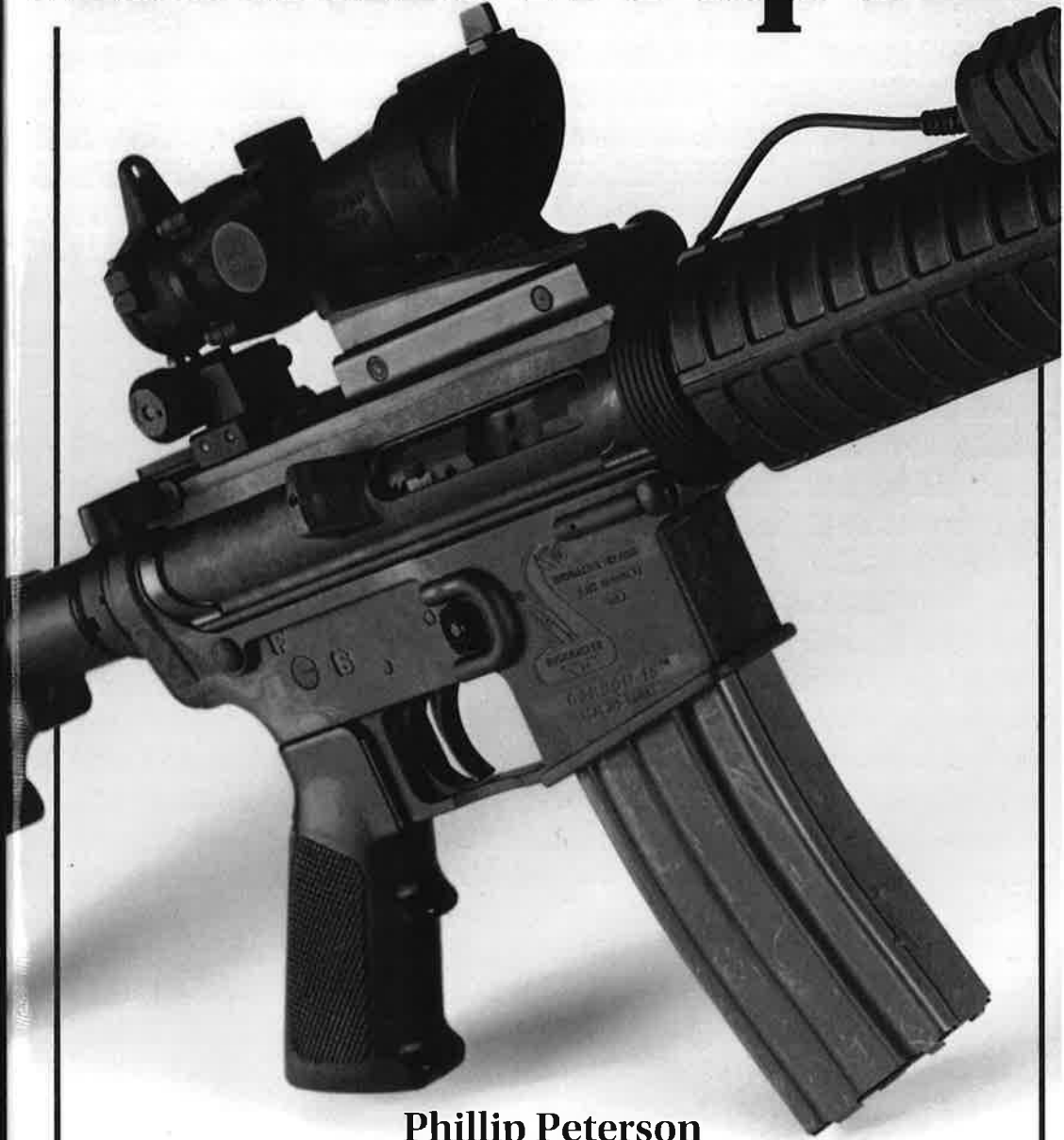


Exhibit 73

To Defendants' Memorandum in Support of Motion for
Summary Judgment

Buyer's Guide to Assault Weapons



Phillip Peterson

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FOREWORD

Gun Digest Buyers Guide to Assault Weapons includes a variety of firearms that might be categorized as an "assault weapon" by those that have knowledge or interest in firearms.

