

COP KILLERS

Assault Weapon Attacks on America's Police



Violence Policy Center
2000 P Street, NW
Suite 200
Washington, DC 20036

(202) 822-8200

COP KILLERS

Assault Weapon Attacks on America's Police

© September 1995
Violence Policy Center

The Violence Policy Center is a national educational foundation that conducts research on violence in America and works to develop violence-reduction policies and proposals. The Center examines the role of firearms in America, conducts research on firearms violence, and explores new ways to decrease it.

Past studies released by the Center include: December 1994's *Use the Schools: How Federal Tax Dollars are Spent to Market Guns to Kids and Female Persuasion: A Study of How the Firearms Industry Markets to Women and the Reality of Women and Guns*; November 1994's *Firearms Production in America*; July 1994's *Deadly Odds: An Analysis of Handgun Justifiable Homicides Committed by Women in 1992*; February 1994's *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence*; and, December 1992's *More Gun Dealers Than Gas Stations: A Study of Federally Licensed Firearms Dealers in America*.

This study was authored by Violence Policy Center Director of Federal Policy M. Kristen Rand. Research assistance was provided by Caroline Bar, Janet Corry, and Kyla Weisman.

This study was funded by grants from The Aaron Diamond Foundation, The Joyce Foundation, and The John D. and Catherine T. MacArthur Foundation.

© September 1995
Violence Policy Center

Cover Design by Digital Printing Incorporated
Washington, DC

TABLE OF CONTENTS

<u>Introduction</u>	1
<u>Section I: General Findings</u>	3
<u>Section II: The March Toward Repeal of the Assault Weapons Ban</u>	4
<u>Section III: Incidents of Police Confronted with Assault Weapons</u>	9
<u>Section IV: Bureau of Alcohol, Tobacco and Firearms Tracing Data</u>	14
<u>Appendices</u>	15
Appendix One: News Clips of Police Incidents	15
Appendix Two: Federal Assault Weapons Ban	45
Attachment One: Letter to Speaker Gingrich from Democrats Supporting Repeal of the Assault Weapons Ban	50
Attachment Two: Letter from Senator Bob Dole to the National Rifle Association	54

The gun lobby doesn't like the term "assault weapon" applied to semi-automatic guns like the MAC-11 or the AK-47. It conjures up the wrong image. So, in the interest of clarification, let's call them what they really are: cop killer guns.

Robert T. Scully, executive director of the National Association of Police Organizations, Inc. in a May 23, 1995 *Washington Post* op-ed.

Supporters of repealing the 1994 federal ban on the manufacture and sale of new assault weapons and high-capacity ammunition magazines contained in the "Violent Crime Control and Law Enforcement Act of 1994" argue that these products are rarely used in crime and do not pose a threat to public safety or law enforcement personnel.

To test this hypothesis, the Violence Policy Center (VPC) began collecting newspaper reports¹ from across the country of criminal incidents involving assault weapons for a five-month period from February 15, 1995 to July 15, 1995. The survey was originally designed to capture all reported incidents of criminal assault weapon use. However, a review of the collected news reports revealed a striking number of incidents involving the use of assault weapons against law enforcement personnel. For example, in 1994, 76 law enforcement officers were killed in the line of duty. All but one were killed by firearms.² Handguns were used 63 times. Eight officers were killed with rifles, four with shotguns. The VPC's survey

¹ The news items were collected through a clipping service on a current, as reported, basis. The VPC did not employ any electronic news retrieval services such as Nexis or wire reporting services.

² According to statistics from the Federal Bureau of Investigation, the number of officers killed in the line of duty has remained fairly constant over the 10-year period 1984 through 1994, from a low of 63 in 1992 to a high of 78 for 1985 and 1988. In 1994 76 officers were killed in the line of duty. Of the 780 officers killed between 1984 and 1994, 739 were killed with firearms.

covering five months in 1995 identified *eight* officers killed by assault weapons. Assuming the number of officers killed in the line of duty in 1995 approximates the 1994 figure, this would mean that at least one in ten officers killed in the line of duty in 1995 will have been felled by assault weapons. The actual number is most likely higher since the survey encompasses only incidents that occurred during the five-month period in 1995.

This report focuses solely on the specific threat posed to law enforcement by assault weapons. We have included only those incidents in which officers were directly threatened by assailants armed with assault weapons. We have not included incidents where the guns did not pose an imminent threat, such as incidents where assault weapons were found on suspects or confiscated during the course of an investigation or arrest.

The survey information contained in this report is neither comprehensive nor scientific. It is designed to provide a snapshot of the number and type of circumstances under which police are confronted by individuals armed with assault weapons. Furthermore, it is likely that many incidents occurred during the survey period that were not identified for inclusion.

The study is divided into four sections. Section I sets forth the general findings. Section II discusses the ban on the sale and manufacture of new assault weapons and high-capacity ammunition magazines enacted as part of the 1994 federal anti-crime law as well as the current status of efforts to repeal the law. Section III is a compilation of the incidents in which law enforcement personnel were confronted by assailants armed with assault weapons (the actual news clips of the incidents are included in Appendix I). Section IV offers federal Bureau of Alcohol, Tobacco and Firearms (ATF) criminal tracing information on assault weapons.

Section I: General Findings

The survey found 43 law enforcement officers³ who were involved in 20 separate incidents in which they were confronted by assault weapons, some of which were equipped with high-capacity ammunition magazines. Eight officers were killed by assault weapons. Nine others were wounded. Twelve of the incidents involved either AK-47 assault rifles (8) or TEC-9 assault pistols (4), both of which are banned by name by the federal legislation. The incidents occurred over a wide geographic range, including Western, Midwestern, Northern, and Southern states.

This limited, anecdotal evidence alone makes a compelling case that assault weapons and high-capacity ammunition magazines present a demonstrable threat to the safety of police personnel. This anecdotal data is fortified by tracing data from the Bureau of Alcohol, Tobacco and Firearms which reveals that the number of criminal gun trace requests involving assault weapons is steadily increasing. This information disproves the argument offered by repeal proponents that assault weapons pose no threat to police and stands as strong evidence that the federal ban on the manufacture and sale of new assault weapons and high-capacity ammunition magazines should be retained in the interest of public safety.

³ The actual number of officers confronted cannot be determined exactly and is certainly greater than 43. There are incidents in which more than one officer was threatened, but the exact number could not be determined. Such cases are counted as an incident in which two officers are threatened.

Section II: The March Toward Repeal of the Assault Weapon Ban

On September 13, 1994 the "Violent Crime Control and Law Enforcement Act of 1994" was enacted banning the manufacture and sale of new semi-automatic assault weapons and ammunition magazines with a capacity of more than 10 rounds (see Appendix II for a copy of the statute). The law affects only newly manufactured weapons and ammunition magazines. Existing weapons were "grandfathered"—i.e. assault weapons and affected ammunition magazines manufactured prior to the ban may be sold and possessed. Not surprisingly, a large number of assault weapons remain in civilian hands. The ban on future manufacture has capped the number of weapons and high-capacity magazines that can enter the stream of commerce, but it will be years before the positive effects of the ban can be fully realized.

Despite polls showing public support for the assault weapon ban at more than 70 percent, the Republican leadership of the 104th Congress made its repeal a legislative priority. Soon after the 104th Congress convened, the National Rifle Association (NRA) and Republican congressional leaders, together with a limited number of pro-gun Democrats, formed a "Second Amendment Partnership." The goal of the "partnership" was repeal of the ban and "reforms" of other gun laws.

Soon thereafter, Speaker of the House Newt Gingrich (R-GA) appointed a seven-member gun "task force" chaired by Representative Bob Barr (R-GA) and consisting of Representative Roscoe Bartlett (R-MD), Representative Ed Bryant (R-TN), Representative Helen Chenoweth (R-ID), Representative Fred Heineman (R-NC), House Crime Subcommittee Chair Representative Bill McCollum (R-FL), and Representative Steve Stockman (R-TX).

Their efforts were bolstered by support from 26 Democrats who signed a letter to Speaker Gingrich on January 23, 1995 expressing their "commitment to repealing this ill-conceived measure at the first opportunity." The letter stated, "If we can be of assistance in bringing the facts of this issue to the attention of the American people please call on us. It is our belief that our nation is served best by those who support the rights inimical [sic] to preserving their personal freedom." (Included as Attachment One.)

Less than two months later, Senate Majority Leader Bob Dole (R-KS) penned a letter to Tanya Metaksa, head of the National Rifle Association's lobbying arm, the Institute for Legislative Action (ILA), promising, "Repealing the ill-conceived gun ban passed as part of President Clinton's crime bill last year is one of my legislative priorities. The Senate will debate this issue in the near future, and I hope to have a bill on the President's desk by this summer." (Included as Attachment Two.)

Finally, on March 31, 1995, under the leadership of gun task force member Representative Bill McCollum (R-FL), the Subcommittee on Crime of the House Judiciary Committee began what was to be a set of three hearings aimed at building a record in support of repealing the assault weapon ban prior to a planned House vote in May.

The first hearing showcased a panel of witnesses who claimed to have used either assault weapons or firearms with high-capacity magazines in defense of themselves or others. Also testifying at the hearing were pro-ban witnesses who had themselves been victims or had lost relatives in incidents in which assault weapons or high-capacity magazines were involved.

The second hearing, held on April 5, 1995, focused on the Second Amendment to the U.S Constitution but also addressed the assault weapon issue.

Witnesses produced by the pro-repeal forces included individual law enforcement officers testifying against the ban. Five of the six law enforcement witnesses included on the pro-repeal panel were members of the Law Enforcement Alliance of America (LEAA), a pro-gun organization founded with the financial support of the National Rifle Association. This testimony was intended to counter the continuing support for the ban from major police organizations, including the National Association of Police Organizations, Inc. (NAPO) and the Fraternal Order of Police (FOP).

A consistent theme of the testimony from pro-repeal law enforcement representatives was that they did not face assault weapons in the course of their duties and did not consider them to be a threat. In a press release distributed by the Law Enforcement Alliance of America (LEAA) touting the participation of its members at the hearing, Officer Craig Roberts of the Tulsa Police Department stated, "During all my time on the job I have not once faced or even seen a so-called assault weapon used in a confrontation in the hands of criminals. I have spoken with literally hundreds of police officers, state troopers, and federal agents from across the nation. I can tell you today that the number of so-called assault weapons personally encountered by these officers in hostile situations could be counted on two hands."

Typical of the testimony was that of patrolman Bryant Jennings from the Memphis Police Department and a member of the board of directors of the LEAA. Said Jennings, "In all my years on Memphis' streets, I have never seen a single criminal armed with a so-called assault weapon, whether a true selective-fire assault weapon or a semi-auto look-alike...."⁴ Although this statement may have

⁴ A familiar argument of those who support the unregulated availability of assault weapons is that only those weapons that are selective-fire—capable of firing in both fully automatic as well as semi-automatic mode—can accurately be labeled "assault weapons." Many gun experts, however, disagree. Duncan Long, author of *Assault Pistols, Rifles and Submachine Guns*, writes, "The next problem arises if you make a semiauto-only model of one of these selective-fire rifles. According to the purists, an

been accurate on the day it was made, the VPC survey shows that Memphis police are not immune from assault weapon violence. On July 11, 1995 two Memphis police officers were shot at by occupants of an automobile during a traffic stop. Shell casings found in the suspect's car appeared to have come from an AK-47 assault rifle police recovered from beneath a nearby vehicle.

Likewise, Sergeant William Hinz of the Minneapolis Police Department testified in favor of repealing the ban, stating, "I can report that we did have one military-style semi-automatic rifle involved in a crime once. It was an SKS rifle and it killed a house." Unfortunately, Sergeant Hinz would only have to wait little more than a month for an incident in which an assault rifle presented a direct threat to Minneapolis police personnel. A gunman opened fire at the Minneapolis-St. Paul International Airport with a model of an SKS rifle that is now banned. The shooter exchanged gunfire with police before he was wounded and taken into custody.

Countering the testimony of pro-repeal witnesses were other law enforcement representatives who recounted situations in which they were either confronted by suspects armed with assault weapons or lost colleagues to assault weapon-wielding perpetrators. Typical of the remarks by law enforcement personnel in favor of retaining the ban were those of Baltimore City Drug Enforcement Officer Gerald Hensley:

Since joining the Police Department, I have seen the firepower of criminals, particularly drug dealers, grow from small caliber revolvers to military-style weapons which can shoot 30 bullets in less than ten seconds. In my years of service I have personally encountered assault weapons on several occasions....I participated in the service of a search and seizure warrant at a drug house where we found and confiscated a semiautomatic TEC-9. The weapon, which was fully loaded with 30 rounds, was on the bottom shelf of a closet in a bedroom occupied by children. In

assault rifle has to be selective fire. Yet, if you think about it, it's a little hard to accept the idea that firearms with extended magazines, pistol grip stock, etc., cease to be assault rifles by changing a bit of metal."

May of 1991, I myself was threatened by a semi-automatic TEC-9. While on a routine patrol of a suspected drug area, my two partners and I noticed suspicious activity. While my two partners went in the back way, I went in the front. As I entered the house I noticed a gunman lying in wait for my partners with the TEC-9. I shouted to him and he turned and prepared to shoot me. Before he could, I shot and killed him.

Unfortunately, the VPC survey shows that the real-world experience of most police personnel is much more likely to mirror that of officer Hensley than the testimony of those officers supporting repeal.

A third hearing was postponed and eventually abandoned in the wake of the bombing of the Alfred P. Murrah federal building in Oklahoma City on April 19, 1995. Likewise, a vote by the full House of Representatives on repeal of the assault weapons ban that had been scheduled for May 18, 1995 was put off indefinitely. Had the vote taken place, it would have occurred almost one month to the day after the Oklahoma City bombing and one day before the National Rifle Association began its annual meeting in Phoenix, Arizona.

SECTION III: Incidents of Police Confronted With Assault Weapons⁵

February 1995

New York—Albany

Two Albany police officers dodged bullets from a TEC-9 assault pistol fired by a gunman robbing two men of jackets and cash. *Times Union*

March 1995

Florida—Tampa

Tampa police officers Mike Vigil and Kevin Howell were seriously wounded with a model SKS that is banned as an "assault rifle" under federal law. The officers were shot in a confrontation with three robbery suspects. One round penetrated officer Vigil's bullet-resistant vest. *Tampa Tribune*

Illinois—Chicago

Chicago police officer Daniel Doffyn was killed and fellow officer Michael Bubalo was wounded by a TEC-9 assault pistol fired by a suspect being sought in an unrelated shooting. The TEC-9 was equipped with a 30-round magazine. *Chicago Tribune*

New York—New York

New York police were fired at with a TEC-9 assault pistol. The suspects then led 30 police cars and a helicopter on a high-speed chase over the George Washington Bridge into New Jersey. When police cornered the suspects, they opened fire again. *New York Daily News*

⁵ These incidents were compiled by reviewing newspaper articles obtained detailing incidents involving the use of assault weapons. The actual news clips of the described events are presented in Appendix I. The dates refer to the month in which the news report appeared.

