

banning "assault weapons" would not reduce crime, nor stop hard-core criminals from obtaining them.

In addition to the proposed ordinance's misinformation regarding Law Enforcement attitudes, it also seems confused about its mechanical descriptions of self-loading firearms. According to the Department of Defense, true assault rifles are short, compact, selective-fire weapons that, at the operator's discretion, can fire automatically or semi-automatically. A full automatic firearm (Machine gun) will fire a continuous burst of ammunition as long as the trigger is being depressed. Semi-automatic firearms fire one round of ammunition for each pull of the trigger and do not have full-automatic fire capability. Therefore, what the ordinance proposal states is false; the objects of the ban are instead semi-automatic sporting rifles that cosmetically look like military rifles, but are not assault rifles by definition.

Anti-firearm bigots believe that by coupling the menacing looks of an assault rifle with the public's confusion over semi-automatic and full-automatic firearms, they can increase the chances for restrictions of these types of firearms. In other words, if it's black and looks bad, it must be evil.

The assertion is also made that these rifles are somehow more deadly than other more "innocent" looking firearms. Nothing could be further from the truth. According to Dr. Martin L. Fackler, Director of the Wound Ballistics Laboratory at the Letterman Army Institute of Research at the Presidio of San Francisco: "The full-metal-jacketed bullets designed for use in 'assault rifles' are specifically made so as to limit tissue disruption, i.e., to wound rather than to kill....By the same token, military bullets are prohibited for hunting because they lack tissue disruption capacity-they are more likely to wound than kill."

Violent crime is a tremendous problem, not only in Portland, but in hundreds of cities around this nation. It is unfortunate that misguided individuals and politicians focus their attention not on adequate and effective crime control, but instead, single out law-abiding citizens as scapegoats for a legal system unable, or unwilling, to enforce law and order.

Banning self-loading rifles to "prevent crime" is an intellectual cop-out, and the authors of this proposal know full well that it is fundamentally unfair and will not achieve its stated goals. Only when we have adequate prison construction, long-term incarceration for repeat offenders, and the return of stable family and educational environments will we as a nation begin to see the kind of real decrease in violent crime that we all want and deserve.

That concludes my testimony. Again, I wish to thank the Portland City Council for providing me this opportunity to testify on this very important matter. I would be more than happy to answer any questions that any members of the council might have.

Report of the 4th National Poll of America's Police Chiefs for the Year 1991

PREFACE:

For the past three years the *National Association of Chiefs of Police* has conducted a poll of every chief of police and sheriff in the United States. Just over 15,400 departments were sent the following questions. Our purpose is to obtain a poll or pulse of what the nations police feel on questions of importance. While not all officers respond, we normally get more than 10% response, and for years have maintained key questions to see if the response is somewhat stable. Thus, we feel the poll is reasonably accurate. We noticed, for example, that the same officers who did not favor the death penalty did favor more gun control! Quite often the media or members of Congress want to know our position on subjects. We respond stating that based on questions we have posed, this is what we found. The only other spokes group for law enforcement has never conducted a survey of all law enforcement officers, members or not, and those with international members will most likely get responses outside of the United States which would, in our opinion, taint the poll. For further information contact: *National Association of Chiefs of Police*, 3801 Biscayne Blvd., Miami, FL, 33137. (305) 573-0202 weekdays, 9:00 am to 4:00 pm.

Death Penalty

1. Do you feel that the death penalty serves as a deterrent to certain types of crimes? 94.7% said Yes.
2. Would you agree that once the death penalty has been imposed that a time limit of three years be set on carrying out all appeals? 95.3% said Yes.
3. Would you agree that where the state legislature has voted to invoke the death penalty that the Governor of that state should not veto that law and thus impose his/her own personal views on the majority of elected representatives. 91.6% said Yes.
4. Law enforcement officers are empowered to use deadly force to protect themselves or citizens when their lives are in danger and therefore are, by state law, carrying out lawful executions. Would you agree that if a law enforcement officer is asked not only to risk his life but to, in a moment of crisis, take a life, that the very least every state should do is provide the death penalty for persons who may kill a law enforcement officer or citizen during a felonious act? 97.2% said Yes

Drugs & Narcotics

5. Would you favor the legalization of any drugs presently prohibited by law for personal or recreational use? 96% said No.
6. Would you favor for all persons convicted of illegal drug dealing forfeit all personal property and assets and to serve prison terms of life, so as to make the risk of conducting illegal drug enterprises more severe in consequence? 77.6% said Yes.
7. Would you state that it is your current experience that the majority of all crimes now being committed in your area are tied into drug abuse, drug use, or drug dealing? 69.5% said Yes.
8. Do you feel that the "Drug Czar" or the federal agency set in place almost two years ago has made any significant reduction in your community to drug abuse and use? 79.4% said No.
9. Would you say that your own police agency, by its work in enforcement, has been a major reason for any drug reduction education and reduced use? 72.5% said Yes.

