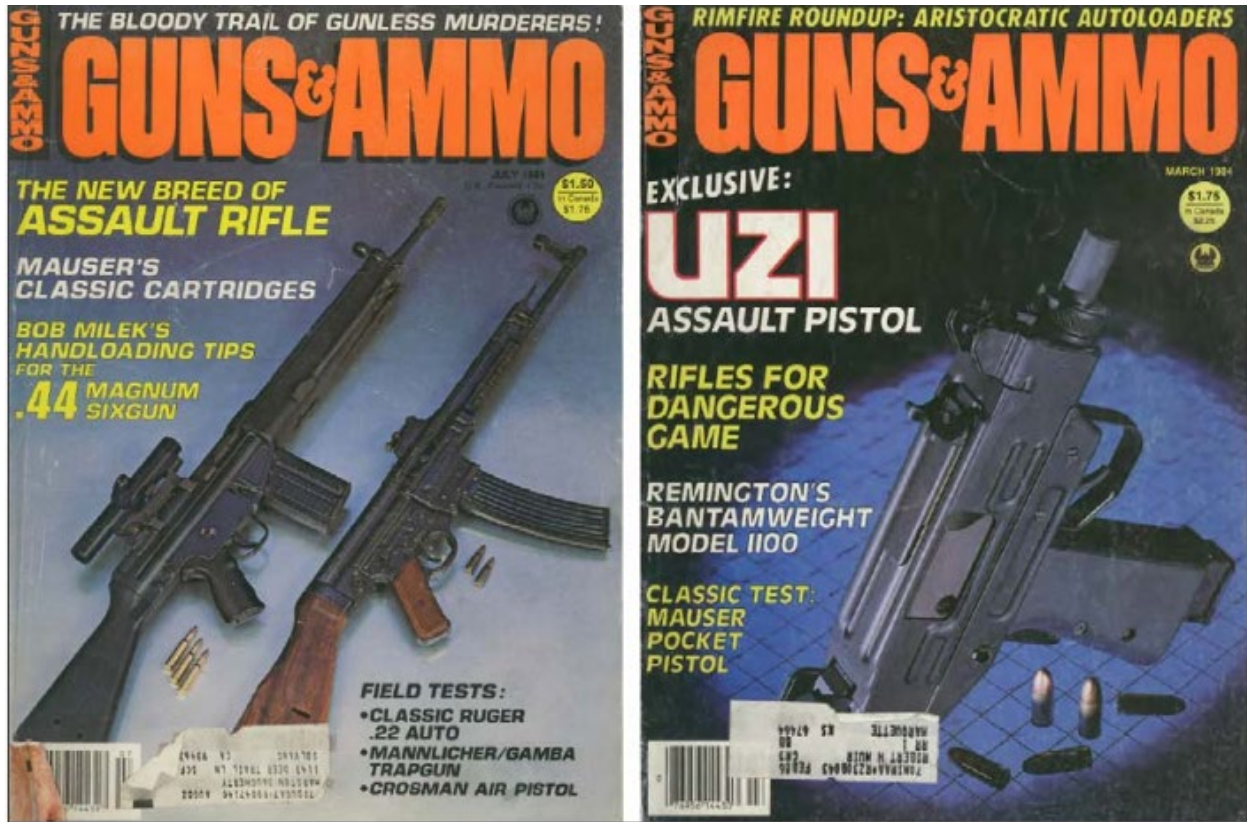
The next problem arises if you make a semiauto-only model of one of these selective-fire rifles. According to the purists, an assault rifle has to be selective fire. Yet, if you think about it, it's a little hard to accept the idea that firearms with extended magazines, pistol grip stock, etc., cease to be assault rifles by changing a bit of metal.

Moreover, semiautomatic fire is recognized as more accurate than fully automatic, which is used only in limited circumstances by military troops. The Army's 2016 guide to rifles and Carbines explains:

Automatic or burst fire is when the Soldier is required to provide suppressive fires with accuracy, and the need for precise fires, although desired, is not as important. **Automatic or burst fires drastically decrease the probability of hit due to the rapid succession of recoil impulses and the inability of the Soldier to maintain proper sight alignment and sight picture on the target.** [emphasis added]

### **The Gun Industry Began Aggressively Marketing Assault Weapons to Civilians in the 1980s**

Although the gun lobby today argues that there is no such thing as civilian assault weapons and now euphemistically calls them "modern sporting rifles," the industry and gun magazines enthusiastically described these civilian versions as "assault rifles," "assault pistols," and "military assault" weapons to boost civilian sales throughout the 1980s.