April 1995

California—Oakland

Oakland Unified School District police officer Timothy Howe was slain with an AK-47 assault rifle during a routine traffic stop. The force of the rifle blast "ripped the protective vest from his chest." *Oakland Tribune*

California—Newark

A week after allegedly killing officer Howe (see previous incident), a man went on a shooting rampage with an AK-47 assault rifle and shot a Newark, California officer before he was killed by police. *Tri-Valley Herald*

Indiana—Indianapolis

Three deputies from the Marion County Special Weapons and Tactics team were wounded by an alleged militia member armed with two AK-47s. More than 40 rounds were fired after deputies were called in response to a domestic disturbance. *Indianapolis News*

Maryland-Kentland

Prince George's County Police Officer John Novabiliski was shot to death in his police cruiser by an assailant armed with a MAC-11 assault pistol. The same gun was used to kill an FBI agent in June (see below). *Washington Post*

New Jersey-Haddon Heights

A transsexual killed Haddon Heights police officers John Norcross and John McLaughlin and wounded officer Richard Norcross with an AK-47. The officers had gone to the suspect's house to interview her about allegations of child molestation. *Record*

May 1995

Florida—Wimauma

When two Hillsborough sheriff's deputies attempted to stop a van to question its occupants, the passengers in the van opened fire on the deputies from the back of the vehicle with either an AK-47 or an SKS. Two youths were arrested for the attack. The young men and their father had stockpiled an arsenal including a missile launcher, several assault weapons including MAC-10s, silencers, and sawed-off shotguns. *Tampa Tribune* and *East Bay Breeze*

Minnesota—Minneapolis

A man upset over not being allowed into a restricted area opened fire on police at the Minneapolis-Saint Paul International Airport with a model Norinco SKS rifle now banned under federal law. *Capital* (Annapolis, MD) and *St. Paul Pioneer Press*

Michigan—Detroit

Detroit police officer Jerry Philpot was killed in a shootout with a suspected gang member armed with an AK-47. Officer Philpot's partner was also fired at by the assault rifle-wielding assailant. *Detroit News*

Missouri—St. Louis

St. Louis police detectives Tim Moore and Danny Dell were shot at by a gunman armed with a TEC-9 assault pistol. The detectives returned fire, wounding the suspect. The gun was allegedly the murder weapon in a gang-related killing the previous day. *St. Louis Post-Dispatch*.

Pennsylvania—Allentown

A man was charged with three counts of attempted homicide after shooting at three Allentown police officers with an AK-47. The assailant had several banana clips containing an estimated 60 rounds of ammunition. *Morning Call*

June 1995

Maryland—Greenbelt

FBI agent William Christian Jr. was killed while on a stakeout by a suspect armed with a MAC-11 assault pistol. The same handgun had been used to kill Prince George's police sergeant John Novabilski in April while he sat in his police cruiser. *Prince George's Journal*

Oklahoma-Muskogee

Muskogee police officer John Toles was shot in the shoulder by a gunman armed with a Chinese-made SKS rifle equipped with a 30-round magazine and bayonet mount. Officer Toles' police cruiser and a second patrol car were caught in hail of gunfire as the officers responded to a report of a man with a gun. *Tulsa World*

Tennessee-Cleveland

Officers from the Bradley County Sheriff's Office were forced to take cover when they responded to a call that a man armed with an AK-47 and two 30-round clips was shooting at his wife's car. *Cleveland Daily Banner*

July 1995

California-Oakland

Oakland police officer Keith Konopasek was killed by an off-duty security guard armed with a Norinco HMN-90 rifle—a copy of the AK-47. Officer Konopasek had been assisting another officer on a traffic stop. *San Francisco Examiner*

Tennessee-Memphis

A Memphis police officer was shot at by an assailant armed with an AK-47. *Commercial Appeal*

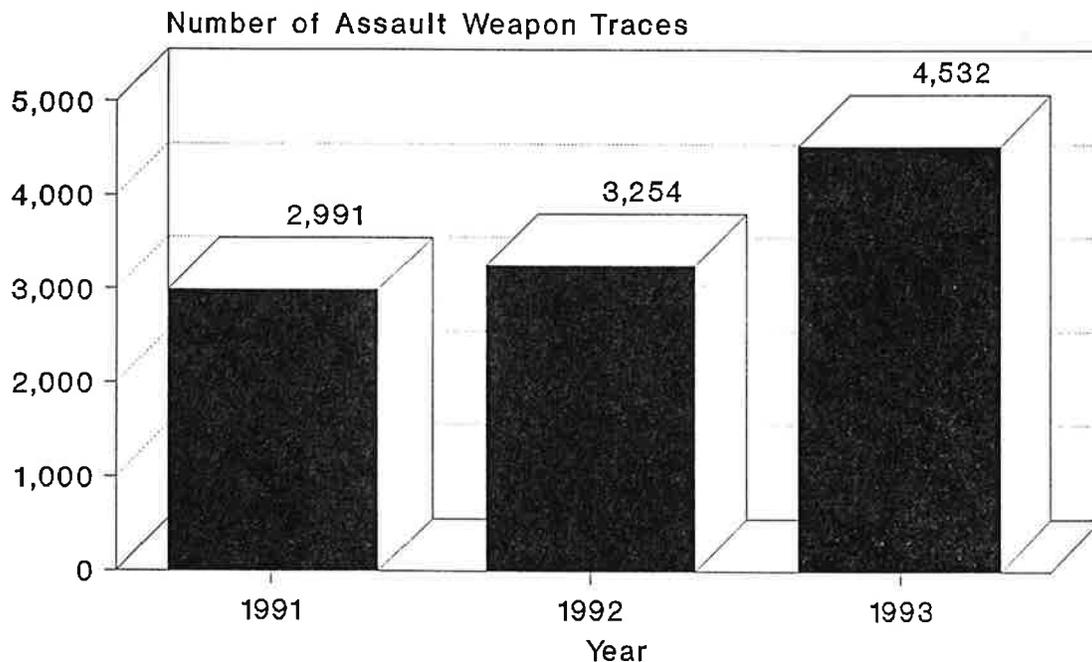
Utah-Salt Lake City

A gunman attempted to shoot at Salt Lake City police officers Randall Hunnewell and Richard Walton with a MAC-10 assault pistol as they pursued the suspect following a robbery in which four people were injured. The gunman forgot to take off the weapon's safety as he pointed the gun at the officers and pulled the trigger. The officers, fearing for their own safety, fired several rounds at the suspect who eventually surrendered. *Salt Lake City Tribune*

Section IV: Bureau of Alcohol, Tobacco and Firearms Tracing Data

The Bureau of Alcohol, Tobacco and Firearms (ATF) traces firearms recovered at crime scenes. A review of this tracing data for the years 1991 through 1993 reveals a steady increase in the number of assault weapons traced to criminal activity. In 1991, ATF traced 2,991 "assault type firearms," accounting for 5.5 percent of firearms traced by ATF. In 1992, that number rose to 3,254, or 6.4 percent of total firearms traced. In 1993, the figure continued to rise to 4,532, representing more than 8 percent of firearms traced. For 1993, the TEC-9 and the AK-47 were the number one and two most commonly traced assault weapons.

ATF ASSAULT WEAPON TRACES INCREASE, 1991 TO 1993



Source: Bureau of Alcohol, Tobacco and Firearms

APPENDIX I

NY-D10

DAILY NEWSPAPER

TIMES UNION

Albany, NY

Circ--(M) 101,017 (S) 162,035

FEBRUARY 21, 1995

Bacon's

3391

Man held in connection with gunplay incident

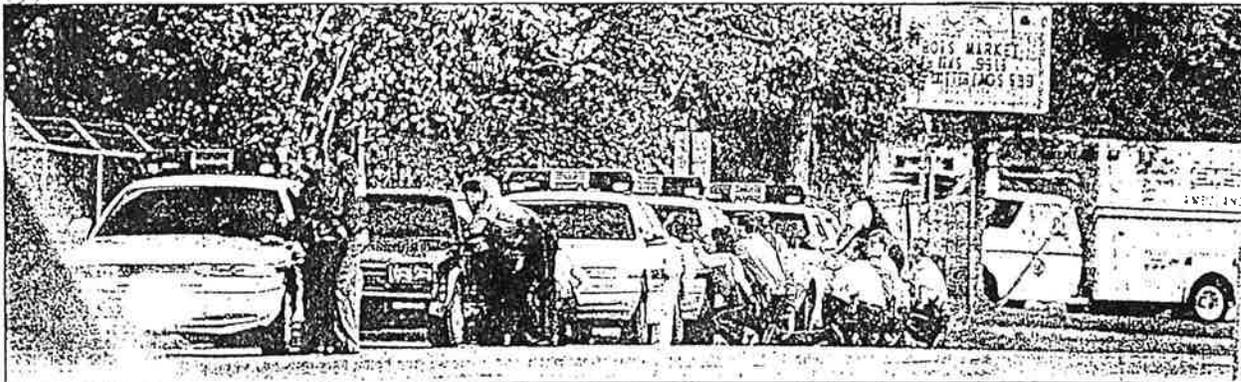
ALBANY — A 19-year-old city man is being held at Albany County jail following his arrest by city police over the weekend on charges stemming from gunplay last month in West Albany.

Marquis Chandler of 240 First St. was charged with reckless endangerment and criminal possession of a weapon in connection with gunfire reported to police at Lexington Avenue and First Street on Jan. 16, detectives said.

Police also said they have quizzed Chandler in connection with the attempted murder last week of two city police officers. They dodged bullets fired by a gunman who apparently had been robbing young men of their jackets, cash and other valuables, police said. No one has been charged yet in connection with that shooting, in which the triggerman was armed with a Tec-9 semiautomatic handgun and may have been wounded by police gunfire.

Before Chandler was apprehended Friday evening, authorities said he was being sought for questioning in connection with the Feb. 13 shooting on Second Street.

MARCH 25, 1995
Bacon's

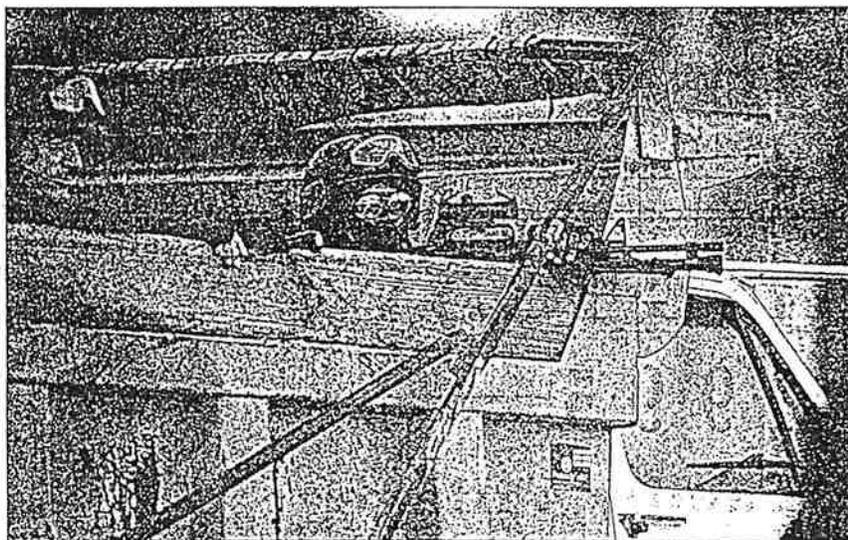


JIM REED/Tribune photo

Policeman clings to life

Gunfight suspects captured

Police, above and at right, were forced to take cover in the hunt for shooting suspects. One suspect surrendered within minutes of the hail of bullets Thursday night. A second suspect was caught around 1:45 Friday morning. Later Friday, police officers praised their wounded comrades. Related story, this section-9



CLIFF MCBRIDE/Tribune photo

By DIRK LAMMERS
and J.D. CALLAWAY
Tribune Staff Writers

TAMPA — A wounded police officer clung to life Friday as the accused gunman and two accomplices were captured after a neighborhood gunfight and an intense 10-hour manhunt.

Officer Mike Vigil was in critical condition after two emergency surgeries for two gunshot wounds, one of which hit him in the side, below the protection of his bullet-resistant vest.



Vigil

A second officer, Kevin Howell, was wounded in the leg and remained in stable condition.



Howell

One suspect surrendered within minutes of the hail of bullets that rang out in a northeast neighborhood Thursday night. A second suspect was caught around 1:45 Friday morning sleeping inside his mother's home nearby.

The third suspect, whom authorities identified as the gunman, eluded capture by police dogs, helicopters with high-tech radar and scores of police.

Shortly after 8 a.m., drops of blood from the suspect's cut feet led police to his hideaway: a storage shed behind a house. The SKS assault rifle was at his side.

During the gunfight, at least two officers fired their weapons, with Vigil emptying 17 rounds from his Glock 9mm semi-automatic pistol. The gunman is be-

Cop in critical condition;

3 suspects held

From Page 1

lieved to have fired dozens of bullets from an assault rifle.

None of the suspects or residents were hit. Shells littered the working-class neighborhood on Deleuil Avenue, near the intersection of 40th Street and Hillsborough Avenue. Some bullets struck houses. Others hit a parked school bus.

At Tampa General Hospital, Vigil's mother and sister and his girlfriend were staying at his bedside. Through a family friend, they offered their gratitude to the community that donated hundreds of pints of blood and to the intensive-care medical teams.

"The family is optimistic, but they are also realistic," said Sgt. Jane Castor. "They know there is severe damage."

Castor said despite Vigil's massive liver damage and high loss of blood, there are positive signs: he is able to nod his head and squeeze his family's hands.

Detectives say the accused gunman, 20-year-old Antonio Marquis Neal, told them he never meant to hit the officers. Neal, according to an arrest affidavit, said he fired his rifle only to scare the officers and escape.

Authorities identified the accomplices as Neal's brother, John Hollis Jr., 17, and Gary Gene Tippins, 19. All three have criminal records.

The suspects, charged with four counts of attempted murder on law enforcement officers, are being investigated for numerous robberies in the city, police said.

As authorities spent a sleepless

night piecing together the gunfight, fellow law enforcement officers and the public rallied Friday to help the wounded policemen with prayers and donations of hundreds of pints of blood.

Police Chief Bennie Holder praised the outpouring of support.

Police, who originally speculated the suspects were wanted for a Thursday night robbery of an Ybor City Hardee's, offered this account of the incident:

Patrol officers acting on an anonymous tip chased a suspicious car from north Tampa to 39th Street and Deleuil about 10 p.m. after hearing the three young men were armed and planning to commit a series of robberies, said Major Ken Taylor.

Detective Gene Strickland drove to the neighborhood and found the beige Oldsmobile Cutlass described by the tipster at 10th Street and Poinsettia Avenue.

Strickland called uniformed officers for backup. As the beige car was moving, two girls jumped out, and the three suspects inside drove off.

Officers chased them to 39th and Deleuil, where the car smashed into a parked school bus and the occupants bailed out. One of them started firing at Cpl. Sophia Teague and Officer Stephanie Perrin, who ducked behind their patrol cars. Two or three other officers returned gunfire, Taylor said.

When the shooting stopped, Tippins, who turned 19 years old Friday, jumped out of the car, leaned up against a fence with his arms outstretched and surrendered peacefully, police said.



Major Ken Taylor, from left, Police Chief Bennie Holder and Deputy Police Chief John Cuesta III speak at a press conference Friday. Behind them are photos of officers killed on duty.

The second suspect, Hollis, disappeared into the woods and was captured about four hours later.

