

## GUN CONTROL AND ASSAULT WEAPONS

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As Rahm Emanuel stated when Chief of Staff for Obama, “Never let a good crisis go to waste!”

While the massacre of the innocents in Connecticut is horrendous, the gun control advocates are out in force with specious and egregious lies, deceptions, and outright Marxist politics! Obama has failed to address the Fort Hood massacre of our soldiers or the 500+ American citizens gunned down in his home town of Chicago just this year. These murders and acts of terrorism do not figure into the Marxist agenda of gun confiscation as the precursor to total government control. Hitler, Mao, Stalin, Mussolini, and all other dictators involved in attempting full government control over their citizens knew that the nullification of the citizen’s right to bear arms in case the government turned rogue was a priority. So, let’s take a hard look at the problem by the numbers.

### 1. 1. “Assault Rifles”

What is the legal definition of an “Assault Rifle”? The word “Assault” in military or law enforcement parlance is the breaching of a defensive position to achieve possession of it. Several generations ago specific rifles were designed to achieve this. The requirement was that they be light, shorter for close quarters than main battle rifles such as the M1, and use smaller and lighter caliber ammunition because they would be used in close quarters. Aside from heavy machine guns requiring multiple personnel, the assault rifle had to be individually carried. The primary function of the assault rifle was that it had to be able to fire like a machine gun in fully automatic fire – hold the trigger rearward and the rifle would continue to fire until you released the trigger or you ran out of ammunition. Google the “St. Valentine’s Day Massacre” back in Chicago 80 years ago and you will find the gangsters using Thompson Sub-Machine guns that fired the .45ACP cartridge. They used detachable cartridge drums that held lots of rounds, much more than any magazine. During WW2 the Thompson was a premier assault rifle used to breach defensive positions. It was also modified to use a 30-round magazine instead of the drum, which was subject to failing.

In 1965 the US began to issue M16 full-auto assault rifles for use in Vietnam. The M16 replaced the M14 which was in use once the M1 (8 rounds in a clip loaded from the top of the receiver, and NOT full-auto) was phased out in the late 1950’s. The M14 was a main battle rifle using nearly the same powerful long-range cartridge as the M1, but the M14 was able to fire full-auto. It was magazine fed at the base of the receiver. The M16 was designed specifically as an assault rifle to use in Vietnam in close quarters in the jungle. It was light, short, and used small but powerful .223 ammunition, the bullet being nearly equal to the normal .22LR used in target rifles and pistols. (.22 equals 22 thousandths of an inch, or nearly ¼ inch in diameter, but the .223 cartridge as used in the M16 and the M4 carbine, a shorter version of the M16, is more powerful, but basically the same bullet.)

Most assault rifles have a selector lever on the receiver that designates what rate of fire the user wishes such as “AUTO” (continues to fire like a machine gun if the trigger is held rearward),

“BURST” (only fires a 3-round burst to save ammunition), “SEMI-AUTO” (will only fire when the trigger is pulled rearward one at a time), and “SAFE” that prevents the rifle from firing at all. The two most used assault rifles ever produced are the Russian AK47 and the American M16/M4. Because of their military popularity the manufacturers decided to produce civilian versions that are NOT FULL-AUTO or “BURST” as the military versions are. They only appear cosmetically to the FULL-AUTO military versions. In the US you may not own or purchase any FULL-AUTO firearm without a specific license issued by the Bureau of Alcohol, Tobacco, and Firearms (BATF), and these licenses are highly controlled and supervised. Again, NO FULL-AUTO firearm, including “Assault Rifles” can be purchased by civilians without the license.