The industry's marketing of assault weapons has intensified as the market for traditional hunting and sporting firearms has waned. As fewer Americans hunt—only four percent of those 16 years of age and older hunt today—the industry is desperate to identify and expand the market for non-sporting firearms.<sup>2</sup> Today's militarized gun industry is focused primarily on developing and marketing increasingly lethal assault weapons as well as handguns for concealed carry.<sup>3</sup>

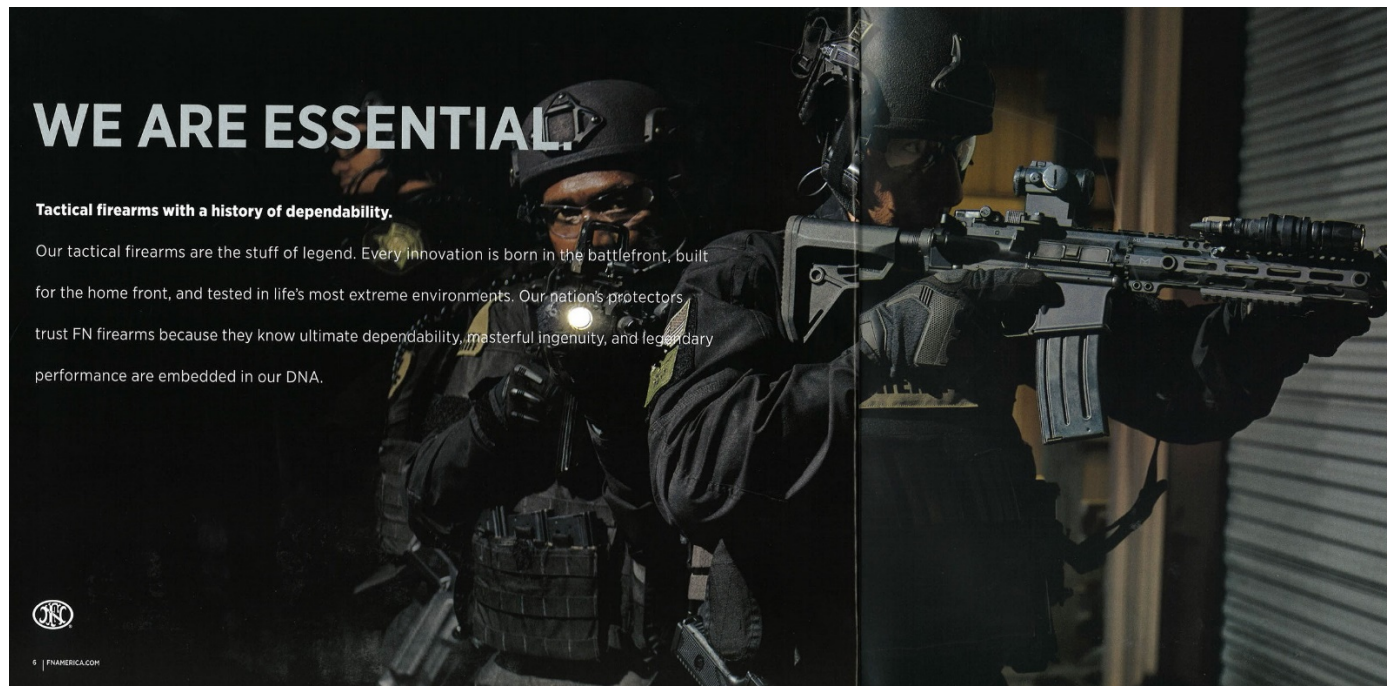
What we see in today's gun industry is a cluster of companies dedicated to producing and/or importing only semiautomatic assault weapons, including but certainly not limited to AR and AK-type rifles, pistols, and shotguns. In addition, most of the legacy American gunmakers such as Smith & Wesson and Sturm, Ruger have decided to take advantage of the market for assault weapons. For example, Smith & Wesson introduced its first assault rifle, the M&P15 (for "Military and Police") in 2006. Since then, the weapon has been used in some of our nation's deadliest mass shootings—including the Parkland school shooting in 2018, the attack at the San

<sup>2</sup> 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, U.S. Fish and Wildlife Service.

<sup>3</sup> For more information on the military orientation of today's gun industry, see *The Militarization of the U.S. Civilian Firearms Market*, Violence Policy Center, June 2011, <http://vpc.org/studies/militarization.pdf>.

Bernardino Regional Center in 2015, and the Aurora theater shooting in 2012.<sup>4</sup> American gun companies are joined by a variety of foreign-based manufacturers, such as FN and Sig Sauer.