Neal ran east on Deleuil as Vigil and Howell arrived as backup. The

officers chased Neal up a driveway, where Neal reached a carport and dropped a duffel bag he was carrying. He turned and began firing at the officers about 15 feet away, po-

lice said.

When Vigil was struck in the upper leg, the shot spun him around, exposing his unprotected side. A second bullet entered above his left

hip, traveling through his torso and exiting his right chest. Vigil and Howell, who also was hit, fell to the pavement. Neal disappeared into the woods.

At about midnight, Tampa police K-9 handler Cpl. Garry Replogle noticed his dog Bandit had a curious look. As Replogle moved his dog through the woods, Neal popped up less than 20 feet away, wielding the rifle and pulled the trigger, said Deputy Police Chief John Cuesta.

"He sees the figure and hears the metallic click sound of a firearm," he said.

Officers hit the deck, and Neal slithered away, he said. Police are unsure whether the gun was empty or misfired.

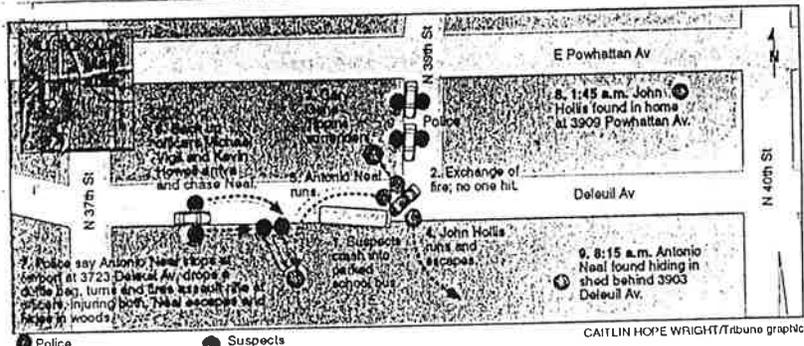
By 1:45 a.m., police learned that Hollis and Neal are brothers and their mother lives at 3909 Powhattan Ave., less than a block from the shooting. Hostage negotiator Henry Duran called the house and talked to Beverly Hollis.

"She said they don't live there, but one of them is in here," Duran said.

Duran said the family cooperated completely. Team members went into a bedroom of the house where Hollis, a 5-year-old girl and a 7-year-old girl were sleeping soundly and took him into custody.

At about 8:15 a.m., a Hillsborough County K-9 handler saw drops of blood on the doorknob of a concrete shed behind 3903 Deleuil.

Inside the getaway car, police confiscated a loaded .44-caliber revolver with a six-inch barrel, ski masks and a "fairly substantial amount of what appears to be cocaine," Taylor said.



SKS use revives gun ban debate

By PAULO LIMA and MICHAEL SZNAJDERMAN
Tribune Staff Writers

TAMPA — The SKS assault rifle used to gun down two police officers Thursday night is banned by the crime bill that took effect last year, but can still be bought legally for about \$100 in most local gun shops.

Though the crime bill banned production and importation of some assault-style weapons, gun dealers can still sell leftover stocks, said Jim Sudberry of the U.S. Bureau of Alcohol, Tobacco and Firearms in Tampa.

Meanwhile in Washington, two central Florida congressmen want to repeal the ban, a move police groups say will let more dangerous weapons on the street.

Local dealers characterized the Chinese SKS as a low-priced knockoff of the more sophisticated AK-47 assault rifle.

It fires the same ammunition as the AK-47 and it's much cheaper, said Tampa gun shop owner Zan Zeigel. "It can kill you just the same. It's a military weapon all the way."

Assault rifles are particularly feared by police officers because of their firepower. Although vests worn by most officers are designed to stop handgun bullets, they are ineffective against high-powered rifles, said Tampa police firing range master E. Vernon Schlechty.

The SKS became immensely popular with gun enthusiasts last year when the assault weapon ban loomed near. After a brief hike in price, the craze fizzled and the weapons are again selling for around \$100, Zeigel said.

U.S. Rep. Bill McCollum, R-Altamonte Springs, the GOP point man on crime issues in the House and a longtime gun control opponent, said Friday that while the shooting is tragic, it points up why the assault-weapons ban simply won't do the job it was intended to do.

Assault-style guns are used in just a tiny fraction of crimes, McCollum argues. And while the ban affects 19 types of weapons, McCollum said it doesn't apply to scores of other firearms that have just as much killing power.

Nor does the ban control the sale of millions of assault-style weapons that were made prior to the September ban.

Even if those guns were included, it wouldn't stop criminals from obtaining them — or any gun for that matter. What it does do, McCollum said, is further restrict law-abiding citizens.

"There's probably a 100 percent chance that the kids that had that gun ... would have found an equivalent weapon," McCollum said. "The public is being fooled by this."

That's not the view of Jim Thompson, who helps run the police union in Tampa. Even if assault-style weapons are used in only 1 percent of crimes, "that's 1 percent too many," he said.

So agreed Jim Pasco, legislative director for the 270,000-member Fraternal Order of Police. While assault-style weapons make up about 1 percent of the guns in circulation, they account for 9 percent of guns traced by authorities to crimes, he said.

"We've gone through decades and decades without a ban, with countless people being maimed and robbed. It seems to make sense that at least try it our way and see if it works," Thompson said.

Marion Hammer, who represents the National Rifle Association in Florida, said the assault weapons ban is misguided. She said criminals need to be locked up.

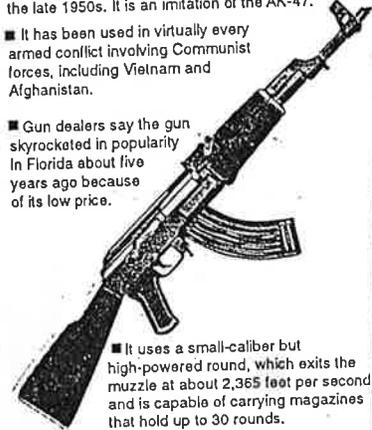
The alleged gunman in Thursday's shooting, for example, already has a criminal record, which means he

The SKS semiautomatic assault rifle

■ The SKS semiautomatic assault rifle is a military weapon first manufactured in China and Russia in the late 1950s. It is an imitation of the AK-47.

■ It has been used in virtually every armed conflict involving Communist forces, including Vietnam and Afghanistan.

■ Gun dealers say the gun skyrocketed in popularity in Florida about five years ago because of its low price.



■ It uses a small-caliber but high-powered round, which exits the muzzle at about 2,365 feet per second, and is capable of carrying magazines that hold up to 30 rounds.

■ The bullet is designed to penetrate standard body armor worn by most police officers and go through its target rather than explode or expand like some other ammunitions.

Source: Division of Alcohol, Tobacco and Firearms; Tampa Police Department

“ We've gone through decades and decades without a ban, with countless people being maimed and robbed. It seems to make sense that at least try it our way and see if it works.”

JIM THOMPSON
Tampa police union

is prohibited under federal law from having any gun — let alone an assault-style weapon.

U.S. Rep. Charles Canady, R-Lakeland, agreed with Hammer, saying "criminals use guns to harm law-abiding people. The focus should be on punishing criminals." Canady has co-sponsored a bill to repeal the assault-weapons ban.

Along with pushing for repeal of the ban, House Republican leaders plan to introduce bills calling for tougher penalties for using a gun in a crime.

In any case, most experts say it will take time to accurately gauge the effect of the assault-weapons ban. And President Clinton intends to give the legislative time to work; he has already pledged to veto any attempt to repeal it.

Circ - (M) 697,345 (\$1,110,552)

MARCH 10, 1995

Bacon's

3391

Slain cop mourned

3 suspects charged with murder in fatal West Side shootout

By George Papajohn and Bernie Mixon
TRIBUNE STAFF WRITERS

This was how Daniel Doffyn was remembered Thursday: good parent, good neighbor and—even though he was just a rookie—good cop.

That last role, as member of the Chicago Police Department, was his newest, but it seemed to be a natural fit for the 40-year-old with a youthful physique and a Dudley Do-Right chin.

"Dan was meant to be a policeman," a neighbor, Mary Reinhardt, said Thursday. "That was his way of serving. He cared about others."

She recalled the first time he stopped by her house in his uniform. He was there to pick up his 8-year-old daughter, Brittany, a playmate of Reinhardt's granddaughter.

Reinhardt didn't recognize the officer at the door.

"It's me, Dan," Doffyn said.

"You just look great in your uniform," she told him.

Doffyn, she said, was beaming. "He was so proud, so totally proud."

His daughter, young as she was, understood that as much as anyone.

On Thursday, talking to a teacher the day after her father was killed in the line of duty, Brittany was almost philosophical.

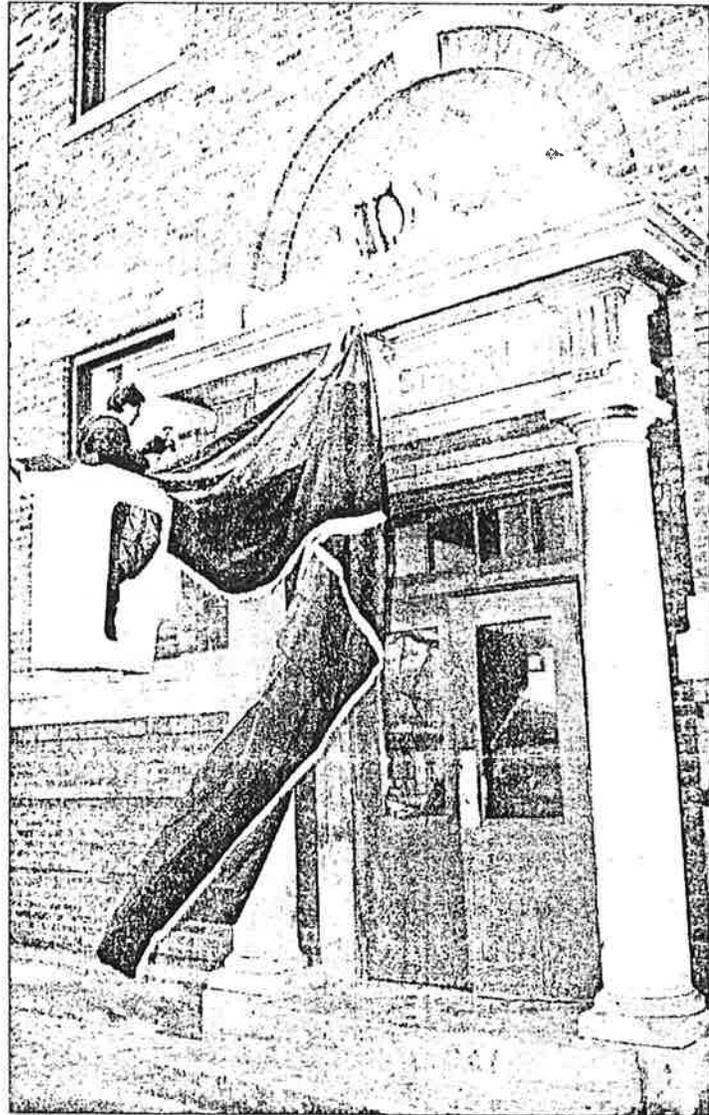
"He always wanted to be a policeman," the teacher quoted her as saying. "He realized his dream when he got to be a policeman."

The teacher, Raquel Nadrowski of Immaculate Heart of Mary school, tried to comfort the girl, telling her that her father had a new job. "I told her, 'He's kind of like your guardian angel now.'"

From Doffyn's modest North Side street and Brittany's Catholic grade school to the West Side's Austin District, where Doffyn worked, Thursday was a time for mourning and remembrance.

The difference on the West Side was that there still was work to be done as police and prosecutors attempted to piece together a murder case from a Wednesday afternoon shootout that killed Doffyn and wounded another

SEE COP, PAGE 5



Tribune photo by Phil Greer



Tribune photo by Carl Wagner

Steve Berry (above) hangs mourning bunting Thursday for shooting victim Officer Daniel Doffyn at the Austin District station in Chicago. Mourners placed flowers and a card (left) outside an apartment building near the fatal shooting.

Mp5

3-9-95
Cop

CONTINUED FROM PAGE 1

rookie, Milan "Michael" Bubalo, 30.

Late Thursday, police announced that three suspects had been charged with murder and attempted murder in the incident: Murray Blue, 23, 4306 W. Maypole Ave.; Jimmy Parker, 32, 4303 W. Maypole; and Clyde Cowley, 16, also of 4303 W. Maypole.

According to Grand Central Area Cmdr. Phil Cline, the three gang members allegedly broke into an apartment of a friend at 740 N. Lorel Ave., a building behind the Austin District station. When police, responding to a burglary call, arrived at the apartment, the three panicked because they had been involved in a shooting only a half-hour earlier, Cline said.

They tried to escape, Cline said, but then police caught up to them and Blue, armed with a Tec-9 assault weapon, opened fire on

Doffyn and Bubalo. Bubalo was in fair condition Thursday.

Blue and Cowley also were injured in the shootout. Parker was arrested trying to flee.

Blue had been sought in a Feb. 26 murder that police describe as a gang-related hit. Blue and Cowley are members of the Gangster Disciples, while Parker is a member of the Mafia Insane Vice Lords, police said.

In addition to four weapons recovered from the shootout, police found an undisclosed amount of cocaine and heroin in the apartment. Cline said the suspects were storing drugs in the apartment.

The earlier shooting, police said, occurred at 4245 W. Maypole and left a 23-year-old man injured with a gunshot to his buttocks. All three suspects also were charged with aggravated battery in that incident, Cline said.

Leola Spann, president of Northwest Austin Council, said her neighborhood group considers the area around the shooting a hot spot, meaning drug and gang activity go on there. But she said it

wasn't clear the building itself was a drug house.

"We are always surprised at these kinds of things, especially when it happens so close to the police station," she said. "You don't ever think of it happening so close."

Flowers were placed outside the apartment building after the shooting. Attached to some lilies, a card paid tribute to Doffyn: "May he rest in peace knowing that he fulfilled his duty to our community, city and family."

The entrance to the Austin district was draped with purple and black bunting. Inside, Austin District Cmdr. LeRoy O'Shield said, the mood was somber. It's been three years since a Chicago officer was shot and killed on duty.

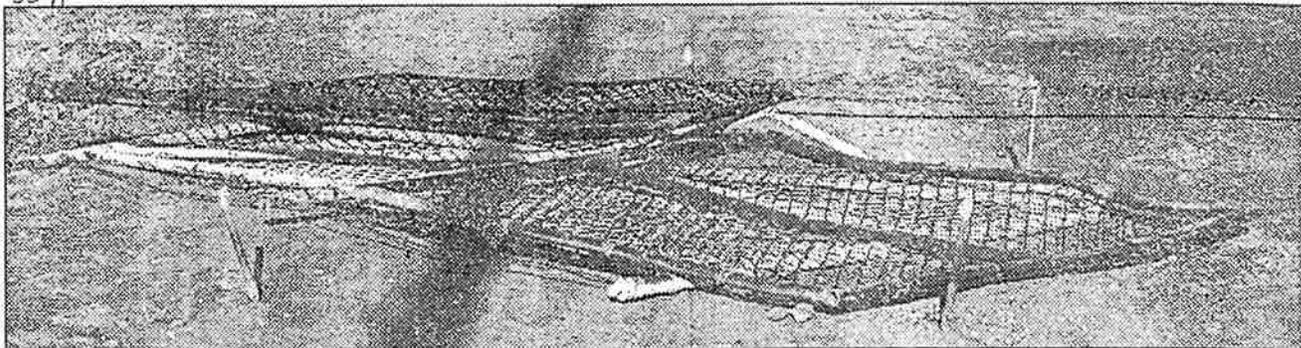
"There's a feeling of loss," O'Shield said. "He exemplified the very finest the police department has to offer. He was not assigned this job but responded to it."