The main criteria for inclusion in this guide are that the firearm be semi-automatic and accept detachable magazines that hold more than ten rounds of ammunition. A few, such as the Barrett M-82 and SVD Draganov sniper rifle, have ten-round magazines but due to their design they are still included. While military type features such as a pistol grip, flash hider, bayonet mount or folding stock are found on many rifles, there are some guns found herein that have a more traditional "sporting" appearance. Some of this is due to legislation that dictates legality based on the appearance of the firearm.

The Classics

Many semi-automatic AW designs manufactured over the last forty years are based on existing select-fire models being used in actual military service. Some are made by the original manufacturer while others are copies made by commercial companies wishing to cash in on the U.S. civilian arms market. The "original manufacturer-built" firearms are what I refer to as classics.

During research for this book I was surprised to find out how many of the makers of the world's true assault weapons have offered semi-automatic versions on the U.S. market. This began in 1964 with the introduction of the Colt AR-15. This legendary rifle is still made in a cosmetically altered form by its original manufacturer today (and by many, many others).

Most of the other classic designs were made in other countries. The FN-FAL, HK G-3, CETME, Valmet, Galil, Steyr AUG, FAMAS, SIG AMT and more were legally imported to the U.S. in the 1960s and '70s. When these models were first on the open market they were not great sellers. Most were too expensive to appeal to the average shooter. Some of these classic models were imported in limited quantities; in some cases only 100 or so ever came to the U.S.

In addition to the classics, there were several independent designs that were manufactured by small companies. Many of these were designed by fans of the classics and incorporated desirable features in new models. Guns that might fit in this category include the Ruger Mini-14, Bushmaster ARM pistol, Holloway HAC-7, Wilkinson Arms Terry carbine and Leader Mk5. Some of these were made in small quantities and the companies folded quietly without much notice. Others, such as the Ruger Mini-14, continue to be popular models.

In the mid 1980s the demand for these military lookalike firearms began to grow faster than it had in the previous twenty years. This might be attributed to a new generation of shooters coming of age, one whose members had grown up viewing these type firearms on the news and in movies. The generation of WWII-era shooters had mostly favored traditional steel and walnut firearms. The younger group of enthusiasts was more accepting of the alloy and stamped construction with synthetic stocks. The American firearm press and industry began using the term "assault weapon" to identify this evolving class of firearms.

Unfortunately, the 1980s saw a growth in the criminal misuse of firearms. When a criminal used a semi-automatic UZI carbine to murder twenty people in a fast food restaurant in San Ysidro, California, in 1984, the national media focused much negative attention to the type of firearms used. Other mass shootings followed. Despite the fact that few of this type of firearm were ever used in everyday street crime, the media and antigun politicians jumped on the band wagon to demonize this class of firearms and those who owned them.

Subsequently, California passed a ban on the sale of or import into the state of new semi-automatic assault weapons. Those who had them could register and keep them but no new ones could be brought into the state. This California legislation was the first large-scale effort to ban guns by model name and physical characteristics.

The big change occurred in 1989 when the Reagan administration banned the import of firearms that did not meet a "sporting use" criteria set forth in Federal law. The sporting-use rules had been on the books since the Gun Control Act of 1968 but the definition was re-

vised to ban import of firearms previously deemed acceptable. See the legal chapter for the text of the sporting use criteria and banned features.

The import ban affected foreign firearms but domestic production continued as before. Unfortunately, in 1989 there were not that many domestic designs on the market. Prices for the pre-ban imported guns shot through the roof. The period from 1989 to 1994 saw an increased demand for many models that had been slow sellers before the ban. Ever eager to fulfill the wants of American buyers, some U.S. manufacturers had begun building new firearms using American made receivers with imported parts. The government moved to close this "loophole" by imposing the parts count rules listed in Federal regulation 922r.