Firearms

10. Do you favor the training and issuance of semi-automatic firearms (sidearms) that carry 16-17 rounds over the present police revolver? 85.5% said Yes.
11. Do you believe that banning of firearms (handguns, shotguns or rifles) will reduce the ability of criminals from obtaining such weapons? 93.2% said No.
12. Do you believe that a waiting period to purchase a handgun or any type of firearm will have any effect on criminals getting firearms? 73.3% said No.
13. Do you believe that in the national 7 day waiting period proposed before the Congress (Brady Bill) that you can fully determine that the applicant has no criminal record; is not mentally unsound; or is an abuser of drugs or alcohol? 84.6% said No.
14. No funds to carry out this 7 day "investigation" are provided in this Bill for police. Do you believe that your department has the manpower to conduct this investigation without taking patrol officers off the street? 87.6% said No.
15. There is no provision to protect you from a lawsuit in the event you may approve (after 7 days) an applicant who is a criminal, may be mentally unsound, or a drug or alcohol abuser. Do you believe that the "Brady Bill" may leave you open for a future civil lawsuit? 92.3% said Yes.

(over please)

16. Many Gun-Rights organizations suggest that we need to build jails, prosecute cases under present gun laws, and target criminals instead of the law abiding gun owners. Would you agree with that statement?

90.6% said Yes.

17. Historically, the militia is "all men between the ages of 16 to 45". Under the present armed forces defense of the United States the National Guard now must be able to mobilize in three days to back up our regular armed forces world-wide. Therefore, the only defense would be the "state militia" in time of war. Would you agree that for the sake of the defense of the United States that citizens should be allowed to have their own rifles, shotguns and handguns for emergencies natural or man made? 86.7% said Yes.

18. Would you agree that all bonafide law enforcement officers should be permitted to carry weapons on or off duty from state to state? 93.6% said Yes.

19. Would you agree that any person convicted of alcohol abuse or narcotics abuse more than three times should be placed in a national computer to reject their application for the purchase of a firearm of any kind?

94.1% said Yes.

20. Do you believe that law abiding citizens should have the right to purchase any type of firearm for sport or self-defense under state laws that now exist? 94.7% said Yes.

21. A "military type" of long gun (rifle, shotgun, etc.) is now being described as one able to hold more than five rounds or more of ammunition. It must be fired by pulling the trigger each time. The legal description would cover many semi-automatic weapons. Do you believe that banning such types of weapons would reduce criminals from obtaining them?

89.2% said No.

22. Would you agree that most criminals obtain their weapons from illegal sources? 92% said Yes.

23. Do you believe that the banning of private ownership of firearms will result in fewer crimes from firearms?

90.5% said No.

24. Do you feel that because of limited police man-power that citizens should retain the right to own firearms for self-defense at home or business? 92.2% said Yes.

25. With the increasing rate of violence would you agree that citizens should take training in self defense with firearms to protect their homes and property based on a 40% increase in crime in the last 10 years and almost no increase in police manpower? 86.8% said Yes.

26. Are you aware that the names of owners of machine guns are not available to law enforcement agencies. That is if you legally own a machine gun that privacy laws prevent local police from such data? 70.5% said No.

27. Do you feel that a Federal Gun Dealers License should require the minimum of fingerprinting, photo of applicant, higher fees for investigations and be limited to actual gun shops or stores? 76.5% said Yes.

Crime and Criminal Justice

28. Do you feel that the system of criminal justice has broken down to the point where it is the inability to deal with criminals caught by the police (prosecution and imprisonment) that is the major cause of crime in America?

83.6% said Yes.

29. Do you agree that we must enlarge our prison capacity so that we can keep career criminals in prison and off the streets longer? 96.4% said Yes.

30. Do you think the courts are too soft on criminals in general? 95.2% said Yes.

31. Do you believe your police department is undermanned? 89.1% said Yes.

32. Most recently the Supreme Court again ruled in favor of the rights of criminals in requiring you to make a lawyer available anytime criminals were questioned. Even when they voluntarily provided you with data without their lawyer being present. Do you feel that this type of ruling will make your investigation of crime more difficult? 92% said Yes.

33. Do you feel that the Federal Courts that mandated the hiring of minorities and promotion of minorities that lowered standards for entry has also lowered the standards of applicants in departments all over America?

80.8% said Yes.

34. Do you feel that hiring the best applicants by the highest scores in mental, physical and training tests should be the sole basis of employment in police work? 56.1% said Yes.

35. Do you believe that when a public disturbance takes place where looting, riots, fires are being set; that when police stand by and allow looting, that it sends a signal that police agencies are powerless to protect the public?