Tribune staff writer Marla Donato contributed to this report.

MARCH 15, 1995

Bacon's

3391



MICHAEL SCHWARTZ

FENCE lies crumpled on the ground after suspect's car rammed it during high-speed chase with police in Teaneck, N.J., yesterday.

Flyin' high over bust

By TOM RAFFERTY,
CHRIS OLIVER and
LAURA A. FAHRENTHOLD

Daily News Writers

A police helicopter equipped with a high-tech heat-sensitive camera helped flush out a submerged suspect who allegedly opened fire on cops in Harlem yesterday.

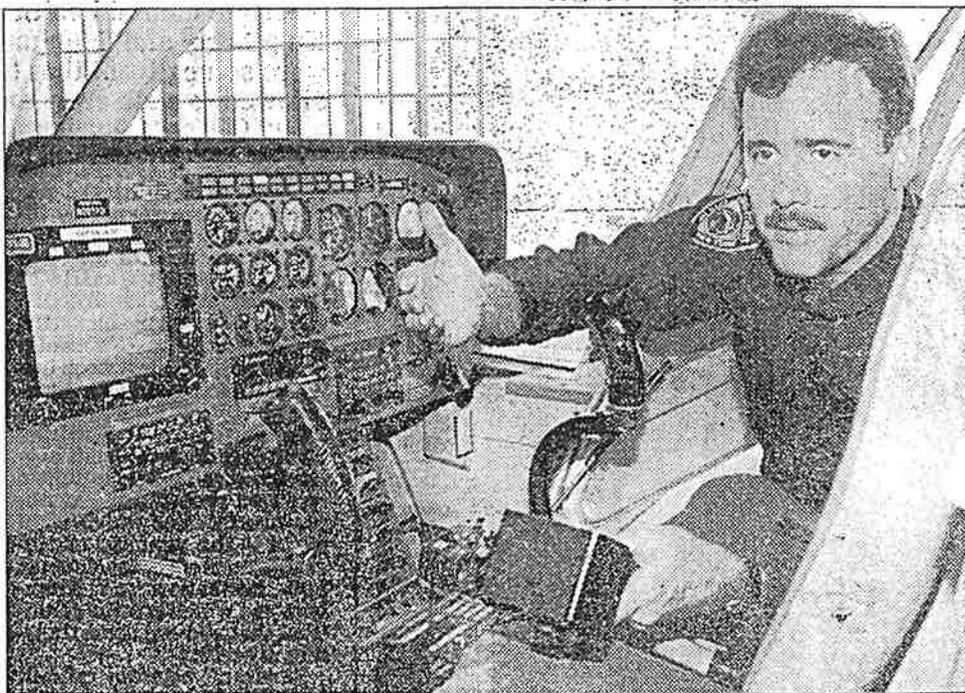
The gunfire touched off a high-speed chase over the George Washington Bridge that ended when the chopper zeroed in on a man submerged in a drainage ditch in Teaneck, N.J. The suspect was invisible to cops with searchlights standing 10 feet away in the pre-dawn darkness.

Police said the action began when one or more of four men in a car opened fire on cops at 2:10 a.m. during a routine traffic stop at W. 155th St. and Amsterdam Ave.

The driver of the car, which turned out to be stolen, sped over the bridge and onto Interstate 80, where he hit speeds of 110 mph as he went the wrong way, zig-zagged over curbs dividing the highway and plowed through two fences. Thirty police cars and the chopper gave chase, finally cornering the car on a dead-end street in Teaneck.

That's when Keyseaa Hodges, 20, of Passaic, N.J., and John Carroll, 20, of Dale City, Va., allegedly opened fire again, then fled.

Officers Michael Caruso and Thomas Daniele of the aviation unit activated their chop-



KEN MURRAY DAILY NEWS

HIGH HOPES: Aviation Unit's John O'Hara shows helicopter's infrared light, which helped nab suspect.

per's infrared eye-in-the-sky to find the two. Daniele piloted the chopper while Caruso operated the camera, which can zoom in on objects as small as a coffee cup from 1,000 feet in the air.

Within 90 minutes, the camera located a hot spot and the cops in the sky directed police to a muddy ditch, where Carroll was soon found, neck deep

in the water, suffering from hypothermia and a gunshot wound to the hand.

His image, detected by variations in temperature — in this case, body heat — appeared on a small video.

"It detects variations in temperature as small as 1 degree," said aviation cop John O'Hara. "This is the first time we caught someone below the

ground."

Teaneck police recovered a Tec-9 semi-automatic assault weapon, about 50 rounds of ammunition, handcuffs, ski masks and rope in the car.

They arrested two other men in the car, Jose Hernandez, 18, and Derek Rivera, 18, both of Passaic.

Hodges eluded police but was arrested later at his home

Circ-(M) 101,033 (S) 134,838

APRIL 15, 1995

Bacon's

Oakland cop slain during a traffic stop

He would've been married in a month

By Yasmin Anwar
and Ikimulisa Sockwell
STAFF WRITERS

OAKLAND — A month away from marrying his longtime sweetheart, gung-ho schools police Officer Timothy Blaine Howe was gunned down with an AK-47 assault rifle Thursday night during a routine traffic stop in East Oakland.

It was the first fatality in the Oakland Unified School District police force since its inception 42 years ago. The 34-year-old was the first Oakland police officer killed in the line of duty this year.

"I can't believe he's dead," said Oakland robbery Sgt.

Vince Russo, who used to work out with Howe at a gym in Hercules.

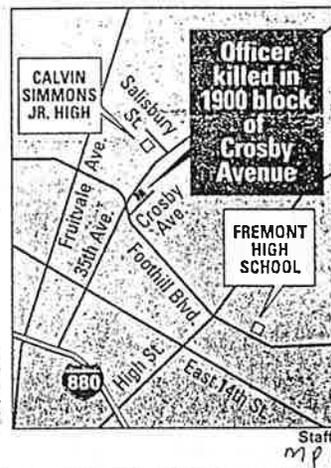
"He always talked about his work and how dangerous it was. But he was extremely careful about his safety."

Police Friday were searching for a tall, 26-year-old man weighing about 200 pounds in connection with the fatal shooting. Homicide investigators withheld details about the case.

Howe was among the officers keeping a 24-hour watch on the schools during spring break to deter vandalism and burglaries.

Thursday night, Howe spotted a speeding car near Fremont High and followed it for a while, said Sgt. Harold Boutte of the schools police department.

Shortly before 11:30 p.m., he radioed that he was stopping the car on Crosby Avenue near Calvin Sim-



Howe



MARY F. CALVERT — Staff

Kendra MacDonald Peterson, left, who was engaged to marry slain schools police Officer Timothy Blaine Howe, with Howe's mother and stepfather, Linda and Robert Mussman.

Shot: Fiancee, family mourns officer

Continued from A-1

mons Junior High School. That was the last authorities heard from him.

"Officer Howe was well-trained, but these guys just jumped him," Boutte said.

The blast from the assault weapon tore into Howe's lower mouth and shoulder area. The force of the blow ripped the protective vest from his chest, Boutte said.

"We were all there (at the scene) last night," said Howe's brother, James. "He never made it to the hospital. He died on the scene."

Devastated

Devastated by the shooting, Howe's fiancée, Kendra Peterson, and Howe's family gathered at his parents' home in Moraga Friday morning to grieve for Howe. He loved police work, his family said, and recently won an award for tracking down stolen cars.

But that kind of enthusiasm and diligence may have cost him his life.

"We knew there was a risk with him putting

his life on the line, but you never think it's going to happen to you," Peterson said.

Peterson received a call from him around 10:30 p.m., when he told her he was checking something out but wouldn't elaborate.

"He said, 'I love you,' and I said, 'I love you too,'" said the 28-year-old department store manager, who lived with Howe in Hercules. They were to marry May 21. The wedding invitations went out this week.

Students at Fremont High, which was made his prime assignment in 1991, fondly knew the officer as T-Howe. He never missed a Tigers basketball game.

'Always there for us'

"He was always there for us. He always loved Fremont basketball," said senior player Frank Knight. "He was like one of the family."

Howe studied economics before he turned to policing. His late father, James William Howe, had been a Kentucky state trooper.

He was a reserve police officer with the Concord Police Department before joining the Oak-

land Unified School District police force.

His stepfather, Robert Mussman, who married Howe's mother, Carol, in 1975, says he adored him and occasionally rode along with him on patrol. "He got into some car chases," Mussman said. "But he was always very concerned about his safety. He was a great man."

Colleagues shaken

Howe's colleagues said they were shaken by the shooting. The officer wore a bulletproof vest, but little can safeguard an officer against assault weapons and sudden attacks.

"School police officers are the same as city police officers," said a visibly shaken Lt. Sgt. Ron Herron, who is in charge of the 14-member Oakland schools police force.

Fremont High principal Robert Duran said, "He was relentless at his work. He worked many, many hours and really got into the culture of the school. He was at every game, and even though he was supposed to be neutral, he was very much a fan. I've certainly lost a real friend and so has Fremont. He'll really be missed."

APRIL 19, 1995
Bacon's3391
**Police gun down
alleged cop killer
after rampage**By Scott Andrews and Daniel Vasquez
STAFF WRITERS

NEWARK — A man suspected of killing an Oakland police officer last week went on a rampage in Newark early Tuesday, shooting two men and a Newark cop before he was killed in a hail of police gunfire.

The alleged cop killer, Sean Whittington, 26, of Oakland, terrorized a residential neighborhood after the 1 a.m. shootings, pounding on doors and breaking windows looking for somewhere to hide as he fled police who swarmed the area.

Four hours later, just before dawn, Whittington forced a woman and her two children from their BMW at gunpoint and tried to flee the area, ignoring police orders to stop. SWAT teams and other officers filled the car with gunfire, killing him.

The same type of AK-47-style assault rifle he allegedly used to kill the Oakland police officer lay at Whittington's side.

Two of the men he shot — one of them a delivery driver who apparently was trying to help when he was gunned down — were in critical condition and fighting for their lives Tuesday afternoon at Eden Medical Center in Castro Valley.

The Newark police officer was released after being

Continued from A-1

treated for wounds to his legs from bullet fragments or shards of window glass.

Police said they did not know exactly how or why the onslaught began.

Officers in the Oakland Police Department speculated that Whittington may have believed his first victim was an undercover investigator.

A warrant for Whittington's arrest had been issued Monday charging Whittington with shooting Oakland police Officer Timothy Blaine Howe to death on Thursday as Howe patrolled outside an Oakland school. Whittington had been stopped for speeding earlier in the day, and Howe was familiar with him from previous encounters.

It was not known where Whittington spent the last four days, or what he was doing at the Motel 6 on Cedar Court between the Nimitz Freeway and Cedar Boulevard on Monday night.

The first report of gunfire at the motel came in at 12:46 a.m.

Thomas Walker, 24, who was riding his bicycle, was found shot in the motel parking lot. As Walker lay bleeding on the pavement, surrounded by rifle shells, Carlos Limon of Newark and his son's 16-year-old girlfriend became Whittington's next targets.

Limon had just picked up the girl from the motel where she had been visiting her mother. They were headed to Limon's home, a few blocks away. Other residents watched in disbelief.

"I saw a guy running with a huge gun towards the van. I thought he was going to shoot me," said Jason Fontaine, a witness who was staying in a nearby room.

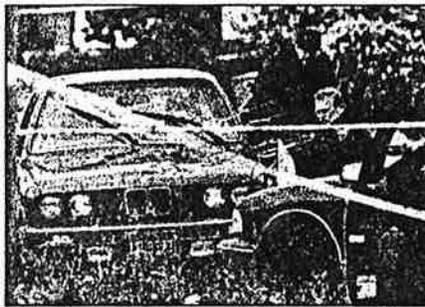
As the van sped away, Whittington ran after it, shooting. Others at the motel went to Walker's aid, giving him a blanket.

Limon sped north on Cedar Boulevard in the van, its windows shattered and its tires blown out. He crashed into a curb at Moores Avenue, a block away.

A delivery driver, Kent Wingerd, 39, of Monterey, making a midnight drop at Empire Tractor and Equipment Co. across Cedar Boulevard, saw the crashed van and thought a simple auto accident might have just occurred, police said.

He rushed to help Limon and the girl. As he ran into the middle of the street, Whittington gunned him down, said police.

The first Newark officer arrived about 12:53 a.m.



ALAN GRETH—Staff

Police inspect bullet-riddled BMW, which victim Sean Whittington apparently carjacked.

As Officer Patrick Hunt, a 13-year veteran, was driving slowly past, looking at the abandoned mini van, Whittington approached out of the darkness from the officer's blind side, said Newark police Capt. Cliff Nannini.

Whittington fired about 10 shots from 10 to 15 feet, shattering the patrol car's windshield and windows and puncturing its doors, said Nannini. One bullet lodged in the hand-held radio Hunt had fixed to his belt.

Feeling he had been shot in the legs, Hunt slammed his car into reverse and backed up a block, calling for reinforcements.

Moments later, Whittington apparently tried the door to the next house down Moores Avenue. Using the butt of his rifle, he dented the door and smashed part of the lock.

Still frustrated, he left the home and headed for one across the street.

"I saw him walk up my yard and I thought to myself, 'Oh my God, he's coming here,'" said Dorene Sevenz, 30, who was inside with her 6-day-old son.

"He looked like a terrorist, or like Terminator 2. He had a gun at his side and he looked desperate," said Sevenz.

As Whittington walked onto Sevenz's yard, an unidentified neighbor walked down the sidewalk and caught the gunman's attention. Apparently seeing the gun, the neighbor ran away. Sevenz's three dogs began barking at Whittington, who ran.

SWAT teams from Newark and Fremont moved into the neighborhood, backed by regular officers and police from Hayward, East Bay Regional Parks and Oakland.

But for about four hours there was no sign of Whittington.

Whittington apparently thought he found a way to escape when he spotted a woman leaving her Moores Avenue house for work with her two young children, said police.

"He came out from some bushes, opened the door and pulled her out of the car" at gunpoint, Nannini said.

At about 5:25 a.m. Whittington took the maroon BMW and started slowly down Moores Avenue toward Cedar Boulevard, headed back toward the corner where he shot the delivery man.

An Oakland police helicopter spotted the car and alerted officers on the ground, who ordered Whittington to stop.

"The cops kept yelling at him, but he didn't listen. That's when the shooting began ... pow, pow, pow, pow ... There was a lot of shooting going on. Once I saw the flashes from one officer's rifle, I hit the ground," said a resident, who asked to be identified only as "Kathy."

The windshield of the BMW was riddled with bullet holes, most of them concentrated on the lower driver's side.