## 2. Civilian rifles cosmetically appearing to be “Assault Rifles”

There are several civilian copies of military assault rifles. One of these is referred to generically as the “AR15”. The “AR” stands for the Armalite Company who produced the first M16 rifle issued to our troops in Vietnam back in 1965. Once it was approved Colt purchased the rights and the majority were then produced by Colt. However, the AR15 is a civilian version of the M16 military model, but with a significant difference. IT IS NOT FULL-AUTO! There is a firing selector lever on the receiver, but it has only TWO positions, “FIRE” and “SAFE”. In all other respects it cosmetically mirrors the military model. In the “FIRE” position the rifle will ONLY fire ONE round each time the trigger is pulled. This is identical to many other rifles in use today as well as shotguns. They are termed “SEMI-AUTO” because it requires the pull of the trigger for each shot. Most law enforcement pistols are also SEMI-AUTO such as the SIG-SAUER, GLOCK, H&K, etc. SEMI-AUTO only means that each time the trigger is pulled it fires a bullet until the ammunition is completely depleted. Therefore, an AR15 rifle is NOT an “Assault Rifle”!

You can modify AR15 rifles in various ways such as adding a flashlight, a laser aiming light, scopes of varying types, but the ONLY modification you can't legally perform is a modification that allows it to fire FULL-AUTO! That is a FELONY! So, what did the “Assault Weapons” ban issued under Clinton in 1994 really accomplish? NOTHING! It expired in 2004 with no great fanfare.

In California we still have an “Assault Weapons” law codified in the Penal Code. It has achieved nothing with respect to controlling true assault rifles which are controlled by Federal law. If you actually read the penal code sections they ALL refer to cosmetic differences except for high-capacity magazines, which will be discussed shortly. The California Penal Code section 12276.1(a) defines “Generic Characteristics Defining Assault Weapons”. It exempts AR15 rifles unless they have installed any ONE of these listed “characteristics” such as a “pistol grip”, a “thumbhole stock”, a “folding or telescoping stock”, a “flash suppressor”, or a “forward pistol grip” to name just a few. If you compare the AR15 to an M16/M4 cosmetically they are identical in appearance. The main difference again is the M16/M4 is FULL-AUTO while the AR15 is NOT by Federal law. There are several semi-auto rifles of .223 caliber that do NOT fall under this California law such as the Ruger Mini-14. This rifle has a normal rifle stock without any of these listed “features”. It fires the same .223 cartridge and operates in the identical manner. It just isn't scary looking.

If you purchase an AR15 with any of the above-described installed “characteristics”, then the law states you MUST have to use a “tool” to push the detachable magazine release button. There appears on the right side of the receiver a normal-looking release button, but it has a hole in the center of it. That hole is where you must insert the “tool” to depress the interior spring releasing the magazine. If you just push on the button itself nothing happens. The idea is that, if

it takes a tool it requires more time to change magazines, and therefore it gives more time for law enforcement to arrive and prevent the shooter from inserting a new magazine. In short, the idea is ridiculous! This button has been referred to from the outset as the "Bullet Button" because you can use the pointed nose of the .223 cartridge to push the release by inserting it into the hole in the button!

Reviewing the "Generic Characteristics Defining Assault Weapons" in California, it is very simple to modify an AR15 from one with the described features and a "Bullet Button" to one not requiring the "Bullet Button". All you need to do is remove the pistol grip, unscrew the flash suppressor, and changed the folding or telescoping stock to the fixed M15 stock, etc. If you do all this (about \$125 in parts) you can removed the "Bullet Button" and install a regular spring-loaded magazine release button that can be pushed without using a "tool". You have now converted your scary-looking AR15 into a simple rifle not covered in the law.

### 3. High-capacity magazines

California Penal Code section 12020 prohibits anyone person from using any firearm, rifles, pistols, and shotguns, having an ammunition capacity of more than 10 rounds. What is most interesting is that the code states, "Possession of large capacity magazines...by private citizens **is not** (emphasis in the code!) controlled." The code merely states that a person is prohibited from "**manufacturing, importation into the state, offering for sale, keeping for sale, exposing for sale, giving, and lending of a large capacity magazine.**" In other words, you may "possess" a large capacity magazine, but don't try to lend it or sell it to someone else. It would appear that, if you modified your AR15 to remove any scary features, and you "possessed" a high-capacity magazine, you could use it. (Check with an attorney first!)

In conclusion, an assault rifle is one that is capable of firing FULL-AUTO. The AR15, by Federal law, is NOT capable of firing FULL-AUTO, and therefore does NOT meet the definition of an "Assault Rifle". It is high time to discuss problems using the TRUTH!

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