The gun industry's marketing campaigns stress that the semiautomatic assault weapons available to civilians are equivalent to the guns used by the military. The industry's marketing materials are replete with military images and language. One recent example from FN's 2019 product catalog brags, "Our tactical firearms are the stuff of legend. Every innovation is born in the battlefield, built for the home front...."<sup>5</sup>



## The Rise in Public Mass Shootings Coincides with the Increasing Availability of Assault Weapons and High-Capacity Ammunition Magazines

Prior to the 1980s, the United States very rarely experienced the trauma of a public mass shooting. That began to change in 1984 when James Huberty decided to go "hunting for humans" at a McDonald's in San Ysidro, California. Huberty wielded an UZI Carbine and killed

<sup>4</sup> For more information on the Smith & Wesson M&P15, see *Understanding the Smith & Wesson M&P15 Semiautomatic Assault Rifle*, Violence Policy Center, February 2018, <http://vpc.org/wp-content/uploads/2018/02/FloridashootingSmithWesson.pdf>.

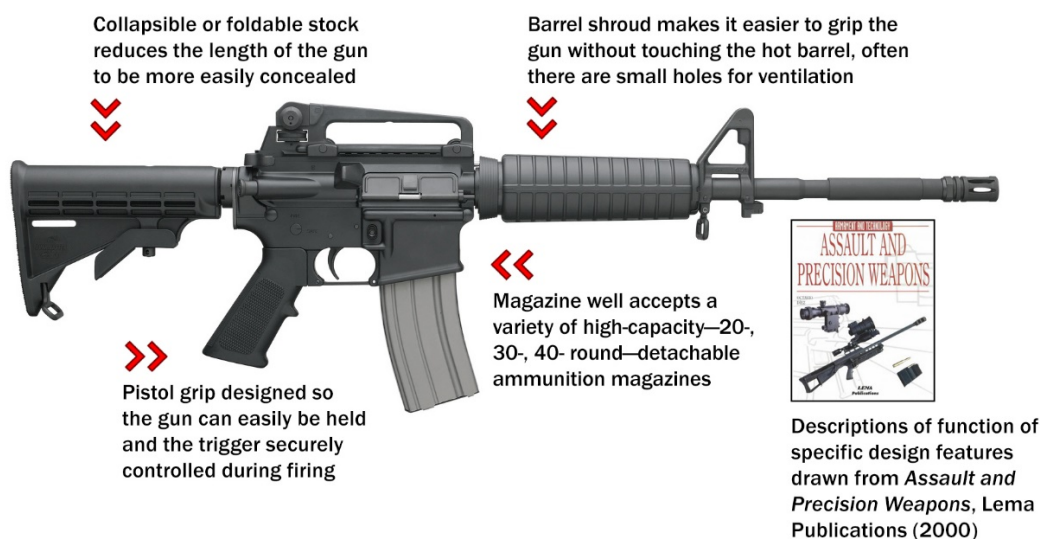
<sup>5</sup> For more examples of the gun industry's militarized marketing strategy, see *The Militarized Marketing of Bushmaster Assault Rifles*, Violence Policy Center, April 2018, <http://vpc.org/wp-content/uploads/2018/04/Bushmaster2018.pdf> and *Freedom Group's Militarized Marketing*, Violence Policy Center, January 2014, <http://vpc.org/studies/freedomgroup.pdf>.



21 people and wounded 19. His victims ranged in age from eight months to 74 years. In the years that followed, America has experienced a series of traumatic mass shootings in which the shooter used an assault weapon. Now these assault weapon attacks are coming with increasing frequency and higher death tolls.<sup>6 7</sup>

Semiautomatic assault weapons provide tremendous advantages to shooters in the context of a public mass shooting. They provide the ability to very quickly fire multiple rounds of ammunition while also allowing the shooter to quickly reload. The result is the capability to fire tens or even hundreds of rounds in a brief period of time. The design features of these firearms make them more controllable, maneuverable, and concealable.

### AR-15 Semiautomatic Assault Rifle



The impact of the gun industry’s intensifying focus on military-style firearms can be seen in the weapons chosen by today’s mass shooters. For example, the shooter who killed nine and wounded 27 in Dayton, Ohio in August 2019 chose an AR-type assault pistol equipped with a stabilizing brace, a relatively new trend in gun industry “innovation.” The industry now markets these assault pistols as a necessary upgrade for concealed carry, with one gun magazine noting that an assault pistol will provide longer range and an increase in “terminal performance” while

<sup>6</sup> In a study comparing active shooter incidents, researchers found that “more people were wounded and killed in incidents in which semiautomatic rifles were used compared with incidents involving other firearms.” “Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States,” *Journal of the American Medical Association*, no. 10 (2018): 1034.