As they observed with horror the growing demand for assault weapons among American shooters, the anti-gun forces were relieved when a like-minded president was elected in 1992. The Clinton administration joined with members of congress to push through the infamous Assault Weapon ban of 1994. This law was one of the least effective pieces of firearm legislation ever passed. First, it "grandfathered" all existing firearms and allowed them to be freely owned and transferred as before. Next, it defined "Assault Weapon" by the external characteristics of the firearm, listing several features that were found on pre-ban models: pistol grip, flash hider, folding stock, etc. See the Legal section for a copy of this law. A firearm could be legal if it had any one of these characteristics. If it had two or more it was banned. Finally, in order to get the legislation past some pro-gun factions they added a ten-year sunset provision. This meant that unless congress voted to renew the law, it would expire after ten years.

So from 1994-2004, the American firearms industry built guns that complied with the definitions set forth by the law. This resulted in oddities such as AR-15s with pinned collapsible stocks, permanent recoil compensators and American-made AKs without bayonet lug and flash hider. Of course, many of the anti-gun congressmen who fought for the law complained that these things were violating the "spirit" of the law. Some small manufacturers that had begun busi-

ness in the late 1980's grew rapidly when they began shipping new ban-compliant versions. But tell an American shooter he can't have a gun today that he could have had yesterday, and that shooter will suddenly desire the gun he previously didn't want. People used their ban-compliant firearms for a decade, all the while nursing their desire for pre-ban models.

While much of America saw that the ban was meaningless and ineffective, many gun owners were quietly waiting for the ban to expire.

