

## Exhibit 60

To Defendants' Memorandum in Support of Motion for  
Summary Judgment



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COMMONLY REFERRED TO AS A BAN, THE 10-YEAR MORATORIUM ON THE MANUFACTURE OF 19  
SPECIFIC GUNS HAS DONE NOTHING TO KEEP ASSAULT WEAPONS JUST LIKE THEM OFF THE  
STREETS. WITH GAPING LOOPHOLES, THE LAW IS EASILY SKIRTED.

**SERIES:** FIRE SALE. AMERICA'S UNCHECKED GUN MARKET.

PART 4: ASSAULT WEAPONS.

**BYLINE:** By Melvin Claxton and William Gaines, Tribune Staff Writers.

**BODY:**

The law's supporters claimed it would rid the streets of the rapid-fire, semiautomatic, military-style weapons so popular among criminals--particularly drug dealers and gang members.

But three years after its passage, the federal assault-weapons ban is easily skirted by manufacturers, firearms dealers and gun buyers. The 19 weapons specifically named in the ban are still traded openly and legally.

The law didn't take a single existing assault weapon off the streets. Gun industry reports to the Bureau of Alcohol, Tobacco and Firearms that track the number of weapons manufactured each year, suggest that production of virtually identical weapons continues unabated.

And the sale to the public of U.S. military weapons--as deadly as any of those restricted by the law--continues unaffected.

The law's deficiencies are illustrated by the continued availability of the M-1 carbine, a military weapon designed for close-quarters combat.

The government sells M-1 carbines directly to the public through the recently privatized Civilian Marksmanship Program, even though the rifle has limited sporting application.

"The M-1 carbine has no marksmanship value," says Jim Hill, former national shooting champion and match director of the National Rifle Association shooting competition at Camp Perry, Ohio. "No one shoots with this gun in

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competition."

The M-1 carbine, with its light kick, rapidity of fire and ability to accept large magazine clips, has been used in numerous multiple slayings and shootouts. At least 636 M-1 Garands and carbines were recovered from crime scenes in the last two years, ATF records show.

Thousands of carbines and other military guns--rebuilt from scrap and spare parts--are sold each year by gun manufacturers who specialize in rebuilding military weapons.

These battlefield weapons--including semiautomatic versions of the tightly restricted M-14 assault rifle--were all excluded from restrictions under the law. A total of 670 guns were exempted by name, and a version of the M-1 carbine continues to be manufactured by a private company.

Though handguns remain by far the most prevalent weapons used in crimes, assault weapons captured notoriety in a series of high-profile shootouts and massacres over the last two decades. The assault-weapons bill's sponsor, Sen. Diane Feinstein (D-Calif.), has seen the effects of gun violence.

Feinstein became mayor of San Francisco after her predecessor, George Moscone, was killed with a handgun in 1978.

After the massacre of five California schoolchildren and the wounding of 21 others by a lone gunman armed with an AK-47 in a Stockton schoolyard in 1989, Feinstein, a longtime advocate of gun control, figured the timing was right for a ban on such weapons.

The California massacre was not the only case in which a military assault weapon had been used in multiple slayings. That very year, nine workers at a Louisville printing plant were gunned down by a former employee wielding an AK-47, a Russian military rifle.

Even as the assault-weapons bill made its way through committee in 1993, the deadly violence associated with the weapons continued.

In January of that year, four Milwaukee teenagers were killed by an AK-47 in a gang shooting. Four months later, a Colorado gunman used a similar weapon in a shooting spree in a bar, killing two people and wounding five. And in December, an AK-47 was used to kill three people in a store's parking lot in Oklahoma.

In January 1994, as the bill made its way to the Senate floor for a vote, a troubled teenager in Los Angeles used an AR-15--a version of the military's M-16--to kill his father, a female police officer and himself. These shootings and others throughout the country were powerful tools in the argument to ban assault weapons.

But Feinstein hadn't figured on the power of the gun lobby. By the time her bill became law, it was so compromised that it offered little hope of fulfilling its promise of curbing the violence associated with assault weapons. Although the AK-47 was one of 19 weapons that could not be produced for a minimum of 10 years, nearly identical assault rifles can still be manufactured, sold and traded.

The gun lobby, and particularly the National Rifle Association, used direct mailing to get its members to voice opposition to the assault-weapons bill. And the lobbyists worked with pro-gun lawmakers to ensure that key elements of the bill were removed. Lawmakers listened because of the NRA's proven ability to influence elections with its considerable financial muscle.

NRA president Marion Hammer said her organization opposed the bill because it was bad legislation.

"The so-called assault weapons are used in a tiny percentage of all crimes," Hammer said. "The law was just one more step in an effort to make it more difficult for law-abiding citizens to buy and own guns."

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Larry Pratt, president of Gun Owners of America, said the assault weapons law offered the wrong solution to the problem of firearm violence.

"Research has shown that putting guns in the hands of people who obey the law is the best deterrent to crime," Pratt said. "That's what we need to be focusing on, not taking guns away."

Gun-control groups have called the assault-weapons law a victory, but both sides of the gun debate agree it is a symbolic one at best.

A study in compromise

The assault-weapons law is commonly referred to as a ban. It isn't.

It's really a 10-year moratorium on the manufacture of a select group of assault weapons that began in September 1994. When the moratorium expires, Congress must enact another, or manufacturers can again begin making restricted weapons.

Under the law, every assault weapon made before September 1994 can be legally owned, sold or traded.

At no time did Congress entertain the thought of banning the weapons already in private hands--including millions of American and foreign-made military weapons. Such a ban was so strongly opposed by gun owners that Feinstein said it wasn't even considered.