92.3% said Yes.

36. Would you like to see all state laws amended that allows a police officer or home owner to shoot looters or persons running away with stolen merchandise. Even though at the time they posed no threat to the citizen or officer? Just stealing property. 70.4% said No.

37. Would you agree with the statement that because of a lack of police manpower that you can no longer provide the type of service and crime prevention activities that you did ten years ago? 72.3% said Yes.

TESTIMONY BEFORE THE
MAYOR AND COMMISSIONERS, THE CITY OF PORTLAND
IN SUPPORT OF THE PROPOSED GUN SAFETY ORDINANCE

January 9, 1992

Elliot Weiner, Ph.D.

Mayor Clark, Commissioners:

I am Elliot Weiner, a clinical psychologist who lives and works here in Portland. I am here today to speak in favor of the proposed gun safety ordinance being considered by the Portland City Council.

I wish to speak today to two specific points. First, the atmosphere in which we live and, second, the need for a message that says violence through guns is not accepted.

We live in a society where violence is more accepted than it has ever been before as a means of solving disputes and expressing anger and frustration. Psychological research clearly tells us that children become immune to violence by watching countless acts of it on TV each day. Guns become playthings. It is all too easy to pick up the newspaper and read about another accidental shooting because kids were just playing with a gun.

Other news stories should give us a clue about where our lives are headed unless the message about guns changes. News stories tell us about a man who in anger points a gun out the car window and runs someone else off the road. Other stories tell us of drive by shootings and angry people who shoot just to get even. Many people get angry enough to hurt someone else. We're just lucky they don't all have an easily accessible gun. I was just a few cars behind the shooting on the Sunset highway a few years ago where somebody shot at a car and then pulled off the highway.

It's pretty basic. In psychological jargon we call it the "Frustration-Agression Model." Simply put it says that when faced with frustration or angry helpless feelings, it's normal for people to respond aggressively. In the old days, people got into fist fights. But today, guns and assault rifles send a message that says guns are an acceptable way to fight.

PORTLAND CITY COUNCIL/1-9-92

Weiner/2 of 2

Just like in the old west, when frustrated we can just shoot our way out of trouble. Only assault rifles can kill too many too easily. An angry man can walk into a school yard and spray gunfire. The disgruntled television fan can can kill. The political loner can murder. The frustrated student can kill the symbol of his frustrations. It's all too easy and all too accepted.

Do we fear these new regulations for Portland because they really restrict our freedom — or because they restrict our fantasies of what we would like to do.

The message we give to ourselves, to each other, to our children has to change. It can no longer be the cry of individual restrictions taking us on a trip to hell. It has to be a message of caution and caring and protection.

Where guns are concerned, the proposed regulations are not the first step on the road to hell. They are a very small step on that long trip to sanity.

I urge you to take that step and pass these regulations. Thank you for the opportunity to speak with you today.

Elliot Weiner, Ph.D.
4242 SW Hewett Blvd
Portland, OR 97221

CITY OF PORTLAND - ASSAULT WEAPONS ORDINANCE

TESTIMONY OF JAMES THOMAS, Representing Oregon Pro Gun Civil Rights Lobby, Inc.

January 9, 1992

For the record my name is James Thomas. I reside in the City of Portland. After careful review of the proposed ordinance it is apparent that the sponsors of the ordinance are more concerned about firearms in the hands of lawabiding citizens than they are about doing something about crime, and the other problems Portlanders are dealing with on a daily basis. For instance, gang activity, the homeless and not enough police to respond to lesser crimes like burglary, auto theft, etc.

Please refer to the proposed ordinance:

"Section 1. The Council finds."

Item 1 basically says that firearms are the root cause of Portland's crime problem. That is nonsense and a gross exaggeration of the present facts given out about our crime problems. Everyone knows that crime has little or nothing to do with the kind of firearms listed in the ordinance. Accidents are not caused by a certain kind of firearm. They come about because people make mistakes or ignore proper safety procedures.

Items 6, 7, & 8. What foolishness! All firearms are capable of causing injury. Item 8 is patently not true. "Willamette Week's article of Dec. 19 - 23 specifically states that the Portland police can not recall any recent crimes committed with "so called assault weapons".

Item 10. The July 6, 1989 BATF study lists in detail the firearms that were to be banned. It also lists firearms that should not be banned even though they are functionally identical to banned firearms. The only difference was type of stock and other cosmetic features. Their design and construction is the same as firearms used by thousands of Oregon citizens for hunting, target shooting and recreational purposes. The way the ordinance is drafted it includes some of the firearms specifically allowed for importation. For instance Valmet Hunter and AK22 type. Interestingly the ordinance also includes firearms that are not included in the report, M1 carbine, Reising, Colt AR-15 and CAR-15 are just some examples. The Colt AR-15 and M1 carbine are used extensively in shooting matches across the United States.