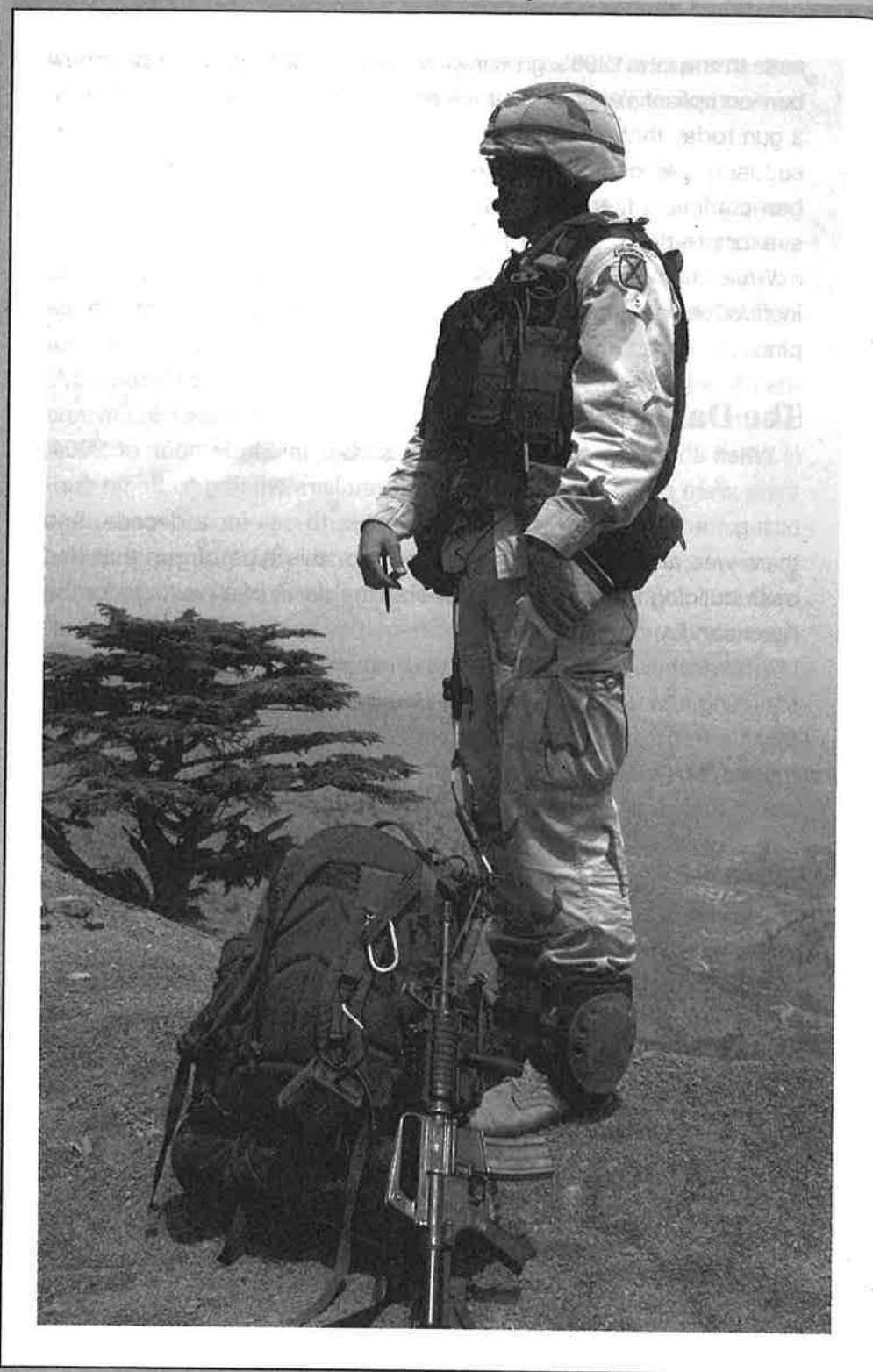
The Dam Breaks

When the assault weapons ban sunset in September of 2004, there were many manufacturers and retailers waiting to begin supplying the models they had been unable to sell for a decade, and there was an unprecedented demand for this type of gun that had been building for a decade. 2004 was the dawn of a new age for the American firearms industry.

While other facets of the firearm market were static or slowly shrinking, the demand for assault weapons is expanding to this day. Much can be attributed to the fact that the anti-gun forces continue to fight for a renewal of the assault weapons ban – but this time without a sunset clause. Additionally, they want to close any loopholes that allowed any configuration of the banned firearms to remain legal to manufacture. Thus, manufacturers and their customers feel that “the clock is ticking,” and this naturally fuels a huge demand for this type of firearm.

As of early 2008 there are several new manufacturers filling demand in the assault weapons market. There are currently more than twenty companies that make versions of the AR-15. The only difference in these lies in the quality of the parts used and a few proprietary features that some are offering. Most makers of AR-style weapons are filling orders as fast as they can ship them. With some, production is three months or more behind. The same is true for AK-47/AKM series. There are at least a dozen U.S. manufacturers that build new Kalashnikov rifles using new American receivers along with domestic and imported parts.

FOREWORD



Heavy Iron

Another growing segment of the market is the semi-automatic versions of true machine guns and submachine guns. The U.S. Browning Model 1919 belt fed was one of the first models to be offered. They have been available for over a decade from a few small manufacturers. After 2004 there have been several new models added to the list. If you want a new semi automatic German MG-34, British Bren, Russian RPD, DP-28, PPSH, U.S. M-60, 1918 BAR and several others, all you need do is fork over the cash. These firearms are built with new semi-automatic receivers along with some original parts that have been modified to function only in semi-automatic mode.

Home Gunsmithing

Finally, I must mention another significant trend that started back in the 1990s. I call it "rolling your own." This is when a new receiver is purchased by the end user, who builds a functional firearm around it using new custom or used surplus parts.

There have been AR-15 lower receivers available on the market since the late 1970s but since 2004 the number of models being assembled by the end user has grown. One can currently purchase finished semi-automatic receivers for the CETME, G-3, FN FAL, M-14, AK Series, U.S. M-1 carbine, M 1917mg, M-2 .50 mg, and others. Due to the fact that each non-factory firearm is unique, this book does not list pricing for these "kit" guns.

When examining an unfamiliar "home built" firearm it is important to consider the skills of the builder and the quality of the parts used. This is especially true for the countless AR-15 type firearms out there on the market. With all the major companies selling their lower receivers and any combination of upper assemblies it is impossible to know for sure which guns are factory assembled and tested or one assembled by a hobbyist in his garage. There are also small companies that buy receivers and assemble custom guns for resale.

Be careful when buying, and enjoy your assault rifle responsibly.