By the numbers

1. 12:45 a.m.—Bicyclist shot.
2. Gunman shoots at minivan as driver calls 911.
3. 12:50 a.m.—Gunman shoots out two minivan tires.
4. Man and woman run from minivan to home on Moores Ave.
5. Gunman shoots delivery man at Empire Tractor outlet.
6. Gunman shoots 10 rounds at police car, wounding officer, runs. Officer retreats.
7. Gunman runs from house to house on Moores, pounding on doors, breaks a window, tries to steal disabled car.
8. Police reinforcements arrive.
9. 5 a.m.—Oakland Police helicopter arrives.
10. 5:25 a.m.—Gunman carjacks BMW from 5940 Moores Ave.
11. Helicopter sees car moving, alerts barricade.
12. Police order driver to stop. He refuses, is shot to death.

STEVEN LAIT

APRIL 24, 1995

Bacon's

'I don't think any of us know how centrally organized these militias are. There may be a temptation to use the name as a convenient cover for goofy, crazy behavior.'

— Scott Newman
Marion County prosecutor

Police explore potential for conflict

The Indianapolis News

Dam! Bam! Bam!

The firefight began at 3:22 a.m. April 10 when deputies from the Marion County Special Weapons and Tactics team entered an East-side mobile home.

Inside was Mark D. Burton, a 31-year-old handyman, general laborer and alleged militia member armed with two AK-47 assault rifles. Deputies had been summoned to the mobile home to investigate a domestic disturbance.

Sgt. Benny Diggs, the assistant commander who led the Marion County Sheriff's Department SWAT team that night, didn't count, but he said it sounded as if Burton fired as many as 200 rounds. Court records refer simply to "more than 40 rounds."

Neighbor William Galloway, an ex-Navy engineer who spent World War II and the Korean War bringing assault troops to land, found 23 bullet holes in his shed.

"It was like a little World War II," he said.

When the shooting ended, three

See ① POLICE A-2



Rich Miller/The Indianapolis News

William K. Galloway points to bullet holes as he describes the shootout between the Marion County Sheriff's Department and his neighbor, who says he is in a militia.

3391 CT

Police: Potential for violence is uncertainty for officials

● Continued from A-1

deputies were wounded.

Burton had vowed not to be taken alive but surrendered after he was shot in the leg.

Authorities say they are skeptical that Burton is a militia member. An ex-girlfriend told police that Burton claims to be a member of an armed group that advocates overthrowing the federal government. The group, she said, was preparing for a race war.

Sgt. Mike Smith of the sheriff's department discounts Burton's alleged militia comments as bragging. But, he said, authorities are still investigating Burton's militia involvement.

Authorities are uncertain whether the militia and Patriot movements are dangerous.

Militia members insist their groups are law-abiding and even an integral part of the founding fathers' conception of the democratic process.

They argue that militias are protected by the Bill of Right's Second Amendment that reads:

"A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

Indiana militias frequently cite Article 12 of the 1851 State Constitution that reads, in part:

* * *

"A militia shall be provided and shall consist of all persons over the age of 17, except those persons who may be exempted by the laws of the United States or of this State."

Less frequently cited are the paragraphs that appoint the governor as commander in chief of the militia and other sections of the state code that treat the Indiana National Guard and the militia as the same entity.

Marion County Prosecutor Scott Newman said he's not particularly disturbed by militias — yet.

"I don't buy their theories of government agencies trying to take away their freedoms," he said.

After the Oklahoma City bomb-

ing, he's more wary.

"If it turns out that a militia was involved in the bombing, surely nobody in the country can afford to take them lightly."

Authorities also worry that the militia movement may attract extremists.

"I don't think any of us know how centrally organized these militias are," Newman said. "There may be a temptation to use the name as a convenient cover for goofy, crazy behavior."

Even the federal Bureau of Alcohol, Tobacco and Firearms — hated by many Patriots for its 1993 raid of the Branch Davidian compound in Waco, Texas — is cautious in its assessment.

"We have not had a lot of expe-

rience with them because they haven't done anything that we have investigated them for," said Charlie Petersen, the agent in charge of Indiana's ATF office.

The potential for armed confrontations between law enforcement officials and militias remains uncertain.

Petersen reported that:

● When an ATF special-response team was training last fall at Fort Harrison, militia members were videotaping the exercise.

● Someone called Fort Campbell, Ky., several months ago to complain about black helicopters flying over Indianapolis. The caller reportedly threatened to shoot down the helicopters if they continued to fly too low.

● The national ATF headquarters warned its regional offices to be careful about making arrests on March 25. Some militia groups had circulated messages about a big raid they thought the government had planned for that day.

Various militias in several states including Indiana, Florida, New Hampshire and Montana have gone on "alert" when militia leaders have been arrested. No incidents have been reported.

In the aftermath of the Oklahoma City bombing, more police agencies will likely take a closer look at militias.

"We need to know what the future holds," said Col. Scott Miner, a spokesman for the sheriff's department.

MIETRO

Pr. George's Officials Shaken by Boldness Of Officer's Slaying

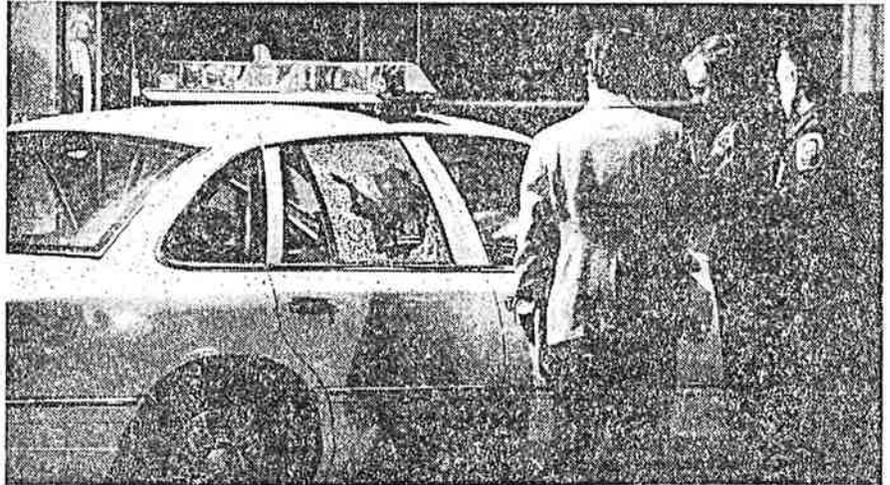
By Jon Jeter and Avis Thomas-Lester
Washington Post Staff Writers

Police and county officials in Prince George's were shaken by what they described yesterday as the brazen execution of Cpl. John J. Novabilski, slain Wednesday night while sitting in uniform in a marked patrol cruiser near a busy street.

Police said Novabilski's slaying was the result of a confrontation moments earlier between the officer and the gunman in the parking lot of a Kentland liquor store where the officer was working as a security guard. The county allows officers to wear their uniforms and drive their cruisers while working second jobs, because their uniformed presence is considered a strong deterrent to crime.

But after exchanging angry words with Novabilski outside the store, the gunman came back, police sources said. He walked up behind the officer, who had returned to his cruiser, and opened fire about 11:30 p.m. Novabilski, 31, was hit three times in the head and chest.

As the officer slumped in his seat fatally wound-



BY GERALD MARTINLAU — THE WASHINGTON POST

Police inspect the patrol car of Cpl. John J. Novabilski, who was shot to death Wednesday night.

ed, the gunman reached into the cruiser and stole his 9mm pistol and two clips of ammunition before running away, the police sources said.

Yesterday, more than 100 county police officers—some volunteering their time—canvassed the community around the 7200 block of Martin Luther King Jr. Highway, where the killing occurred.

County Executive Wayne K. Curry announced

the creation of a reward fund for the arrest and conviction of Novabilski's killer. Curry said that he had contacted business owners for contributions and that as of yesterday, nearly \$12,000 had been pledged to the fund.

"Everyone I called volunteered to give immediately and without hesitation," Curry said. "We are expressing our outrage at the continuing violence

See OFFICER, B5, Col. 3

100 P.G. Officers Search Area Near Killing

OFFICER, From B1

perpetrated on our community and our absolute intolerance for this heinous crime."

Police said they are seeking a black man in his late twenties, about six feet tall, with a medium build, a fair complexion and a thin mustache and close-cut beard.

Novabilski, a seven-year member of the department assigned to the Beltsville station, was an aggressive officer with a reputation for fairness and a wicked sense of humor, fellow officers recalled. County police officers were visibly shaken and angered by the shooting: Acting Police Chief Alphonso Hawkins was moved to tears at an impromptu early morning news conference yesterday at Prince George's Hospital Center, where Novabilski was taken, and officers stopped at Palmer's Restaurant and Liquor Store to survey the scene of the tragedy.

"He was a good officer," said Capt. James Hunt, acting commander of the District 6 station where Novabilski was assigned. "He made his share of arrests, and he was very dedicated."

"John," said one youthful-looking police officer, standing in the parking lot where Novabilski was slain, "was as good a guy as you could ever hope to meet."

Novabilski lived with his wife, Karen, in Upper Marlboro. He was the first county police officer killed in the line of duty since February of

"He was a good officer. He made his share of arrests, and he was very dedicated."

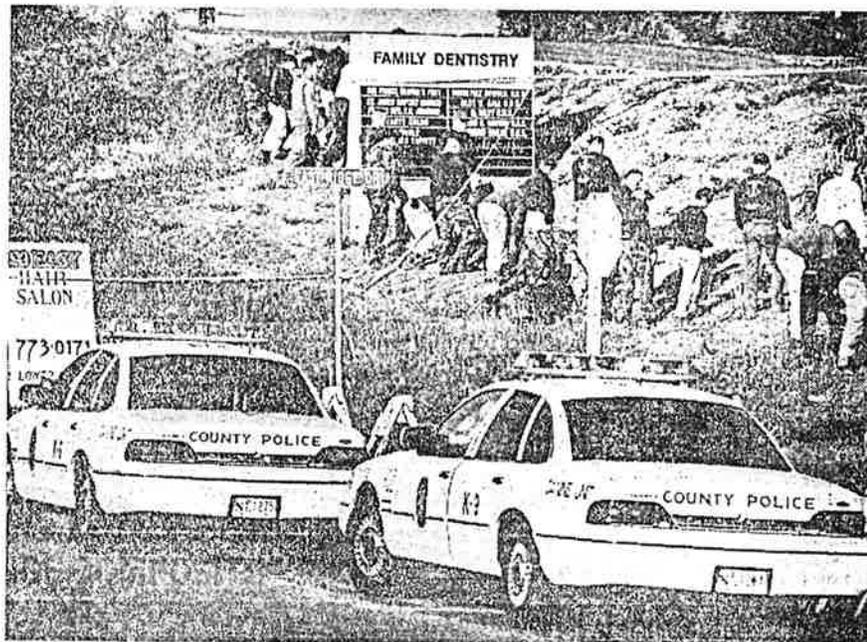
—Capt. James Hunt

last year, when Cpl. John Bagileo crashed his cruiser into a utility pole while responding to an emergency call. Novabilski was the first county police officer fatally shot in the line of duty since 1992, when Officer Ryan Johnson was slain by a teenage gunman during a holdup outside a friend's Capitol Heights home. Johnson was off duty and out of uniform at the time.

Hawkins said detectives had interviewed several liquor store employees and customers who saw some of the attack. One witness saw the gunman flee and chased him for several blocks, Hawkins said. Consequently, initial reports to police suggested wrongly that two men had attacked Novabilski.

Palmer's Liquor, which has a drive-through window, is open seven days a week from 8 a.m. to 2 a.m. At Martin Luther King Jr. Highway and Greenleaf Street, the white stucco building with peeling red trim is in an area known to county police for its high number of crimes, particularly those fueled by drug and alcohol abuse.

Novabilski had worked part time at the liquor store three or four times a month for the last 18 months, according to Brian Lee, the store's owner. In that span of time, Lee said, he was unaware of any problems during Novabilski's shift.



Prince George's police officers, academy trainees and canine units search the area where officer was slain.

County police officers are given wide latitude in working off-duty jobs. About half of the department's 1,200 sworn officers moonlight as security guards over the course of a year, said Lt. Charles Pollock, and they are allowed, though not required, to wear their uniforms and drive their patrol cars to and from jobs. They are required to report all off-duty work to emergency dispatchers, Pollock said.

Hawkins said there were no plans to reconsider the department's moonlighting policy.

Novabilski's slaying reinforced a widely held view among law enforcement officials that not only do they no longer command the respect they once did, but their badges actually make them targets of open acts of defiance, disdain and even violence.

In January, two District police officers were ambushed by an unknown gunman who apparently stalked the uniformed officers as they sat alone in their cruisers. Although that case is still open, Prince George's police said they do not believe it is related to the attack on Novabilski.

In November, Bennie Lee Lawson walked into D.C. police headquarters and fatally shot a police sergeant and two FBI agents before killing himself.



Cpl. John J. Novabilski, left, was fatally shot. At right is a police sketch of killer.



And last spring in Prince George's, Metro police Officer Harry Davis was fatally shot while making a traffic stop near the Landover Metro station.

"I think we're seeing a younger group of people who really have no respect for authority," said Jack H. Johnson, state's attorney for Prince George's. "There is a coldbloodedness, a mean-spiritedness that we are seeing now with people, particu-

larly those 20 and under, and they really don't seem to have any regard for any of our institutions."

Johnson said that he will assign two prosecutors to the case once an arrest is made and will consider filing for the death penalty.

"We've got to send a message that we are very serious about these kinds of cases," he said.

Staff writer Robert E. Pierre contributed to this report.

APRIL 22, 1995

Bacon's

3391

TRANSSEXUAL HELD IN COPS' SHOOTING

2 officers dead, 1 critical

Neighbors grapple with shock of fatal gunbattle

By **BILL SANDERSON**
Staff Writer

HADDON HEIGHTS — People in this Camden County suburb were recovering Friday from a nerve-shattering day and night of violence that left two law officers dead and a third critically wounded.

Leslie Nelson, a 37-year-old transsexual with tastes for tight dresses, lingerie, and assault weapons, surrendered at about 4:30 a.m. Friday after holding police at bay for 14 hours with an AK-47 assault rifle. Nelson opened fire on the officers when they arrived with a search warrant for firearms.

Nelson was arraigned Friday afternoon in Superior Court in Camden on charges of murdering two police officers — one from Haddon Heights and one from the Camden County Prosecutor's Office. He is being held without bail.

Camden County Prosecutor Edward F. Borden Jr., who leaves office May 15, said his successor could decide whether to seek the death penalty.

"It's very tempting to make that decision today," Borden said Friday.

Nothing like this has ever happened in Haddon Heights, an older suburb that resembles parts of Fair Lawn or Haledon.

Its 16-member police force had concentrated on domestic violence cases and burglaries. Now, the trees and pavement in a tidy neighborhood of middle-class homes are pocked with tiny craters left by an assault weapon.

"They say these are nice, old, quiet towns," said Mayor Robert J. Battersby, the town's police chief for 11 years. "They're not, anymore."

The incident began midmorning

**LESLIE NELSON**

Transsexual with penchant for weapons

Thursday. Borden said several officers went to Nelson's home to question him about a child molestation charge. Nelson told the officers that he had at least one firearm locked in a box in the house, where he lived with his parents.

After they left the interview, the officers learned that Nelson had a record: He had been charged in 1988 with unlawful weapons possession, possession of hollow-point bullets, and resisting arrest.

**OFFICER JOHN NORCROSS**

Shot dead while peering around house

That gave them reason to believe that Nelson might have obtained firearms illegally. So they returned at about 2 p.m. with a search warrant. Nelson's mother let them in.