Why are firearms found by BATF to be suitable for "sporting use" included in the ordinance? Are the ordinance drafters attempting to penalize owners of these types of firearms because they are used by lawabiding competitive shooters? Are the ordinance drafters saying that because such people own such firearms they are the ones committing crimes? If the ordinance sponsors really believe in the Oregon Constitution they will answer **No** to questions two and three. They will do so because they will follow the intent of the Oregon Bill of Rights; Section 1. **Natural rights inherent in the people.** We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; ----. I am here to advise that the Oregon people who support the Oregon Pro Gun Civil Right Lobby, Inc. oppose this ordinance because it discriminates against those who own what is supposed to be a threat to Oregonian's safety and security.

Item 14. justifies enactment of the ordinance on the basis that the ordinance will "protect public safety - - ". That justification is not supported by fact. An editorial in "The Sunday Oregonian" of December 29, 1991 points out that in the 21 months of existence of the county ordinance "Not a single court case has come up" [they are referring to enforcement of the county assault weapon ordinance].

This Oregonian editorial says it all. **Problems with so called assault weapons do not exist in Portland and/or Multnomah County.**

Actually the record of crime and use of these weapons in accidents or crime is virtually non existant. (See attached material) One can only wonder why our city commissioners are spending the taxpayer's money on efforts to pass laws that do nothing to address our real problems, but do everything to harass the law abiding citizen who happens to own a firearm listed in the ordinance. It is respectfully requested that the ordinance not be adopted and council members spend their time on solutions to our real and pressing social problems.

Thank you:

James Thomas 222 N.E. 197 Ave.
Portland, Or. 97230

Referances:

Table of Statistics using Uniform Crime Reports "Law Enforcement Officers Killed or Assaulted" From the U.S. Department of Justice, Division of the Federal Bureau of Investigation.

Graph: Homicide Rates, Source, Historical statistics of U.S. Statistical Abstract of the United States.

March 25, 1991 "THE WALL STREET JOURNAL" "Control Criminals, Not Guns"

The Sunday Oregonian, December 29, 1991

Statistics

Source:
Uniform Crime Reports
"Law Enforcement Officers
Killed or Assaulted" From
the U.S. Department of Jus-
tice, Division of the Federal
Bureau of Investigation

Year	U.S. Population	Total Police Officers	TOTAL NUMBER OF POLICE OFFICERS FELONIOUSLY KILLED WITH ALL TYPES OF FIREARMS	OFFICERS FELONIOUSLY KILLED WITH THEIR OWN FIREARMS	OFFICERS KILLED WITH GUNS OTHER THAN THEIR OWN FIREARMS	POLICE OFFICERS KILLED BY VEHICLE ACCIDENTS IN THE LINE OF DUTY	TOTAL POLICE OFFICERS KILLED WITH "ASSAULT RIFLES"	POLICE OFFICERS KILLED WITH A WEAPON OTHER THAN A FIREARM, I.E. KNIFE, ROCK, ETC.
1980	226,000,000	459,000	95	14	81	55	0	9
1981	228,000,000	439,000	86	13	73	58	0	5
1982	230,000,000	424,000	82	6	76	62	1	8
1983	232,000,000	499,000	74	12	62	64	0	6
1984	234,000,000	484,000	66	13	53	63	1	6
1985	238,000,000	517,000	70	11	59	59	0	8
1986	241,000,000	505,000	62	15	47	51	2	4
1987	244,000,000	503,000	67	14	53	65	1	7
1988	248,000,000	501,000	76	12	64	63	3	2
1989	250,000,000	505,000	57	10	47	70	1	9
1990	252,000,000	506,000	56	3	53	59	1	9

FACT: The death rate for police officers from firearms is about 1/100 of 1%.

FACT: A police officer has a 500% better probability of being killed in a vehicle accident than from an "assault rifle".

FACT: For the last ten years, an officer had a 100% better probability of being killed lawfully with his or her own gun than from an "assault rifle". ARI and the M16/AR have sent the above data to Congress.

