

Factual Response to *Washington Post* False Statements on NRA Anti-Obama Ads

***Washington Post* Claim—500% Tax on Guns**

It is unclear from the article exactly what weapons would have been covered by the proposed tax. ... Even if Obama did support a big tax increase on the sale of certain types of assault weapons back in 1999, that is hardly evidence that he will move as president to tax the “guns and ammo” most commonly used by hunters.

Facts:

The *Post* quotes Obama out of context, claiming that he only wanted to tax “certain types” of guns in 1999. But the full sentence in the 1999 article reads, “Obama is also seeking to increase the federal taxes by 500 percent on the sale of firearm, ammunition [sic] -- weapons he says are most commonly used in firearm deaths.” Chinta Strausberg, *Obama unveils federal gun bill*, Chicago Defender, Dec. 13, 1999, at 3. (emphasis added). Contrary to the *Post*’s assertion, the statement makes no distinction as to what type of guns Obama proposed to tax.

The *Post* is far too eager to let Obama off the hook just because he hasn’t mentioned the idea lately. Obama has supported the idea and has never repudiated that support. Therefore it is fair to say that the statement reflects his views on the issue.

***Washington Post* Claim—Ammunition Ban**

Contrary to [NRA’s] claim, the Kennedy proposal of July 2005, SA 1615, was not aimed at “virtually all deer-hunting ammunition.” Instead, it would have authorized the attorney general to define types of illegal ammunition capable of penetrating body armor commonly used by law enforcement officials. During the Senate debate, Kennedy said that his amendment would “not apply to ammunition that is now routinely used in hunting rifles,” a point contested by the NRA.

Facts:

NRA contested the point for a simple reason: The *Post* is wrong.

The Kennedy Amendment would have expanded the current ban on manufacturing “armor piercing ammunition” other than for sale to the government, 18 U.S.C. § 922(a)(7), by banning any “projectile [i.e., bullet] that may be used in a handgun and that the Attorney General determines ... to be capable of penetrating body armor.” The amendment called for testing of projectiles against “body armor that ... meets minimum standards for the protection of law enforcement officers.” S. Amdt. 1615 to S. 397, July 29, 2005.

Body armor is rated in different classes based on the level of protection it provides. The “minimum” level of body armor under Department of Justice standards that were in effect in 2005, Type I armor, only protects against the least powerful handgun cartridges; only Type III and higher armor protects against high-powered rifle

cartridges. U.S. Dept. of Justice, Office of Justice Programs, *Ballistic Resistance of Personal Body Armor: NIJ Standard-0101.04 2-3* (June 2001).

However, there are many “projectiles that may be used in a handgun” that can also be used in a rifle. Handgun hunting is increasingly popular, and handgun hunters often use handguns that fire common hunting rifle cartridges such as the .30-30 Winchester. *See, e.g.,* http://www.tcarms.com/firearms/g2ContenderPistols.php#spec_charts. A ban on “projectile[s] that may be used” in these handguns would have the effect of banning the same cartridges for rifle hunters. It would even ban rifle cartridges not commonly used in handguns, because any bullet may be fired in a barrel of the correct diameter, regardless of whether the barrel is installed on a handgun or on a rifle.

Finally, it is true that Sen. Kennedy denied his 2005 amendment would ban hunting ammunition. However, in a floor debate on a substantially identical amendment the previous year, Kennedy specifically denounced a hunting rifle cartridge:

Another rifle caliber, the 30.30 [sic] caliber, was responsible for penetrating three officers' armor and killing them in 1993, 1996, and 2002. This ammunition is also capable of puncturing light-armored vehicles, ballistic or armored glass, armored limousines, even a 600-pound safe with 600 pounds of safe armor plating.

It is outrageous and unconscionable that such ammunition continues to be sold in the United States of America.