Borden said the first officer in the house was John McLaughlin, an investigator in the Prosecutor's Office. He was followed by Richard Norcross, a Haddon Heights detective, and Haddon Heights Detective Sgt. Bob Griffiths.

McLaughlin turned to the left and began climbing a stairway. "Nelson was standing at the top of the stairs," Borden said. "Jack was overheard to say, 'Drop it, drop it, drop it.' Then there was gunfire.

"Jack fell immediately to the floor. He was struck numerous times, and I'm sure he died almost instantly."

Borden said Norcross was hit trying to escape. He stumbled out the door, fell, got up, and continued running. Griffiths wasn't hit. Norcross' wounds — one in his liver, one in a hand, and two in a leg — left him in critical condition. He required more surgery Friday.

After the officers fled, Nelson began firing into the neighborhood. Richard Norcross's brother John, a uniformed Haddon Heights officer, was killed by a single bullet to his head when he peered from behind a nearby house to get a better look at Nelson.

Nelson's mother walked out the front door soon after the officers arrived; Borden said Nelson's father also escaped the house, but didn't know how. At about 8 p.m., Nelson pushed McLaughlin's body out of the house.

As darkness fell, officers surrounded Nelson's home with floodlights. From behind the police line 150 yards away, officers could be glimpsed maneuvering in the darkness.

During the early morning hours, police fired tear-gas grenades into the house in the hope of convincing Nelson to surrender. "It was all for naught," Borden said. Nelson had a gas mask.

Battersby said he has scheduled a town meeting for Sunday to discuss the incident. "We've had shootings, but nothing involving any officer," he said. "You never know what's going to happen any more."

MAY 22, 1995
Bacon's

Fleeing suspects fire on cop cars

Assault rifle bursts struck two deputies' cruisers, but neither man was injured.

By ORVAL JACKSON
Tribune Staff Writer

WIMAUMA — As Hillsborough sheriff's deputies attempted to stop the driver of a van for questioning early Sunday, the back doors of the vehicle swung open and gunfire erupted from an assault-style rifle.

One shot creased the hood of Deputy Carlo Spano's car and hit the driver's side of the windshield, causing him to veer into a ditch along County Road 39. Another shot struck a glancing blow to the driver's side of the windshield of Deputy P.K. Williams.

Neither deputy was injured, but they were pinned in their vehicles briefly, unable to return fire, Williams said. The driv-

er of the van sped away.

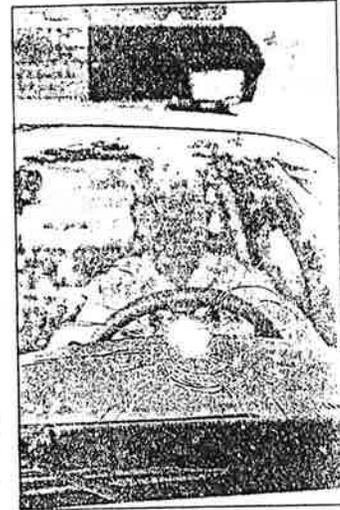
A sheriff's helicopter joined the search for the vehicle, but neither the van nor its occupants had been found by late Sunday.

The shooting occurred two months after Tampa police officers Michael Vigil and Kevin Howell were seriously wounded by fire from an assault rifle when they tried to apprehend three people for questioning. The three suspects arrested in the March 23 shooting are awaiting trial.

Sunday's shooting occurred shortly after 3 a.m. Hillsborough sheriff's spokesman Jack Espinosa said as many as three people may have been in the van, two firing shots. The vehicle was described as a late-model green Dodge or Chevrolet with a light-colored top and dark bottom, possibly with a high-top conversion unit.

Espinosa said the officers, along with

See FLEEING, Page 2



JAY NOLAN/Tribune photo

Deputy Carlo Spano fills out reports Sunday in his cruiser, which was hit by gunfire from a van he was pursuing.

■ From Page 1

Deputy Laura Bozant, had responded to a burglar alarm from the Fort Lonesome grocery store on State Road 674, where they found several bullet holes in the store's glass front door. No effort had been made to enter the store.

Other shots had struck two transformers and a circuit breaker at the Tampa Electric Co. transmission station across the road.

Espinosa said the deputies then heard shots fired to the south of the area, and Williams drove in that direction while Bozant remained at the store. The van approached Williams from the opposite direction. As Williams started to turn around, he radioed Spano, and the van passed the grocery store as Spano was pulling out of the parking lot.

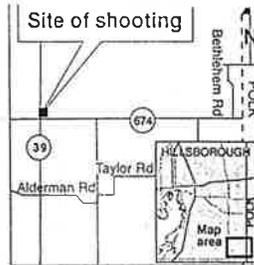
Williams said when Spano turned on his overhead lights to stop the vehicle, the driver slowed and appeared to be stopping.

"I'm about 50 feet behind when the back doors of the van opened and an assault rifle was stuck out and they began firing," Williams said. "Spano's car went into the ditch, and I grabbed my assault rifle. Shots still were being fired and we were pinned in the cars."

"I could hear bullets going 'zing, zing.' It was rapid fire, and it all happened so fast. The doors had covered up the taillights and I couldn't see the van. At first, I thought they were coming from the orange grove next to the road."

Williams said deputies found at least a dozen spent shell casings from ammunition used by either an SKS or AK-47 assault rifle outside the grocery store and TECO facility, and at the scene of the attempted traffic stop.

TECO spokesman Mike Mahoney said one transformer was damaged so badly it will be out of service "many, many days." He said the circuit breaker was back in ser-



DAVID O'KEEFE/Tribune graphic

vice late Sunday afternoon and the second transformer was expected to be running sometime Sunday night.

"This did not affect our service. Where it affects us is with the costs incurred," Mahoney said.

Mahoney said he had no estimate on the cost of the damage at the substation, which serves mining and phosphate companies.

"These are expensive pieces of equipment, and the costs will be many thousands of dollars," Mahoney said. "But we won't know the extent of the damage until the crews get in there."

Mahoney said the shooting triggered an alarm that alerted TECO personnel, who switched service for the industrial companies to other power sources. He said there was no interruption of service.

Mary Dalton, who lives behind the store, said she heard the shots but did not know what was going on.

"I heard a popping going on, several poppings going on and I thought the power plant was a blow-in' up," Dalton said Sunday.

Spano, 43, has been in law enforcement since 1978 and with the Hillsborough County Sheriff's Office for 10 years. Williams, 32, has been a deputy almost six years.

Staff photographer Jay Nolan contributed to this report.

MAY 31, 1995

Bacon's

3391

Three charged after raid in Gibsonton

BY JOE RICE
THE BREEZE

The Gibsonton man charged with stockpiling an assortment of homemade bombs was released from jail early Friday after posting \$8,500 bond, but his two sons were denied bail that same day and will stay behind bars on attempted murder charges, a sheriff's spokeswoman said.

Rodney Colson, 48, of 8004 Gibsonton Drive, was charged with three counts of possession of a destructive device and possession of stolen property after police, investigating the May 21 shooting attack on two deputies near Fort Lonesome, found the items at the Colson residence, a police report said.

Investigators — who also found at a nearby residence a cache of weapons that included a bazooka, a grenade launcher and various assault rifles — were acting on an anonymous tip from Crime Stoppers, said Hillsborough County sheriff's spokesman Jack Espinosa.

Charged in the shooting attack on deputies were two of Colson's sons, a police report

said. Caleb Alex Colson, 21, was charged with two counts of attempted murder of a police officer, one count of felony criminal mischief and one count of discharging a firearm from a moving vehicle, the report said.

Joshua Adam Colson, 16, also faces two counts of attempted murder, the report said. He was charged after being questioned on outstanding warrants for burglary and petit theft.

Three bombs were removed from the Colson residence May 24, according to Espinosa. A Molotov cocktail, a similar device but with nails packed inside, and a pipe bomb were removed by the sheriff's bomb disposal team.

Meanwhile, at 10012 Alafia St. — about a block from the Colson residence — a small arsenal was confiscated: MAC-10's, various other types of assault-style rifles, eight live hand grenades, a grenade launcher, a bazooka, 14 grocery bags full of ammunition, three sawed-off shotguns, regular

Wednesday, May 31, 1995

3391

SUSPECTS—

From page 1

shotguns and silencers. Several ski masks were also found.

"I don't remember seeing this kind of fire power from a raid before," Espinosa said. "What's really scary is you don't know how many of these type of kooks are out there."

Neighbors at the Alafia Street address said they allowed the Colsons to store their weapons at their mobile home after the shooting attack on deputies, Espinosa said. The neighbors said they were unaware the Colsons were involved in the attack. //

MD-DIG

DAILY NEWSPAPER

THE CAPITAL
Annapolis, MD

Circ - (E) 45,806 (S) 47,144

MAY 8, 1995

Bacon's

NATIONAL DIGEST

3391

Man opens fire on police in airport

MINNEAPOLIS — A man shot at police after not being allowed into a restricted area at an airport, shattering glass and damaging walls. No one was injured.

The gunman appeared suicidal as he cursed and yelled yesterday at Minneapolis-St. Paul International Airport, witnesses said.

"I didn't think he was shooting at anybody," said Jeff Bladon, a ticket agent at Continental Airlines. "There was a ton of people there if he'd wanted to kill somebody."

David DeMatthew, 28, began firing into the air with an assault rifle when a guard kept him from going into a secure area through an exit-only door, airport police Chief James Welna said.

Police chased him to the baggage claim area where he fired about 15 rounds, Welna said.

The gunfight moved outside the terminal and Mr. DeMatthew fired at three officers before he was wounded. He was in serious condition at a hospital today.

MAY 9, 1995
Bacon's

Gun used at airport banned by new law

■ **But officials say rifle
could have been bought
legally before Sept. 13**

CHARLES LASZEWSKI STAFF WRITER

Despite a record of mental problems and legal trouble, David DeMatthew could have legally purchased the Norinco SKS 7.62mm assault rifle confiscated after a shooting rampage at Minneapolis-St. Paul International airport Sunday.

While federal authorities declined to give details Monday of where DeMatthew got the rifle, or even some of the specifics about the gun, experts said there were several ways DeMatthew could have obtained it.

The gun is a banned assault weapon under the definition of the federal crime bill passed last September. Les Stanford, a spokesman with the federal Bureau of Alcohol, Tobacco and Firearms in Washington, D.C., said the SKS was not one of the assault rifles banned by name under the crime bill because it normally has a

LAWS CONTINUED ON 5A ▶

LAWS

▼ CONTINUED FROM 1A

10-round fixed magazine, which must be reloaded by hand.

However, the law also said any rifle able to accept a detachable magazine and two other features from among a pistol grip, a bayonet stud, a folding stock or a flash suppressor, would be illegal, Stanford said. And if it had been altered to fire automatically, like a machine gun, rather than semi-automatically, that, too, would make it illegal.

Airport Police Chief James Welna said the gun had a pistol grip and could use a detachable magazine.

"It is an assault weapon under the crime bill," said Assistant U.S. Attorney Andrew Dunne, who is handling the case. "My understanding is it was banned under the new law, but he could have had it before it went into effect."

Dunne and Welna both said the gun was being tested to see if it could fire automatically, but neither could say what the tests had found.

If DeMatthew purchased the weapon before Sept. 13, there are several ways he could have done it legally. As of 1993, Minnesota's background-check law for handgun purchases was extended to assault weapons, said Jim Spencer, assistant Minnesota attorney general.

Police must do a background check to determine if a person is ineligible to purchase a gun. Even though DeMatthew



David DeMatthew has been charged with a federal felony after a gun-toting rampage. Prosecutors say it is possible that his mental state might make any criminal prosecution difficult or impossible. Page 5A

has a history of scrapes with the law, his only felony was dismissed by the courts in 1990. With that charge — first-degree damage to property — dropped, any check by police would have turned up a clean record.

"He may not have been banned," Spencer said.

Likewise, when buying a weapon from a licensed gun dealer, the buyer is required to fill out a form that asks, among other things, whether the buyer has been "adjudicated as a mental defective or has been committed to a mental institution."

Here again, while DeMatthew has lived in at least two homes for the mentally ill and once told police he suffered from schizophrenia, there is no record that the courts ever found him mentally defective or had him committed.

Finally, DeMatthew could purchase the weapon from a private citizen, either through want ads or at a gun show, and no forms are required. Gun dealers at gun shows must follow the laws, but private collectors frequently set up tables and sell their personal collections and are exempt from forms, said Louis Krivitsky, area supervisor for the ATF.

"If I didn't want anybody to know, I would go to a gun show," Krivitsky said. "But if I wanted the biggest selection and best price, I would go to the gun dealer."

The bureau checked out gun shows in the Twin Cities area, Rapid City, S.D., and Milwaukee last year and found few problems with people selling guns illegally, he added.

**"It is an assault weapon
under the crime bill. My
understanding is it was
banned under the new
law."**

ANDREW DUNNE
ASSISTANT U.S. ATTORNEY

MAY 26, 1995

Bacon's

8397 Detroit cop killed in gang fight

1 shooter killed; 2 suspects arrested at Latin Counts hangout

By Mike Wowk
and David G. Grant
The Detroit News

A Detroit police officer and a suspected gunman were killed Thursday night in a shoot-out in southwest Detroit, police and witnesses said.

The officer, identified as Jerry Philpot, 28, was killed in an alley in the 8200 block of West Lafayette in a volley of gunfire from a suspected gang member armed with an AK-47 assault rifle, Deputy Police Chief

Benny Napoleon said.

"That's why we don't like these assault rifles," Napoleon said.

Philpot, who was assigned to the 4th (Fort-Green) Precinct, was killed about 9:40 p.m. just seconds after he and his partner shot to death another suspected gang member.

Philpot, who was in plain clothes and an unmarked patrol car, was wearing a bullet-proof vest, but the bullet hit him in the arm pit, where the vest did not protect him, and lodged in his chest. He died about

10:50 p.m. in operating room at Detroit Receiving Hospital.

The shooting started when Philpot and his partner, Russell Solano, 28, accidentally drove upon a dispute between two gangs, police said.

Members of the gangs had quarreled earlier in the day at Lafayette and Lawndale, according to a neighbor. One of the gangs returned to the area about 9:30 p.m. to retaliate, the neighbor said.

Philpot and Solano had gone to an apartment building on the West Lafayette block on a radio call

about an assault and battery complaint, police said. That proved fruitless, so they drove away.

They returned a few minutes later when Philpot discovered his flashlight was missing. Witnesses later told police it had been stolen from the unmarked car.

While Philpot and Solano were cruising in the alley behind the apartments, they saw a man walking in the alley and called for him to stop. The man turned around with a

Please see SHOOTING, 12A

(6/12/95)



3391 d



Todd McInturf / The Detroit News

Police secure the area where an officer and gunman were shot.

SHOOTING

Continued from Page 1A

shotgun and fired at least four shots at the officers, police said.

The shotgun blasts missed. Philpot and Solano fired back, killing the suspect.

A second man, armed with an AK-47 rifle, then fired an estimated 15-20 bullets at the two officers. The second shooter was firing from a house on nearby Olivet, according to Daniel McKane, deputy police chief of western operations.

At least one bullet struck Philpot.

An AK-47 and shell casings were recovered by police in the area.

Backup police units chased the

rifleman and a second suspect into a known hangout of the Latin Counts gang near Horatio and Martin, a short distance away.