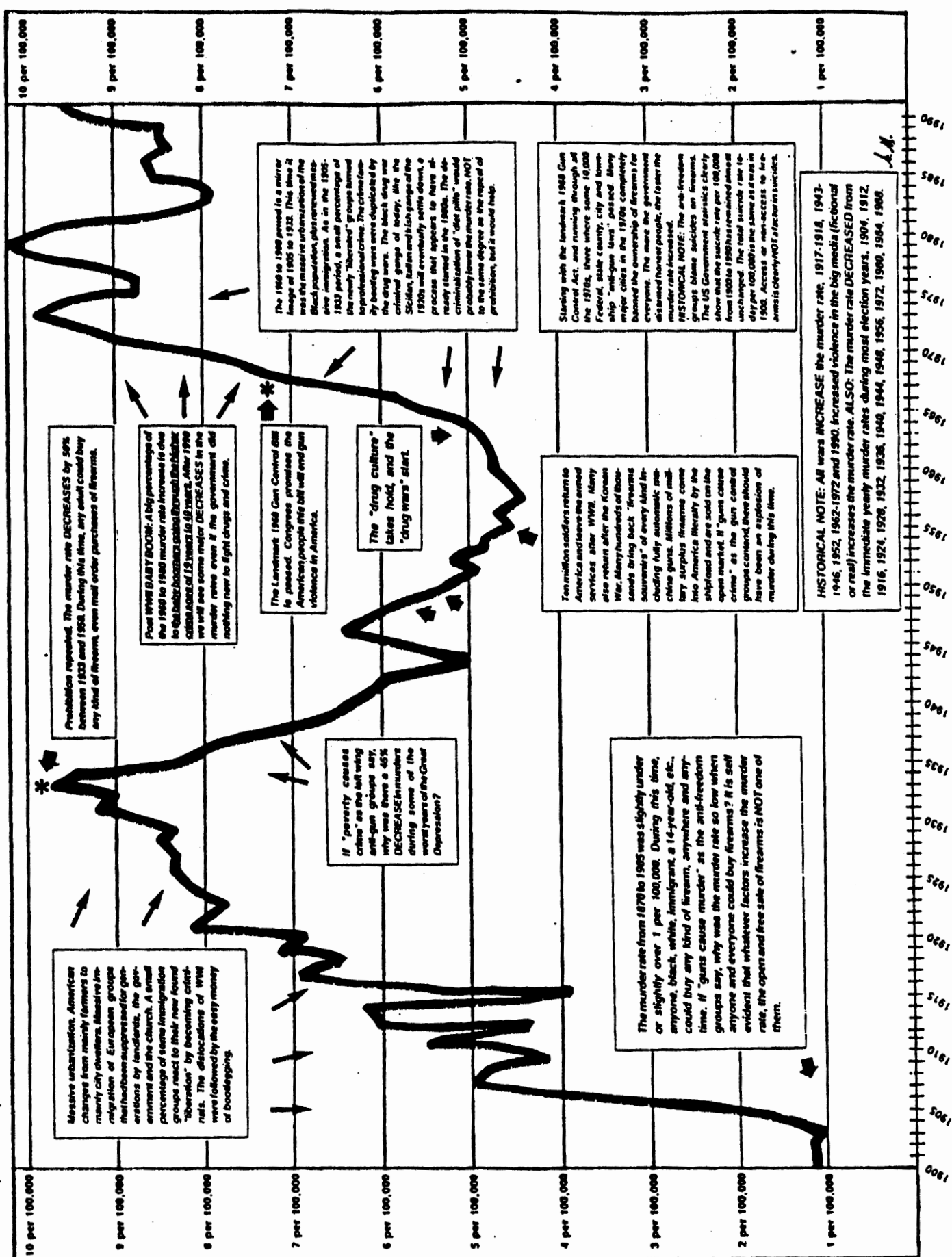
NOTE:

Since 1980 the number of police officers killed has been going down. The largest number of officers killed using so called "assault weapons" was 3 in 1988. That number reflects a single instance in Florida involving the FBI and known armed bank robbers.

These statistics specifically shown that the "assault weapon" is not what the criminal uses in his armed crime. Again, the conclusions in the ordinance findings are not supported by the reality of armed/firearm crime as documented by the Federal Government.

164986

HOMICIDE RATES per 100,000 Population 1900 to 1991



THE WALL STREET JOURNAL MONDAY, MARCH 25, 1991

Control Criminals, Not Guns

By JAY EDWARD SIMKIN

Congress, once again, is about to vote on federal gun-control legislation. But much of the violent crime that is commonplace, especially in the big cities, could be prevented if we redirected public safety policy away from control of the things criminals misuse—such as airplanes, beepers, boats, cars, cash and, yes, guns—and toward control of the criminals themselves.

Bank officials are required to report to the Treasury any cash deposit exceeding \$10,000. (They must keep a log on every currency transaction in amounts between \$3,000 and \$10,000.) There are more than 20,000 gun-control laws in effect nationwide. In some communities, beepers are banned from schools or otherwise restricted. Yet convicted, violent criminals are routinely granted early release, for lack of prison space.

Focusing on things rather than criminals is a faulty strategy from the start; it defies the logic of supply and demand. The number of criminals is tiny relative to the supply of their tools. Surely less than 1% of America's population—2.5 million people—engages in violent crime. But in America there are perhaps 130 million automobiles and 150 million firearms. With so abundant a supply, the tools will always be available to the criminals, despite the imposition even of unimaginably harsh controls that would victimize everyone.