Phillip Peterson
Albion, Indiana



Introduction: What's in a Name?

Assault Weapon.

Those words, on the cover of this book, are probably what drew you to pick it up. "Assault weapon" is a term that causes arguments within the pro-gun community. Any use of the terms "assault weapon" or "assault rifle" by media or politicians is attacked by some pro-gun writers, organizations and many firearm owners. Long wordy debates take place on internet message boards arguing the definitions and usage of terms.

Why is that?

The main reason seems to be that the term has gained use by the anti-gun movement and media. Whenever a crime is committed with a semi-automatic military pattern firearm, the mainstream media will quickly jump in with headlines like "assault weapon used in killing spree" or "drug sweep nets assault weapons." The only time many in the non-gun owning public are exposed to this class of firearms is through negative media exposure.

If you use the historically applied terminology, an assault weapon must be capable of full-automatic fire, i.e., a machine gun. The term assault rifle had its beginning with the Germans during WWII and was applied to a new class of firearm: the "SturmGewehr," or storm rifle, properly known as the MP-44.

This is generally considered to be the first true assault rifle. It was a select-fire rifle that used an intermediate-sized rifle cartridge called the 8x33mm Kurz (short).

The intermediate cartridge concept helps define an assault rifle in military circles. The intermediate cartridge is smaller than the rifle cartridges used in belt-fed machine guns and larger than the pistol cartridges used in submachine guns. Intermediate cartridges are what many semi-automatic assault weapons chamber. These include the 5.56mm (.223), 7.62x51mm (.308), 7.62x39mm, and 5.54x39mm.

What is an assault weapon? If one were to use a strict definition, it could be ANY object that is used against another individual to cause bodily harm. That can be a firearm, a rock or a feather poked in the eye. The military definition was discussed in the last paragraph. In the context of this book, however, "assault weapon" refers to a semi-automatic firearm that accepts high capacity magazines (10+ rounds) and is patterned after military issue select-fire weapons. This can mean an exact copy of an existing design, minus the components that allow full-automatic fire. Or it can be a new design that utilizes similar characteristics.

The popularly-held idea that the term "assault weapon" originated with anti-gun activists, media or politicians is wrong. The term was first adopted by the manufacturers, wholesalers, importers and dealers in the American firearms industry to stimulate sales of certain firearms that did not have an appearance that was familiar to many firearm owners. The manufacturers and gun writers of the day needed a catchy name to identify this new type of gun.

The fact that some of the semi-automatic versions of the military-style firearms retained their bayonet lugs, extended pistol grips, high capacity magazines, folding stocks and even threading for muzzle brakes and grenade launchers has been used to erroneously define "assault weapons." But these design features were part of the attraction to this kind of firearm. All of these features are merely cosmetic and there is little if any evidence that their inclusion on a gun has been essential to some specific criminal use.

Look in many 1980s-era editions of *Gun Digest* and you will find listings of several makes and models of guns that were categorized as assault rifles or assault pistols. There were also some issues of a magazine called *The Complete Book of Assault Rifles* published in the 1980s. *Guns & Ammo* magazine published at least one issue of a magazine with the title *Assault Rifles: The New Breed of Sporting Arm*. And the truth is that many gun owners have used and still use the term in everyday conversations about firearms.

Some alternate monikers suggested by the never-call-them-assault-weapons crowd include paramilitary firearms, military pattern semi-automatics, homeland defense rifles, tactical firearms, sports

utility rifles, EBRs (Evil Black Rifles), or simply firearms. I tend to favor the term neat guns, but that could be just about any gun. There needs to be a commonly understood name for this type of firearm that does not require a drawn out definition. It really should not be that complicated.

Whatever arguments can be made about what terminology to use, the name assault weapon has been defined by law with the passage of several state and local AW laws and by the Federal Assault Weapon Ban, also known as the Crime Control and Law Enforcement Act of 1994. This law, and most of the others, regulate these firearms by model name and characteristics. (See the chapter on legal issues to read the exact wording of the currently expired Federal AW law.) By using the term "assault weapon" throughout the text of the law, they have forever added this name to the American dictionary.