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Central Conference of American Rabbis Champaign County Health Care Consumers Chicago Consumer Coalition Children Now
(California) Citizens' Committee for Children of New York Columbia Consumer Education Council The Consumer Alliance Consumer
Federation of America Consumer Federation of California Democratic Processes Center, Inc. Evangelical Lutheran Church in
America Florida Consumer Action Network Freedom States Alliance General Board of Church and Society of the United Methodist
Church Hadassah, the Women's Zionist Organization of America Handgun-Free America, Inc. Illinois Council Against Handgun
Violence Iowans for the Prevention of Gun Violence Kids in Common (California) Massachusetts Consumers' Coalition Maryland
Consumer Rights Coalition Mennonite Central Committee U.S., Washington Office National Council of Jewish Women National
Organization for Women National Women's Health Network New Mexico Voices for Children New Yorkers Against Gun Violence
North Carolina Consumers Council, Inc. Ohio Coalition Against Gun Violence Oregon Consumer League Physicians for a Violence-
free Society Presbyterian Church USA, Washington Office Statewide Youth Advocacy (New York) Trauma Foundation Union of
American Hebrew Congregations Unitarian Universalist Association of Congregations United Church of Christ, Justice and Witness
Ministries Voices for America's Children (formerly National Association of Child Advocates) Voices for Illinois Children Voices for
Virginia's Children Wisconsin Anti-Violence Effort Wisconsin Council on Children and Families Youth ALIVE!

April 21, 2003

The Honorable Dianne Feinstein
331 Hart Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Feinstein,

We, the undersigned groups, appreciate the leadership you have demonstrated in the fight to reduce gun violence, and specifically, to ban assault weapons. While we hope to work with you to both strengthen and reauthorize the 1994 law, we cannot support a bill that does not address the limitations in existing law.

The gun industry's actions to evade the assault weapons ban have given us a clear path to new legislation. In order to address the assault weapons issue, we must be clear in our understanding that these are weapons of war: semi-automatic assault weapons are civilian versions of military weapons with features that allow them to kill large numbers of people rapidly. Therefore, new legislation to reauthorize the 1994 ban must deal with military-style weapons available to the public by clarifying the definition of the term "assault weapon." The term "assault weapon" must include any semiautomatic rifle, shotgun, or pistol that can accept a detachable magazine and includes **one** listed additional feature such as a pistol grip, fore-end grip, or collapsible stock. This improvement recognizes the features that represent the essence of an assault weapon and avoids having to defend current superfluous characteristics such as flash suppressors and bayonet mounts. In addition, a comprehensive bill should ban conversion parts kits; regulate "grandfathered" assault weapons and enhance the tracing of such weapons; ban all high-capacity magazines, including imports; and prohibit juvenile possession. The bill should also expand the number of weapons specifically banned by name to include assault weapons such as the Bushmaster XM15 used by the alleged Washington snipers that were specifically designed to evade the 1994 law.

The Bushmaster is a depressing example of the lengths America's gun industry goes to evade the 1994 ban. In October 2002, the *New York Daily News* reported that "The Beltway sniper chose an all-American assault weapon to murder his human game: a Bushmaster Firearms Model XM15 A3 rifle. The Bushmaster is nearly identical to the U.S. military's M-16 assault rifle....Experts call it a post-ban knock-off of the M-16, meaning it is perfectly legal to make, buy and sell, despite the nation's so-called assault weapons ban, enacted in 1994."

This behavior is not unique to Bushmaster. The gun industry is marketing their weapons as post-ban guns and flaunting the original ban. A review of gun industry publications and advertisements shows how prevalent this problem has become. Intratec thumbed its nose at the federal ban in 1995 when it turned pre-ban versions of the TEC-9 (used in the Columbine and 101 California office shooting) into the AB-10 (AB stands for "after ban"). In the summer of 1998 Stephen Jorgensen [who was convicted for violating the Arms Export Control Act] began buying the first of what were eventually more than 800 MAK-90 semiautomatic rifles. The AK was

modified in 1990 to get around the California Assault Weapons Ban--hence MAK-90, or "Modified AK 1990." It is exempt from the national ban, enacted after the California ban, because it has slight alterations that give it a hunting-rifle appearance. Jorgensen says the distinction is absurd. In a November 2002 piece for *The Nation*, Jorgensen said, "These weapons happened to be a loophole because they didn't have a pistol grip on the stock. They had a thumbhole. How ridiculous!"

It is no secret that the current law does not meet its stated objective. Less than five months after the ban took effect, *60 Minutes* did an exposé on how the gun industry had already started to evade the law, in which you were featured. In response to Lesley Stahl's questions about how the industry had evaded the ban, you rightly observed, "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."

There is a way to "stop it." It's by sponsoring legislation to reauthorize the ban and strengthen it in such a way to prevent the gun industry from cynically circumventing it. As you know, such an effort is not unprecedented. California significantly improved its state assault weapons ban in 1999 in response to the gun industry's efforts to evade a law passed in 1989. When given the opportunity to reauthorize federal laws, it is standard practice to include improvements that deal with how industry has evaded existing law.

In a meeting three weeks ago, your chief counsel told some of us that you have some valid concerns regarding support from other Senators and national law enforcement organizations. Give us a chance to persuade key legislators, as well as law enforcement, and we will show you that we can rally support for a stronger bill. We have the capacity to deliver.

It's well established in the pro-gun community, the media, as well as supporters of gun control that the gun industry has successfully evaded the 1994 law. Supporting simple renewal of the existing ban is indefensible for those of us working to improve public safety. To ensure our integrity, reauthorization of the ban must include substantial improvements to prevent the gun industry from continuing to flood America's streets with these deadly weapons.

Senator Feinstein, we are committed to this issue. Ten years ago we didn't have half the number of state gun control groups we have today. We are building our coalition to include child advocacy, civil rights, consumer, domestic violence, public health, and religious organizations from around the country. We are prepared to mobilize for a national fight, and the gun lobby will not intimidate us.

Thank you for your leadership and commitment to banning assault weapons in America. Please feel free to call Susan Peschin at Consumer Federation of America at (202) 939-1017 with any questions or comments regarding our position. We hope to hear from you soon.

Sincerely,

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Wisconsin Council on Children and Families
Youth ALIVE! (CA)

cc: Senator Charles E. Schumer
Jeff Berman, Chief Counsel, Senator Charles E. Schumer
David Hantman, Chief Counsel, Senator Dianne Feinstein