Even the idea of a moratorium, Feinstein said, was a compromise to appease the gun lobby, which refused to accept a permanent prohibition on the manufacture of the restricted weapons.

Defining an assault weapon was also a process mired in controversy and compromise, the senator said.

The gun lobby insisted that many popular, semiautomatic weapons used for hunting not be included in the ban.

One such weapon was Sturm, Ruger's Mini-14, a semiautomatic counterpart to Colt's AR-15 and its military counterpart, the M-16 machine gun.

The semiautomatic version of the AR-15 was restricted. Sturm, Ruger's Mini-14 wasn't, despite the fact that the gun is just as powerful as the AR-15, according to Jane's Infantry Weapons, the book considered by many as the authority on military guns.

Since 1975, Sturm, Ruger has made a million Mini-14s, said Stephen Sanetti, vice president and general counsel with that Connecticut-based company. He said the Mini-14 was excluded from the ban because it is a hunting rifle and was always marketed as such.

"We have always believed that the whole debate about assault rifles is sort of silly and an exercise in futility," Sanetti said. "If the issue is criminals firing off dozens of shots in rapid succession, then eliminate high-capacity magazines. That would seem to make more sense."

Sanetti said that since the early 1980s, Sturm, Ruger has limited the number of bullets in its Mini-14 magazines to five-- the assault-weapons law set the maximum limit at 10.

But the ability to insert a larger magazine clip in the Mini-14 makes it as dangerous as any of the restricted assault weapons.

This was illustrated by the April 23, 1987, slaying of two police officers and four others in Palm Bay, Fla., by a lone gunman armed with a Mini-14. The gunman, William Cruse, had five clips holding 30 bullets each.

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In the shootout with police that preceded his capture, Cruse, 59, a retired librarian, held officers at bay with rapid fire from his Mini-14. So outgunned were police that a concerned neighbor gave an officer a AR-15 so that police could match Cruse's firepower.

It still took a police SWAT team six hours to capture Cruse, who is now on Death Row.

Feinstein said she knew that any bill that used a definition based solely on the power of the weapon or its rapidity of fire would never get the votes needed to pass. So even before the bill was drafted, it was already deeply compromised, she conceded.

Instead, legislators simply banned the production of 19 of the most notorious semiautomatic firearms and drew up a list of six features, any two of which would make a gun an assault weapon, and therefore prohibited from being manufactured. These restrictions left many weapons unaffected.

There were other compromises.

Some gun-control groups wanted existing assault weapons to be registered. This was similar to what was done with machine guns--fully automatic weapons--under the 1934 National Firearms Act. This law required machine-gun buyers to submit to FBI background checks and to pay a \$200 transfer fee at the time of purchase.

The machine-gun law followed a rash of gangster shootings with these weapons in the late 1920s and early '30s. The tight restrictions have been credited by law enforcement with drastically reducing machine-gun violence until this day.

But lawmakers backed away from the registry proposal when it became clear they didn't have the votes.

By the time the assault-weapons bill became law, individuals who were not gun dealers but who owned assault weapons were still allowed to sell them without federal paperwork or controls.

As a result, the weapons remain readily available.

Almost immediately upon the law's passage, manufacturers renamed weapons or slightly modified them. In some cases it took just a few superficial changes to make the guns legal. Of the 19 weapons outlawed, ATF agents estimate that at least a dozen have resurfaced under other names.

The agents say not one of the renamed weapons is less powerful or less dangerous than its banned predecessor.

Some manufacturers kept their weapons off the endangered list by dropping one or more of the features outlawed in the gun law, such as bayonet lugs, flash suppressors and folding stocks.

Manufacturers were able to make cosmetic changes to weapons to get around the law. At no time were they forced to make guns less powerful or fire less rapidly.

"I had no idea of the lengths to which gun manufacturers would go," Feinstein said. "I am now convinced that nothing less than banning possession of assault weapons will work."

This, she concedes, is highly unlikely.

Most gun industry experts agree that many of the shotguns and military rifles excluded from the ban are as deadly as the restricted weapons. The NRA, which fought to have these guns excluded, now criticizes Congress for creating an assault-weapons law that it says is clearly illogical.

The gun lobby, however, hasn't gotten everything it wanted. A Republican-dominated House voted to repeal the

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assault-weapons ban in 1995, but the Senate refused to tackle the issue.

With the majority in the House clearly against the assault-weapons law, few pro-gun control lawmakers are prepared to try to toughen it.

"At this stage, with the present makeup of the House and Senate, if you bring something to the floor on assault weapons, you run the risk of having the law weakened further," Feinstein said. "I am not prepared to do that."

**GRAPHIC: PHOTO GRAPHICS 2GRAPHIC (color): LIMITED OPTIONS;** Features that have nothing to do with an assault weapon's firepower make the difference between a gun that can be legally manufactured and one that cannot.; A semiautomatic rifle is restricted if it accepts a detachable magazine and a combination of two or more of the five other features below.; - See microfilm for complete graphic.; **GRAPHIC: Gun law chronology;** There are more than 22,000 gun-control ordinances and laws in the U.S. But in this century, some of the most trumpeted--and in some cases ineffective--are the federally mandated laws below.; Chicago Tribune/Lara Weber and Kevin Hand; - See microfilm for complete graphic.; **PHOTO (color):** Jerry Singer, an ATF agent in Chicago, holds a modified SKS rifle amid a display of assault weapons confiscated in the Chicago area. Tribune photo by John Lee.

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