The proximate cause of crime is the tiny minority that is now free to behave violently. Murderers usually have prior criminal records, typically involving violent crimes. Between 1980 and 1986, persons with records of criminal violence accounted for 87% of all murders in Chicago (up from 57% in 1970-76). Murder tends to be the culmination of a personal history of

violent criminal actions—not the result of a law-abiding, stable person suddenly going berserk.

The failure of public safety policies based on control of things is clearest in regard to firearms. Under the auspices of the Milwaukee-based Jews for the Preservation of Firearms Ownership, I have surveyed the Chicago Police Department's annual "Murder Analysis" reports for 1965 through 1989. These reports present detailed, consistent data on murders: the perpetrators, the circumstances, and the means. All references that follow are to these data for Chicago.

The data do not show that control of weapons improves public safety. That is, the misuse of handguns to commit murder varies independently of the incidence of murder. In 19 of the 25 years surveyed, the number of handguns used to commit murder rose more slowly or fell more quickly than did the number of murders.

Chicago's gun-control measures—specifically the 1982 handgun registration ban—appear to have ended a strong *downtrend* in the misuse of handguns by murderers. In 1973, 59.2% of all murders by firearms were committed by people using handguns; this percentage fell to a low of 36.9% in 1981. After the 1982 enactment, the *downtrend* stopped. The figure hovered around 40% until 1988, when it rose to 45%.

The firearm most commonly used to commit murder has always been the .38-caliber revolver, for decades the police officer's standard pistol. Chicago murderers used 9mm and .45-caliber semiautomatic pistols (the most common type) seven times less often than .38-caliber revolvers in the 1980s. Yet it is the semiautomatics that gun-control proponents claim constitute the gravest current threat to public

safety.

The data on rifles and shotguns are even more interesting. Such firearms have been controlled far less tightly than handguns. Yet murderers' use of long firearms has fallen from low to now negligible levels.

The use of shotguns to commit murder was halved in the 1980s, to an annual average of 20 cases. Nearly all the other long firearms used to commit murder were .22-caliber rimfire rifles, by far the most commonly owned rifle in America. In the 1980s, the .22-caliber rimfire accounted for an annual average of 6.5 murders, 0.9% of the total (down from an annual average in the 1970s of 11.2 murders, 1.4% of the total).

In no year from 1965 through 1989 were more than 10 rifles other than the .22-caliber rimfire used to commit murder. Indeed, from 1985 through 1989, only seven such rifles were so used. Of these, only one used a bullet of a size typical for a current military-style rifle. Thus, no more than 0.002% of the 3,502 murders from 1985 through 1989 involved rifles other than the .22-caliber rimfire. In only one of these murders—0.0003% of the total—was a rifle used that could have been a rifle of the type so often targeted by gun-control advocates.

Gun-control measures miss the mark. It is time we discarded policies that victimize the law-abiding by denying them access to things they use properly. We should instead champion public safety policies based on containing the criminal minority. Let us focus on violent criminals—not on the tools they use.

Mr. Simkin is an international economist in Chicago. Diane Bast of the Chicago-based Heartland Institute helped prepare this article.

lot of work. But the work it has done should provide regulators with high quality information from which to make a reasoned, conservative judgment.

For example, PGE has determined

long cycle of operation.

If the NRC believes this estimate is too optimistic, it could allow the Trojan plant to operate for a shorter period, or at less than capacity to achieve cooler operating temperatures.

16 49 86

Gun laws should match

Multnomah County's controls on assault weapons should be applied in Portland, too

City Commissioner Gretchen Kafoury's proposed ordinance to prohibit assault weapons in public places in Portland would hardly work a revolution in local law enforcement. Not a single court case has come up under the similar ban that has been in effect in unincorporated Multnomah County for 21 months.

But it at least would bring the city's and county's laws in line with each other, reducing the potential for confusion where the jigsawed borders of the city and unincorporated county touch. It would apply, to the much larger and more densely-packed population of the city, whatever protections the ban may offer.

The ordinance classifies as assault weapons more than 50 named models of shotguns, semi-automatic rifles and semi-automatic pistols. It also would ban from public places any firearm that can shoot more than one bullet with a single pull of the trigger.

Public places include streets and highways, schools, parks, playgrounds, places of amusement, passenger stations and the lobbies and

hallways of hotels and apartment houses.

The ordinance would allow transporting an assault weapon if it was unloaded, disassembled and locked in a gun case or in the trunk or an inaccessible part of a vehicle. It would not apply to the weapons of law-enforcement officers or members of the military who are acting in line of duty. The penalty for violating the ordinance would be a fine of up to \$500. The police also could seize the weapon.