Two suspects in the house later surrendered to police and were taken into custody. Police said they were seeking six to 10 more gang members for questioning.

Mayor Dennis Archer and Police chief Isaiah "Ike" McKinnon rushed to Receiving Hospital when they heard the news of the officer's shooting, the first police fatality in Detroit this year.

"He (Philpot) was well respected by his peers," Archer said outside the hospital. "It's such a darn shame. We were on such a high today after the drug busts. We felt really good. Our officers put their

lives on the line every day.

"Today, we lost a fine officer."

Neighbors said the gunfire sounded like a war.

"I was sitting in my brother's kitchen across the alley when the shooting started," neighbor Joseph White said. "These gang members started shooting and the cops shot back."

Marty Luna and his family hit the floor, too. They got up when they heard police cars arrive.

"It was scary," Luna said. "It sounded like it was right in my house."

Detroit News Staff Writer Said Deep and Corey Williams contributed to this report.

Circ - (M) 343,899 (S) 563,462

MAY 25, 1995

Bacon's



Post-Dispatch Photo
Graffiti spell out "Beam Street" at the corner of Elliott and Sullivan avenues, where St. Louis police wounded one of three gunmen in a shootout Tuesday night. The area is known for frequent shootings and drug sales.

Police Wound Man On 'Beam Street'

2nd Man Arrested After Gunbattle; Victim Was Carrying Murder Weapon, Officials Say

By Bill Bryan
Of the Post-Dispatch Staff

St. Louis police trying to curb an escalating gang war shot it out with three gunmen Tuesday night, wounding one man and arresting another.

Neither of the two officers was hurt in the gunbattle at Elliott and Sullivan avenues.

Police recovered three weapons, including a Tec-9 semiautomatic assault weapon that authorities said was used in a gang-related killing Monday night.

"We want the public to know that we're not going to tolerate this gang violence," Chief of Detectives Joe Mokwa said Wednesday.

Mokwa has assigned his Violent Crime Task Force to try to stem the shootings, which are centered at the Elliott-Sullivan intersection known as "Beam Street." The name comes from Star Trek and its famous line: "Beam me up, Scotty."

It was two Violent Crime detectives, Tim Moore and Danny Dell, who went to the intersection about 8 p.m. Tuesday.

Police say three young men confronted the two officers with weapons. One of the men,

later identified as Torrence Austell, 19, began firing at the detectives, police said. The detectives returned fire and wounded Austell.

Austell was shot in the hand, shoulder, ankle and buttocks. He was in serious condition Wednesday at an undisclosed hospital.

The detectives arrested a second man, Lamar Moody, 19; the third man escaped. Austell and Moody were charged with two counts each of first-degree assault on a law enforcement officer and two counts of armed criminal action.

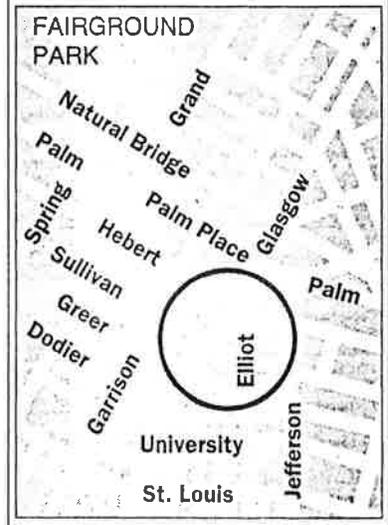
Ballistics tests showed that Austell's Tec-9 was used to kill Jelon Knox, 21, late Monday night, police said. Knox was shot in a car in the 1000 block of North Grand Boulevard.

Homicide detectives were busy Wednesday compiling data on the violence centered in the Beam Street neighborhood. They said a recent spate of shootings is probably an outgrowth of the killing on April 18 of Niecha Hampton.

Hampton, 19, was fatally shot as she held her one-year-old daughter on her lap in a crowded car at North Jefferson Avenue and Madison Street. The baby wasn't injured.

Police believe retaliation for Hampton's killing has been a factor in four or five murders.

'Beam Street' Neighborhood



Post-Dispatch Map



MAY 28, 1995
Bacon's

3991

Man shot after firing at police

By MARTIN PFLIEGER
Of The Morning Call

A man with an AK-47 assault rifle walked out of a house and shot at Allentown police officers early yesterday before police stopped him with a bullet to the shoulder, officials said.

None of the officers was hurt.

Michael W. Marsteller, 19, was arrested and charged with three counts of attempted homicide, police said.

"He made statements during the course of the evening after he was arrested that he wanted to go out by having a shootout with

"He made statements during the course of the evening after he was arrested that he wanted to go out by having a shootout with police."

Robert Steinberg
Lehigh County district attorney

police," Lehigh County District Attorney Robert Steinberg said.

Steinberg gave the following account of the shooting in the 900 block of Court Street:

Cpl. Henry Hamory and officer Walter Werkheiser, in uniform but moonlighting as security for the Stonewall Bar in the first block of 10th Street, heard shots shortly before 1:50 a.m.

They and on-duty officer Jose Collazo went to the 900 block of Court Street between 9th and 10th streets. When they arrived, they saw in an upstairs window what appeared to be someone handling a weapon.

Shortly thereafter, Jodi Elissa Zerambo, 20, tumbled out of the house at 951 Court St., where she lives in an apartment.

Following close behind her was Marsteller, armed with an AK-47 and several banana clips containing an estimated 60 rounds of ammunition.

Zerambo was not injured, although police initially thought she had been shot.

Please See GUN Page B5 ▶

3991 of
GUN

▶ Continued From Page B1

As Marsteller stepped from the house, he turned and fired at Hamory, Collazo and Werkheiser, who were on the other side of Marsteller, returned fire and hit him in the shoulder.

Marsteller surrendered.

Patrolman Douglas Marsteller drove onto the scene about the time the suspect walked from the house and witnessed him firing at Hamory.

Police said Zerambo interfered with Michael Marsteller's arrest and was arrested, too. She was charged with hindering his apprehension, resisting arrest and public drunkenness.

In addition to attempted homicide, Marsteller was charged with aggravated assault, recklessly endangering other people, possession of an instrument of crime and possession of a prohibited offensive weapon.

Marsteller and Zerambo both appeared to have been drinking. Steinberg did not have blood-alcohol test results.

Marsteller listed two home addresses, 919 N. 18th St. and 951 Court St., where the shooting occurred.

Police were searching the Court Street house yesterday, and Steinberg didn't know if more weapons had been found.

Police are still investigating what Marsteller was shooting at before Hamory and Werkheiser went to Court Street.

"We're not sure what he was shooting at, whether he was shooting at the parking lot or at other people who have not come forward," Steinberg said. "We did recover spent shells."

Steinberg didn't know how many shots were fired from the AK-47.

"In this very tense and very deadly situation, nobody died. That's a tribute to the professionalism of the officers," Steinberg said. "They're lucky as well. It was an operable AK-47 in a semiautomatic mode. And the stock was modified."

Steinberg said he is concerned that police were at a disadvantage when they arrived at the scene.

The three officers had a total of 18 rounds of ammunition in their revolvers, compared to the estimated 60 rounds Marsteller was carrying.

"It's time the weapons police are carrying are upgraded," he said. "I don't want to say the Smith and Wesson is a dinosaur. But six-shot revolvers are inadequate for these times."

Marsteller was committed to Lehigh County Prison after his shoulder wound was treated at a local hospital. He was arraigned before District Justice Carl Balliet, who set bail at \$3 million.

JUNE 2, 1995
Bacon's

'Stalker' gun was stolen

Police trace weapon used to kill officer, FBI agent

By **TIMOTHY W. MAIER**
Journal staff writer

The MAC-11 used in the slayings of a county policeman and an FBI agent was stolen from a Montgomery County home in February — one month after two Washington police officers were wounded by a Landover man dubbed the "cop stalker," police said.

The MAC-11 was legally owned by a Damascus resident, according

to Montgomery and Prince George's county police, who did not release the owner's name. The assault pistol, which is capable of firing 20 rounds per second, was stolen in a burglary.

Ballistic tests have determined it was the gun used in the fatal shooting of Sgt. John J. Novabilski, a

Please see GUN, A5

Gun used to kill officer, FBI agent was stolen

GUN from A1

seven-year veteran of the Prince George's County Police Department. Novabilski was shot to death while sitting in his police cruiser working security outside of a Kentland liquor store April 26. The masked gunman stole the officer's 9mm Beretta handgun, police said.

No arrests have been made in the burglary of the Montgomery residence.

Jeffrey Curtis Gilbert, 25, is being held in the county jail on charges he killed Novabilski despite newly discovered evidence suggesting his innocence and pointing to 29-year-old Ralph "Doody Doo" McLean, of Kentland, as the killer.

McLean took his life with the gun stolen from Novabilski after being shot several times during a Memorial Day gun battle with law enforcement officials, police said. The shootout began after McLean fatally shot an FBI agent sitting in a car as part of a stake-out, they said. The MAC-11 and Novabilski's duty gun were found by McLean's body, law enforcement officials said.

McLean has been identified by witnesses and physical evidence as the

masked gunman who wounded two Washington police officers a week apart in January with a .32-caliber handgun.

In total, three officers were ambushed while sitting in a car, and one Washington officer was shot while sitting in a fast-food restaurant. The "cop stalker" dropped his .32-caliber handgun after the second, and last, shooting of a Washington officer.

County detectives believed Novabilski's slaying was not related to the D.C. attacks because a different type of weapon was used.

McLean has a long criminal history involving mostly assaults — including two convictions for attacking police officers — and a series of thefts and burglaries.

County State's Attorney Jack Johnson met with county detectives this week to review evidence in the Novabilski slaying. Johnson will make a decision about whether to drop charges against Gilbert on Monday after reviewing all of the evidence.

Prosecutor James Papirmeister was at the police station yesterday also going over evidence in the case to try to determine if there is a link between McLean and Gilbert.

Both Gilbert and McLean had frequented the liquor store where Nova-

bilski was slain, police said. Gilbert visited friends in the neighborhood near the liquor store, they said, while McLean lived about four blocks away.

Before the shootout began Monday, McLean parked his car near the area where Gilbert's girlfriend lived. Avita Vanbens insists Gilbert was with her at the time Novabilski was killed.

Defense attorney Doug Wood and Gilbert's family claim there is no connection between the two men. Police have said they have found nothing — except for some strange coincidences that are hard to explain.

The heart of the prosecution's evidence is based on three witnesses who selected Gilbert's picture from a photo array as the man who ambushed Novabilski.

But law enforcement sources familiar with the case said those witnesses come with a "considerable amount of baggage." The main witness was identified in a court hearing as Daryl Hensley, 38, of Suitland. Hensley has a criminal history dating back 10 years, including drugs and burglary charges, and theft convictions.

In most of the cases, the charges were dismissed or placed in an inactive file. Court records also show there is a warrant for his arrest in connection with a domestic incident in which his estranged girlfriend claims he

busted her car window and continues to harass her on the telephone. The warrant was never served. Prosecutors said they weren't aware of the warrant.

Hensley maintained he was on a telephone, about four feet from where Novabilski's car was parked, when the shooting took place. After the shooting, Hensley fled to a nearby residence. Police found him when canvassing the neighborhood. His last known address was in the 3500 block of Silver Park Road. His telephone number has been disconnected and he could not be found for comment.

The second witness is a Korean employee of the Kentland liquor store, who actually chased the gunman after the shooting. He speaks little English and police used a county officer who speaks Korean to translate his statement.

The employee initially could not identify Gilbert in the picture because he claimed the gunman was wearing a mask, sources close to the case said. When police covered the eyes of the

men in the photographs, the employee picked out Gilbert, sources said.

The third witness, who knows Gilbert, is believed to have been in the liquor store at the time of the shooting, sources said. The defense believes that witness is the same man who told their investigators that Gilbert was not the shooter.

Judicial sources defined photo identifications in a murder case as the "best and worst of both worlds." It is the best because a witness can state in front of a jury that they picked out the suspect, but the problem is that mis-identifications can occur.

One judge said it is a fallacy when people say they will never forget a face when they are being robbed by a man pointing a gun at them. They usually are just staring at the barrel of the gun, the judge said.

Police also are awaiting the results of DNA evidence in hopes of linking Gilbert to the slaying. The results could take two months, but they're trying to speed up the process, they said.

JUNE 19, 1995
Bacon's

Muskogee Gunman Killed in Shootout

■ A policeman is wounded and one man is dead after the man opens fire with an assault rifle.

By Ed Farrell
World Staff Writer

A Muskogee police officer was wounded Sunday afternoon when a heavily armed gunman opened fire on officers with a modified Chinese-made assault rifle.

The gunman, John Lee Mosco, 58, of Okmulgee, was killed when a second officer returned fire. A fully loaded .357-Magnum revolver and a small two-shot Derringer-type pistol were found on the body. In the gunman's nearby

Ford Bronco, officers discovered more weapons, including several shotguns and other high-powered firearms and hundreds of rounds of ammunition.

Officer John Toles, a 2½ year veteran of the Muskogee Police Department, was shot once in the right shoulder when his and a second patrol car were caught in a barrage of bullets at 2:45 p.m. as the officers responded to a report of a man with a gun at 200 N. 40th St., said Muskogee Police Sgt. Frank Hardcastle.

Hardcastle said Mosco fired approximately 15 to 16 rounds from a modified Chinese SKS assault rifle at the two officers as they arrived at the apartment complex.

Contacted at Muskogee Regional Medical Center, where he was in stable condition, Toles said upon arriving at the complex, he spotted Mosco, with the assault rifle in his hands and a handgun visible on his body.

"I took cover behind the patrol car's door and shouted for him to drop his weapon," Toles said. "He looked at me and continued to walk toward his vehicle. I again ordered him to drop the weapon, and as he rounded the vehicle, he pointed the weapon and began shooting."

Toles said he was shot "as I dived for better cover." The bullet entered Toles' chest and exited "somewhere behind my shoulder. I don't know for sure because they haven't let me look at it yet," Toles said.

Calling it "one of those days I'll never forget," Toles said he considered himself "pretty lucky ... considering there are 10 to 12 holes in my car. But it could have been a lot worse if we hadn't

stopped him when we did."

The assault rifle "was modified to the extent that it accepted banana clips — two of which were found with the gunman," Hardcastle said. One of the 30-round magazines was still in the weapon, partially emptied when Mosco opened fire on the officers, and the second was found in Mosco's pocket, fully loaded with 7.62 mm ammunition, Hardcastle said.

"Thankfully it all happened so fast he didn't have time to reload," Hardcastle said.

Both police vehicles were struck numerous times, Hardcastle said.

The second officer — whom Hardcastle would not identify Sunday afternoon — returned fire with his service weapon, striking Mosco an unknown number of times.

Hardcastle said police have found no motive for the shooting.

Hardcastle said Toles was the first Muskogee officer to be shot in the line of duty in about 15 years.

Hardcastle said the second officer would be placed on administrative leave pending a departmental review.

JULY 15, 1995

Bacon's

3 men charged in two incidents of firing at police

By Toni Lepaska
The Commercial Appeal

A man out on bond in an attempted robbery and another man sentenced to three years in prison for shooting a Memphis man in 1990 were charged Friday with shooting toward a police officer.