<sup>7</sup> For examples of mass shootings involving assault weapons and high-capacity ammunition magazines, see the Violence Policy Center fact sheet, “Mass Shootings in the United States Involving Large Capacity Ammunition Magazines,” [http://vpc.org/fact\\_sht/VPCshootinglist.pdf](http://vpc.org/fact_sht/VPCshootinglist.pdf).

at the same time “remaining relatively small.”<sup>8</sup> The Dayton shooting grimly highlighted the fact that not all assault weapons are rifles. The “assault weapon” category is, in fact, rapidly expanding to include a new breed of assault pistols modeled after AR and AK-type rifles. These pistols combine the firepower of a rifle with the concealability of a pistol. Another dangerous trend is new assault shotguns that use detachable ammunition magazines, some of which are also modeled on AR and AK-type rifles.



*Firearms News review of the Sig Sauer Copperhead assault pistol*



*Kalashnikov Shotgun offered for sale by Atlantic Firearms*

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<sup>8</sup> “Something... More: Does Sig Sauer’s Copperhead Offer a Step Up From Your CCW Pistol?,” *Firearms News*, September 2019.

## **Assault Weapons are Not Just Used in Mass Shootings**

Although public mass shootings are the events that the public most commonly associates with assault weapons, the special hazard posed by these weapons is much broader in scope.

**Assault weapons pose a significant risk to law enforcement.** In February, a gunman armed with an assault rifle killed two FBI agents and wounded three more as they attempted to serve a warrant on the man who was suspected on child pornography charges. Such attacks on law enforcement by assailants armed with assault weapons are not uncommon. The Violence Policy Center performed an analysis of unpublished information from the FBI and determined that one of five law enforcement officers slain in the line of duty from 2016 to 2018 were killed with assault weapons. Moreover, our analysis of attacks in which multiple officers were killed in 2016 found that 75 percent of the officers were killed with an assault weapon.

**Assault weapons are the clear “weapons of choice” of cross-border gun traffickers supplying criminal organizations in Mexico and other Latin American countries.** It is well documented that drug trafficking organizations in Mexico rely on AR and AK-type firearms smuggled from the United States. The Bureau of Alcohol, Tobacco, Firearms and Explosives has identified AR and AK-type rifles as the weapons of choice of organized crime organizations operating south of the border. The Violence Policy Center has an ongoing project analyzing federal prosecutions of cross-border traffickers. We collect information on specific firearms identified in court documents by make and model (and usually serial number). We have found that assault rifles represent the majority (55 percent) of the more than 6,000 named firearms. The traffickers also have an increasing appetite for AR and AK-type pistols.<sup>9</sup>

**Assault weapons are used in street crime.** The use of assault weapons in crime is not limited to mass shootings and attacks on law enforcement, they are also employed on America’s streets. For example, the Violence Policy Center obtained information on guns seized by the Philadelphia Police Department from 2007 through mid-2013. Thirty-one percent of the rifles recovered were assault rifles. The crimes associated with those assault rifles included homicides, aggravated assaults (including assaults on family and law enforcement), robberies, weapon offenses, and drug offenses. Assault pistols were also represented in the seizures and were associated with multiple homicides, aggravated assaults, and robberies. As the number and variety of assault weapons continues to proliferate, they will more commonly be used in crime.

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<sup>9</sup> *Cross-Border Gun Trafficking: An Ongoing Analysis of the Types of Firearms Illegally Trafficked from the United States to Mexico and Other Latin American and Caribbean Countries as Revealed in U.S. Court Documents*, <http://vpc.org/indicted/>.

## **Implications for Policy**

The threat posed by assault weapons to public safety and law enforcement is real and demands a thorough policy response. Any ban must incorporate a definition of “assault weapon” that cannot be evaded by the gun industry. This was the major flaw with the federal ban that was in place from 1994 until 2004. The definitions allowed the industry to continue to develop and sell *de facto* assault weapons. Today, we understand the myriad tricks the industry employs to work around previous and existing definitions of “assault weapons,” so crafting an effective definition is possible. A new ban must also address grandfathered “assault weapons” more effectively than the 1994 law. Options for grandfathered weapons include background checks on all future transfers, mandatory registration under the National Firearms Act, and buybacks.

Thank you for considering our views.