Multnomah County's ordinance does not violate the constitutional right to keep and bear arms, Circuit Judge William C. Snouffer ruled last August, because military-type assault weapons are not the kind of arms to which the constitutional protections apply.

Snouffer's decision has been appealed to the Oregon Court of Appeals, but for now it is the law. When Kafoury's proposal has its public hearing before the Portland City Council Thursday, Jan. 9, the burden should be on its opponents to explain why it is good policy for criminals or anyone else to be able to carry powerful, fast-firing guns like those in public places.

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LETTE

OCA's confusion reveal group's

To the Editor: No
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THE SUNDAY OREGONIAN
DECEMBER 29, 1991

Port of Astoria brings order to

To the Editor: You
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8. A recent study has shown that while assault weapons account for one million of the estimated 200 million firearms in America, they were used in one of every ten crimes that resulted in a firearms trace last year. The increasing and disproportionate use of assault weapons for criminal purposes endangers both the public and law enforcement personnel.
9. Recognizing that assault weapons pose a threat to public safety, and with the recommendation from the Bureau of Alcohol, Tobacco and Firearms that assault weapons serve no legitimate sporting or recreational purpose, President Bush stopped the importation of certain assault weapons.
10. According to the Report and Recommendation of the Bureau of Alcohol, Tobacco and Firearms, dated July 6, 1989, the following characteristics accurately describe assault weapons and distinguish them from traditional sporting rifles:
 - (a) they are semi-automatic versions of machine guns;
 - (b) they have a large magazine capacity; and
 - (c) they have other military features (such as folding/telescoping stocks, well-defined pistol grips, ability to accept bayonet, and flash suppressors).
11. Law enforcement organizations including the National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, the Police Executive Research Forum, and the Fraternal Order of Police have called for a national ban on the production and sale of assault weapons.
12. On March 22, 1990, Multnomah County adopted Ordinance No. 646 imposing regulations upon assault weapons in public places. The Multnomah County regulations are virtually identical to those proposed in this ordinance.
13. On August 22, 1991, Multnomah County Circuit Court Judge William C. Snouffer found that Multnomah County's regulations of assault weapons are constitutional and are not preempted by state law.

ORDINANCE No. **164986**

Enact City Code provisions regulating possession of assault weapons in public places. (Ordinance, add Title 14, Sections 14.32.012, 14.32.014, and 14.32.016)

The City of Portland ordains:

Section 1. The Council finds:

1. The proliferation of firearms poses a present and serious threat to the health, safety and security of the residents of the City of Portland.
2. Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.
3. In the City of Portland, approximately two persons per week are killed from the intentional or accidental use of firearms.
4. The Oregon Courts have recognized that the constitutional right to bear arms does not cover all firearms and is not absolute. Advanced weapons designed for military use are not covered by the constitution. Additionally, with regard to arms that are covered by the state constitution, government can enact reasonable regulations, such as regulations over the manner of possessing such arms.
5. The 1989 Oregon Legislature enacted laws to restrict access to firearms and authorized local governments to regulate the possession of firearms and ammunition in public places.
6. Assault weapons are identified as such herein because their design, high rate of fire and capacity to cause injury render them a substantial danger to human life and safety, outweighing any function as a legitimate sports or recreational firearm.
7. The proliferation and use of assault weapons pose a present and serious threat to the health, safety and security of the residents of the City of Portland.

14. It is in the best interest of the citizens of Portland to enact assault weapons regulations which will protect public safety and which will provide consistency and uniformity between the regulations applicable in unincorporated Multnomah County and in the City of Portland.

NOW, THEREFORE, the Council directs.

- a. New Sections 14.32.012, 14.32.014, and 14.32.016 are hereby enacted and added to Portland City Code as follows:

14.32.012 (a) As used in this ordinance, "assault weapon" means:

(1) All of the following semi-automatic rifles:

Avtomat Kalashnikov (AK), all models,
 Beretta AR-70 and BM-59,
 Browning Automatic Rifle (BAR)
 Calico M 100 and M 900,
 Colt AR-15 and CAR-15
 Daewoo Max-1 and Max-2,
 Fabrique Nationale FN-FAL, FN-LAR and FNC,
 FAMAS MAS-223,
 Galil AR and ARM,
 Heckler & Koch HK-91, HK-93, HK-94 and PSG-1,
 Johnson
 M1 carbine
 Reising
 Semi-automatic Thompson gun
 Sigarms 57 AMT and 500 Series,
 Springfield Armory G-3, SAR-48 and BM-59 Alpine,
 Stens
 Sterling MK-6,
 Steyr AUG,
 Uzi Carbine and Mini Carbine,
 Valmet M-76 and M-78,

(2) All of the following semi-automatic pistols:

Calico 100-P,
 Encom MK-IV,
 Homes MP-83,
 Intratec TEC-9,
 Iver Johnson Enforcer,
 MAC-10 and MAC-11,
 Scarab Skorpion,

Sterling MK-7,
Uzi pistol,

(3) All of the following shotguns:

Franchi SPAS-12 and LAW-12,
Striker-12 and Street Sweeper

(4) Any copy of a firearm listed in subsections (1) (2) or (3) by the same or other manufacturers, including but not limited to, commercial manufacturers and private individuals, which is identical or has slight modification or enhancements such as a folding or retractable stock, different sights, case deflector for left-handed shooters, shorter barrel, stock of different composition, larger ammunition capacity, different caliber, or bayonet mount.