Anthony F. Love, 29, and Ronald Armstrong, 26, allegedly led officers on a 15-mile chase after shooting at officer Melanie Lewis's private vehicle Tuesday night at Elvis Presley and Winchester. She wasn't hurt.

Another man, 22-year-old Gregory M. Jefferys, also was charged Friday, but in a separate incident that occurred earlier Tuesday. Officers were shot at from a gold Cadillac they had stopped. The car sped away and was found abandoned moments later. Bullet casings that appeared to be from an automatic weapon were in the back seat. An AK47 assault rifle was found under another car nearby.

Jefferys, of 1645 Gregory, was charged with evading arrest and two counts each of attempted first-degree murder and unlawful possession of a weapon. Two people arrested earlier were released. One wasn't involved, and the other was in the car but was drunk, Maj. J.J. Rodgers said. Police still are looking for another suspect.

Investigators don't know for sure whether the men who shot at Lewis knew she was a police officer. Said Insp. Joe Holt: "It's a well lit intersection. She was in uniform."

Love, of 1179 South Parkway, was charged with aggravated assault, reckless endangerment and reckless driving. He was driving the blue Ford Festiva

that turned in front of the officer, Holt said.

Love has an arrest record dating back to 1984, when he was charged with robbery in the theft of a restaurant employee's purse. It had \$1,200 in business money in it. Court records show the charge was changed to grand larceny. Love pleaded guilty and was sentenced to 45 days in jail with five years' probation. In March 1991, he was sentenced to three years in prison for shooting a man.

Armstrong, of 3456 Windy Hollow, was allegedly the Festiva's passenger and shooter, police said. He was out on a \$50,000 bond when Tuesday's shooting occurred.

He bonded out the day after being arrested on charges of attempted aggravated robbery, attempted first-degree murder during a robbery and especially aggravated kidnapping.

Court records show he was accused of being among three masked gunmen who ran up to a woman outside her Tchulahoma Road home on April 13 and forced her inside at gunpoint. Using her as a shield, the men confronted a man in the home. He grabbed a gun and they exchanged gunfire. Armstrong was identified by the victims and by two other suspects as being involved in the attempted robbery, the records say.

Armstrong pleaded guilty in an earlier incident, a June 1994 burglary from a business. He received a \$500 fine and two years in prison, but court records indicate the jail time was suspended.

According to a pre-sentencing document, Armstrong wrote in a statement: "Being too kind-hearted led me to the wrong place, but never again. I have learned from that mistake." //

JULY 1, 1995
3391
Bacon's
Gangster Shoots
4 in Rampage
At S.L. Eatery

By Vince Horiuchi
THE SALT LAKE TRIBUNE

Two gangsters broke into a tiny Salt Lake City cafe nearly two hours after it closed and pointed their weapons at several employees.

The robbers demanded money. When the workers did not come up with enough cash, one gangster "went wacko," a police officer said. He raised his Mac 10 assault pistol and started shooting.

Four people were injured at Valparaíso Cafe, 175 S. 900 West, at about 11:40 p.m. Thursday, said Salt Lake City police Lt. Norm Thompson. The gangster fired at least six rounds.

Within 30 minutes, police captured two suspects at a nearby gang house.

A 17-year-old boy was sent to detention and Armando Molina, 18, was booked into the Salt Lake County Jail. Molina has been on the lam since January after absconding from Youth Corrections.

Among the injured were Joel and Belen Florez, both 54 and co-operators of the restaurant. Police said most of the rounds struck the couple.



Armando Molina

Belen Florez was shot three times in the abdomen and pelvis. She was listed in critical but stable condition at University Hospital on Friday, said a hospital spokesman.

Bullets struck her husband Joel in the chest and side, said police. An LDS Hospital spokesman said Friday that Florez was in critical condition.

A bullet or bullet fragment ripped through Olegario Castaneda's nose while another struck Macias Benjamin in the arm. Both victims were treated and released.

Becky Kelly, who lives across the street, said the shots "sounded like firecrackers.

"We hear gunshots all the time," she said. "And when you do, you stay away from your front window."

An officer spotted the two suspects as they ran to a known gang house at 161 S. Jeremy St. (840 West). At the same time, Officers Randall Hunnewell and Richard Walton walked to the back yard and saw four teens. Police ordered them to freeze.

But Molina, cradling his Mac 10, continued to walk away, police said. Again he was ordered to stop. The teen turned, raised his gun and squeezed the trigger. The gun didn't fire because the suspect forgot to take off its safety, said police.

"He turned around, and they [the officers] felt jeopardized," said Salt Lake City police Det. Chuck Oliver. The officers — trained in SWAT tactics — fired several rounds at the teen from about 10 to 15 feet away.

They missed.

But as soon as the bullets flew, the teen dropped his gun and surrendered.

Witnesses identified Molina as the gunman, police said. Molina is no stranger to the juvenile court system. He was scheduled to be locked up at a rehabilitation center

■ See GANGSTERS, Page B-6

Gangster Shoots Owners Of S.L. Eatery

■ Continued from B-1

before the Division of Youth Corrections inexplicably lost track of him.

The teen had been charged with theft, assault, destruction of property and weapons violations. In July 1993 he was charged in a drive-by shooting and ordered to serve time in ARTEC's intensive unit, a lock-down facility, according to 3rd District Juvenile Court records.

But there was a waiting list to get into the facility. Juvenile Court Judge Andrew Valdez said if the teen had been locked up, "he could have been in the AR-

TEC intensive unit for up to a year."

Instead, Molina ran away in January. Two warrants had been issued for his arrest before Thursday's shooting. Officials had little information on the 17-year-old accomplice. Police said they do not believe he shot at the workers.

The officers who fired their weapons are being investigated, as is standard policy. They are continuing to work in patrol.

APPENDIX II

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

SEC. 110101. SHORT TITLE.

This subtitle may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of this subsection.

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) has been rendered permanently inoperable; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm exempted by this subsection may be deleted from Appendix A so long as this subsection is in effect.

"(4) Paragraph (1) shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault

weapon transferred to the individual by the agency upon such retirement; or

“(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.”.

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(30) The term ‘semiautomatic assault weapon’ means—

“(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

“(i) Norinco, Mitchell, and Poly Technologies Automat Kalashnikovs (all models);

“(ii) Action Arms Israeli Military Industries UZI and Galil;

“(iii) Beretta Ar70 (SC-70);

“(iv) Colt AR-15;

“(v) Fabrique National FN/FAL, FN/LAR, and FNC;

“(vi) SWD M-10, M-11, M-11/9, and M-12;

“(vii) Steyr AUG;

“(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22;

and

“(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

“(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

“(i) a folding or telescoping stock;

“(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

“(iii) a bayonet mount;

“(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

“(v) a grenade launcher;

“(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

“(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

“(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

“(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

“(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

“(v) a semiautomatic version of an automatic firearm;

and

“(D) a semiautomatic shotgun that has at least 2 of—

“(i) a folding or telescoping stock;

“(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

“(iii) a fixed magazine capacity in excess of 5 rounds;

and

"(iv) an ability to accept a detachable magazine."

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(v).—Section 924(a)(1)(B) of such title is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title is amended in the first sentence by inserting ", or semiautomatic assault weapon," after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of such title is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured."

SEC. 110103. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 110102(a), is amended by adding at the end the following new subsection:

"(w)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on the date of the enactment of this subsection.

"(3) This subsection shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 110102(b), is amended by adding at the end the following new paragraph:

"(31) The term 'large capacity ammunition feeding device'—

“(A) means—

“(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

“(ii) any combination of parts from which a device described in clause (i) can be assembled; but

“(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”

(c) **LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.**—Section 921(a)(3) of title 18, United States Code, is amended in the first sentence by striking “or (D) any destructive device.” and inserting “(D) any destructive device; or (E) any large capacity ammunition feeding device.”

(d) **PENALTY.**—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 110102(c)(1), is amended by striking “or (v)” and inserting “(v), or (w)”.

(e) **IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.**—Section 923(i) of title 18, United States Code, as amended by section 110102(d) of this Act, is amended by adding at the end the following: “A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.”

SEC. 110104. STUDY BY ATTORNEY GENERAL.

(a) **STUDY.**—The Attorney General shall investigate and study the effect of this subtitle and the amendments made by this subtitle, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) **REPORT.**—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 110105. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle—

(1) shall take effect on the date of the enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 110106. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

APPENDIX A *

*Appendix A is a list of firearms specifically exempted from the ban and has not been included.

APPENDIX II

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

SEC. 110101. SHORT TITLE.

This subtitle may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of this subsection.

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) has been rendered permanently inoperable; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm exempted by this subsection may be deleted from Appendix A so long as this subsection is in effect.

"(4) Paragraph (1) shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault

weapon transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(30) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

"(i) Norinco, Mitchell, and Poly Technologies Automat Kalashnikovs (all models);

"(ii) Action Arms Israeli Military Industries UZI and Galil;

"(iii) Beretta Ar70 (SC-70);

"(iv) Colt AR-15;

"(v) Fabrique National FN/FAL, FN/LAR, and FNC;

"(vi) SWD M-10, M-11, M-11/9, and M-12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22;

and

"(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

"(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm;

and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a fixed magazine capacity in excess of 5 rounds;

and

"(iv) an ability to accept a detachable magazine."

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(v).—Section 924(a)(1)(B) of such title is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title is amended in the first sentence by inserting ", or semiautomatic assault weapon," after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of such title is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured."

SEC. 110103. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 110102(a), is amended by adding at the end the following new subsection:

"(w)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on the date of the enactment of this subsection.

"(3) This subsection shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 110102(b), is amended by adding at the end the following new paragraph:

"(31) The term 'large capacity ammunition feeding device'—

“(A) means—

“(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

“(ii) any combination of parts from which a device described in clause (i) can be assembled; but

“(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”

(c) **LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.**—Section 921(a)(3) of title 18, United States Code, is amended in the first sentence by striking “or (D) any destructive device.” and inserting “(D) any destructive device; or (E) any large capacity ammunition feeding device.”

(d) **PENALTY.**—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 110102(c)(1), is amended by striking “or (v)” and inserting “(v), or (w)”.

(e) **IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.**—Section 923(i) of title 18, United States Code, as amended by section 110102(d) of this Act, is amended by adding at the end the following: “A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.”

SEC. 110104. STUDY BY ATTORNEY GENERAL.

(a) **STUDY.**—The Attorney General shall investigate and study the effect of this subtitle and the amendments made by this subtitle, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) **REPORT.**—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 110105. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle—

(1) shall take effect on the date of the enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 110106. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

APPENDIX A *

* Appendix A is a list of firearms specifically exempted from the ban and has not been included.

ATTACHMENT ONE



Congress of the United States
House of Representatives
Washington, DC 20515-3603

January 23, 1995

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Mr. Speaker:

As you know, there is a large bloc of Democrats who were vehemently opposed to including a ban on firearms in President Clinton's Omnibus Crime Bill signed into law during the 103rd Congress. The purpose of this letter is to let you know that we remain opposed to the gun ban and are resolute in our commitment to repealing this ill-conceived measure at the first opportunity. Such an opportunity appears to be at hand with the Republican "Contract with America" crime bill scheduled for Judiciary Committee mark-up January 25th.

We believe that a central theme established by the most recent Congressional elections is that the American people strongly resent government intrusions into their personal freedoms. As a party which has always striven to represent individual freedom, as a group we are going to work to focus our leadership's attention on the importance of this issue for the system of government for which we share a common love.

With this purpose in mind, we hope that you and the rest of the Republican leadership will join us in supporting the inclusion of a repeal of this gun ban as original text in the bill when it is marked up and reported by the Judiciary Committee in the coming weeks. If such a provision is not included in the Sub-Committee or Committee mark, it is our intention to offer an amendment to the Rules Committee to accomplish this purpose. With this correspondence we wish to inform you and the rest of the Republican leadership it is our full intention to use every parliamentary opportunity and procedure to repeal the ban. It is our sincere hope that we will be able to work in full cooperation with the Republican leadership and party on this most important issue.

If we can be of assistance in bringing the facts of this issue to the attention of the American people please call on us. It is our belief that our nation is served best by those who support the rights inimical to preserving their personal freedom. We urge you to join with us in addressing this issue, and look forward to your reply.

Sincerely,

Bill K. Brewster
Bill K. Brewster (D-OK)

W. J. (Billy) Tausin
W. J. (Billy) Tausin (D-LA)

Ralph Hill
Ralph Hill (D-TX)

Charlie Stenholm
Charlie Stenholm (D-TX)

Collin Peterson
Collin Peterson (D-SD)

Gene Taylor
Gene Taylor (D-MS)

Greg Laughlin
Greg Laughlin (D-ND)

Nathan Deal
Nathan Deal (D-GA)

Bill Orton
Bill Orton (D-OR)

Kean Thurman
Kean Thurman (D-FL)

Jane Hays
Jane Hays (D-LA)

Pete Geren
Pete Geren (D-TX)

John Tanner
John Tanner (D-TN)

Mike Park
Mike Park (D-MS)

Glenn Rosard
Glenn Rosard (D-IL)

Rick Rouder
Rick Rouder (D-VA)

Lee Hamilton
Lee Hamilton (D-IN)

John Murtha
John Murtha (D-PA)

Bob Cramer
Robert (Bud) Cramer, Jr. (D-AL)

Charles A. Wilson
Harold Volmer (D-MO)

ATP
T. Payne (D-PA)
Chris Wilson
Charles Wilson (D-PA)

Jim Chapman
Jim Chapman (D-TX)

Frank Tejeda
Frank Tejeda (D-TX)

Deborah Cook
Solomon F. Ortiz (D-TX)

ATTACHMENT TWO

BOB DOLE
KANSAS

United States Senate

OFFICE OF THE MAJORITY LEADER

WASHINGTON, DC 20510-7010

March 10, 1995

Mrs. Tanya Metaksa
Executive Director
National Rifle Association
Institute for Legislative Action
11250 Naples Mill Road
Fairfax, Virginia 22030

Dear Tanya:

I appreciate you stopping by last week for a discussion of firearms issues in the 104th Congress. The long-standing trust and support of those who value their right to keep and bear arms has been one of my strongest assets throughout my public service. I appreciate your advice and counsel on issues of mutual concern.

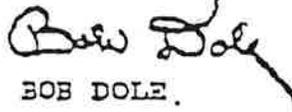
In my view, vigorous protection of the individual freedoms secured by the Bill of Rights — including the Second Amendment — is crucial to our nation's future. It should go without saying that as long as I am Senate Majority Leader, I will continue to do everything within my power to prevent passage of anti-Second Amendment legislation in the Senate.

Repealing the ill-conceived gun ban passed as part of President Clinton's crime bill last year is one of my legislative priorities. The Senate will debate this issue in the near future, and I hope to have a bill on President Clinton's desk by this summer. President Clinton has said he will oppose repealing this measure, an indication of one of our many differences. I voted against the gun ban in 1994, and I will vote to repeal it in 1995.

Experience, and I might add common sense, has taught me that because criminals don't obey the law, gun control will only limit those who do. It may be old fashioned, but keeping criminals behind bars still seems to be the most effective approach in fighting crime. Gun control is a completely ineffective approach to the lack of safety and security in our communities. Disarming law-abiding citizens only places them at the mercy of those who break the law.

Again, I enjoyed our visit and look forward to continuing to work with you and the membership of the National Rifle Association on the concerns we share.

Sincerely,



BOB DOLE