Cong. Rec. S1634 (daily ed. Feb. 26, 2004). The relatively low-powered .30-30 Winchester was introduced in 1895 and “has long been the standard American deer cartridge.” Frank C. Barnes, *Cartridges of the World* 52 (8th ed. 1997). As noted above, the .30-30 may be fired in a handgun.

Even apart from the Kennedy Amendment, Obama also said, on his 2003 questionnaire for the Independent Voters of Illinois-Independent Precinct Organization, that he would “support banning the sale of ammunition for assault weapons.” *See* Lynn Sweet, *Obama’s 2003 IVI-IPO questionnaire may be getting closer scrutiny*, Chicago Sun-Times, Dec. 11, 2007 (available at http://blogs.suntimes.com/sweet/2007/12/sweet_column_obamas_2003_iviip.html). The rifles that were banned as “assault weapons” under the 1994 Clinton gun ban fire cartridges such as the .223 Remington and .308 Winchester—the same ammunition used in common hunting rifles. *See* 18 U.S.C. § 921(a)(30) (repealed Sept. 13, 2004). Therefore, this statement also supports a ban on hunting rifle ammunition.

Washington Post Claim—Gun Ban

The ... claim refers to semiautomatic rifles and pistols covered by the assault weapons ban, which expired in March 2004.

Facts:

While Obama does support the ban (which actually expired in September, not March, of 2004), the statement in the advertisement is based on Sen. Obama's vote for much broader legislation and his public statement in favor of banning all semi-automatic firearms.

On March 13, 2003, Obama voted in the Illinois Senate Judiciary Committee for a bill that would have enacted a much broader gun ban. (The vote tally sheet is available at http://www.nrapvf.org/Media/pdf/sb1195_obama.pdf).

The bill under debate that day, SB 1195 (available at <http://www.ilga.gov/legislation/93/SB/PDF/09300SB11951v.pdf>), would have made it illegal to "knowingly manufacture, deliver, or possess" a "semiautomatic assault weapon."

The bill defined a "semiautomatic assault weapon" to include "any firearm having a caliber of 50 [sic] or greater." See SB 1195, page 2, line 10 (emphasis added). Under this bill, a firearm did not actually have to be semi-automatic to be a "semiautomatic assault weapon."

Shotguns 28-gauge or larger (by far the majority of shotguns owned in the United States) are all ".50-caliber or greater." See National Rifle Ass'n, *Firearms Fact Book* 183 (3d ed. 1989). SB 1195 did exclude any firearm that "is manually operated by bolt, pump, lever or slide action" and "any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine." SB 1195 p.3, lines 12-23. However, the bill did not exclude firearms with hinge or similar actions, such as single-shot or double-barreled shotguns used by millions of hunters.

Anyone who possessed one of these firearms in Illinois 90 days after the effective date would have had to "destroy the weapon or device, render it permanently inoperable, relinquish it to a law enforcement agency, or remove it from the state." SB 1195, p. 5, line 33. Anyone who still possessed a banned gun would have been subject to a felony sentence. SB 1195, p. 5, line 15. This "seizure and surrender" provision was much more severe than the former federal "assault weapons" ban, which had a "grandfather clause" to allow current lawful owners to keep their guns. See 18 U.S.C. 922(v)(2) (repealed).

Obama also supported banning a large class of popular hunting firearms on a 1998 Project VoteSmart survey. One of the questions, and the relevant part of Obama's responses, were as follows:

Indicate which principles you support (if any) concerning gun issues.

X a) Ban the sale or transfer of all forms of semi-automatic weapons.

X b) Increase state restrictions on the purchase and possession of firearms.

See Illinois State Legislative Election 1998 National Political Awareness Test (available at http://www.votesmart.org/npat.php?can_id=9490#826:) (emphasis added). Millions of American hunters have used semi-automatic rifles and shotguns for over a century.

Finally, of course, a ban on hunting rifle ammunition (such as the Kennedy amendment Obama supported) would have been a very effective ban on the use of hunting rifles.