(5) Any weapon of any description by whatever name known which is designed or modified to allow two or more shots to be fired by a single pressure on the trigger device.

(b) "Assault weapon", as used in this chapter, does not include any of the following:

(1) Any firearm modified to render it permanently inoperative.

(2) Any rifle or pistol designed or modified to render it permanently not an automatic or semi-automatic firearm.

(3) Any handgun that is a revolver or conventional semi-automatic pistol incapable of receiving a magazine of more than 20 rounds.

(4) Any weapons which do not use fixed ammunition, weapons which were in manufacture in or prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons other than those specified in Section A. subsection (3) above, single-shot weapons, multiple-barrel weapons, semi-automatic weapons which use exclusively Mannlicher-style clips, semi-automatic weapons in manufacture prior to 1947, rim-fire weapons that employ a tubular magazine.

(c) Annually, the Portland Police Bureau shall review this section, compare it to the list in the Multnomah County law regulating possession of assault weapons in public places, and recommend to the Portland City Council whether any weapons should be added to or deleted from this section. The City Council may itself initiate review of the list.

(d) "Firearm" is as defined in ORS 166.210 and means a weapon, by whatever name known, which is designed to expel a projectile by the action of smokeless powder and which is readily capable of use as a weapon.

(e) "Public place" is as defined in ORS 161.015(9) and means a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment house and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation.

14.32.014 "Assault Weapons" - Restrictions:

(a) Notwithstanding Section 14.32.010 of this code or any other provisions of this code, no person shall possess an assault weapon in a public place. This restriction is subject to the exceptions in paragraphs (2) and (3) of this section.

(b) The prohibition in paragraph (1) of this section does not apply when the assault weapon is transported:

(1) with all ammunition removed from the chamber and from the cylinder, clip or magazine,

(2) disassembled into its major component parts,

(3) locked in a gun case, and if in a vehicle, in the trunk of the vehicle or, if the vehicle has no trunk, in an area of the vehicle least accessible to the occupants of the vehicle.

(c) The prohibition in paragraph (a) of this

section does not apply to law enforcement personnel, members of the Armed Forces of the United States, or the organized militia or National Guard of this or any other state, to the extent that any such person is authorized to possess a weapon and is acting within the scope of his or her duties.

14.32.016 Penalties:

(a) Violation of Section 14.32.014 shall be punishable by a fine up to \$500 and forfeiture of the weapon.

(b) If, after investigation or adjudication, it is determined the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Portland Police Bureau.

(c) If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the Court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

b. Severability Clause:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Passed by the Council, **JAN 16 1992**

Commissioner Kafoury
JLRogers:br/ts jlr\guns.jlr\assault.wpn
December 18, 1991

BARBARA CLARK
Auditor of the City of Portland

By

D. B. Bowers Deputy

Agenda No.

ORDINANCE NO. 164986

TIME CERTAIN

Title

Enact City Code provisions regulating possession of assault weapons in public places. (Ordinance, add Title 14, Sections 14.32.012, 14.32.014, and 14.32.016)

INTRODUCED BY	Filed: JAN 3 1992
<i>Commissioner Kafoury</i>	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	By: <i>Cay Kershner</i> Deputy
Finance and Administration	For Meeting of: <i>Jan. 9, 1992 2 PM</i>
Safety	Action Taken:
Utilities <i>CMK/MJB</i>	<input type="checkbox"/> Amended
Works	<input type="checkbox"/> Passed to Second Reading
BUREAU APPROVAL	<input type="checkbox"/> Continued to:
Bureau:	
Prepared by Date	JAN 9 1992 PASSED TO SECOND READING JAN 16 1992 2 P.M.
JRogers:ts December 18, 1991	
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required	
Bureau Head:	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
			YEAS	NAYS
Consent <u>Regular</u>	Blumenauer	Blumenauer	✓	
NOTED BY	Bogle	Bogle	✓	
City Attorney <i>JZR</i>	Kafoury	Kafoury	✓	
City Auditor	Lindberg	Lindberg	✓	
City Engineer	Clark	Clark	✓	