

AP Bullet Ban Passes Congress

March 24, 1986

It was appalling. S.104, banning the manufacture, importation and dealer sale of armor-piercing bullets passed the Senate by an incredible 97-1 vote March 6; the bill is similar to H.R. 3132, the Biaggi-Hughes bill which passed the House 400-21 December 17.

The only member of the Senate who stood up for the Second Amendment was Steve Symms of Idaho.

Sen. Symms did succeed in eliminating many rifle bullets from the bill, by getting the Senate to accept his amendment to limit the bill to bullets "which may be used in a handgun." However, his amendment to limit the prohibitions exclusively to conventional handgun ammunition failed 88-10, with support only from Sens. East (R-NC), Garn (R-UT), Hatch (R-UT), Helms (R-NC), McClure (R-ID), McConnell (R-KY), Pressler (R-SD), Quayle (R-IN) and Simpson (R-WY).

Since the Senate bill is different from—and an improvement over—H.R. 3132 there may be a conference committee to agree upon final language for the law. Hopefully, the House will concur with the Senate language, and it may, for embarrassed Congressmen have learned that the House version banning hard-metal "projectiles" not only prohibited rifle and pistol bullets, but also the bullets used in oil well perforating guns and the stud-driver ammunition used in construction.

It was only because the original bill reached into areas far beyond ammo capable of penetrating light cloth body armor that Sen. Symms was able to get his limiting amendment accepted. Sen. Strom Thurmond, chairman of the Senate Judiciary Committee, had been adamant against any amendment to S.104 until he learned of the bill's effect upon industrial applications.

During floor debate, Sen. Symms thanked Larry Pratt of Gun Owners of America, John Snyder of Citizens Committee for the Right to Keep and Bear Arms, and me for uncovering the flaws in the bill, and making the limiting amendment possible. Unfortunately, in the furious negotiations that preceded Senate passage, we couldn't get support for the broader damage-control language.

Probably by the time you read this, the President will have signed the bill into law, most likely with some language that will keep it from affecting all rifle bullets that meet the definition. Both bills prohibit importation, manufacture or dealer sale of bullets made with "any of seven metals: tungsten alloys, steel, iron, brass, bronze, beryllium copper, depleted uranium."

The major difference in the bills, other than the Symms handgun language, is that the House version prohibits all "willful" dealer sales of such ammunition, while the Senate version prohibits sales only of such ammunition made or imported after the effective date of the law, and marked with a black tip.

If a bullet isn't made of these metals, it won't come under the prohibition. Some have worried that casting bullets from Linotype metal would be prohibited; it wouldn't, though I have no doubt that a #356402 conical bullet, cast hard and developing a full head of steam from a .357 Magnum (or perhaps even a hot .38 Special load) would zip through any Kevlar body armor.

Similarly, though center-fire rifle ammo, even if chambered in a single-shot pistol, will zing through Kevlar armor regardless of bullet composition, those lead-cored bullets won't be affected by the law.

While it's true that some lead is depleted uranium, all lead isn't; so this bill isn't a blanket ban on virtually everything on the shelf—as much as some of the anti-gunners wish it were.

Under this new law, chucking up a soft iron 3/8-inch bolt in a drill press, sharpening the point with a file, then seating it in a .357 to see how many one-inch wooden planks it will penetrate—as some of us have done—is worth 10 years in Federal prison!

Probably the greatest effect of the successful Symms amendment is to protect handloaders experimenting with hard rifle bullets, such as the lathe-turned brass bullets one of my fellow competitors used in a bench rest Nationals about 10 years ago.

If the Symms language holds, a hunter could experiment with a tungsten core, lead nose bullet similar to the Elk Mountain patented bullet; a handloader could put together some solid bullets for dangerous game, or for use on animals with valuable pelts; or a wildcatter could whip up

a hard bullet for greater velocity.

Under the original “compromise” bill, which supposedly would have had no adverse effects upon gun owners, the BATF could exempt commercial hunting bullet designs; however, the handloader/experimenter could innocently be playing around with a Federal felony.

Aside from experimenters, the biggest direct effect of this law will be the elimination of cheap surplus ammo containing soft iron cores.

Further, it cannot help but have an adverse effect upon the Civilian Marksmanship Program, for although no black-tipped .30 AP ammo is officially being issued, some is going out unofficially, as stocks of .30 Ball M2 are nearing the bottom of the barrel.

Technically, the DCM is not affected by the new law, since the Department of the Army isn’t a dealer, and ammunition issued by the government is exempted from GCA ’68. But I can imagine the political uproar that would follow a breathless *Washington Post* or *New York Times* report that the Army were issuing ammo to civilians which those civilians were forbidden from purchasing at their local gun shops.

The greatest effect of the new law is indirect, for it is a clear-cut violation of the Second Amendment—one supported by the NRA. Further, support of this bill undermines the gun owners’ rock-bottom argument against attempting to control criminal behavior by controlling pieces of metal. *It’s already against the law to shoot a police officer.*

What are NRA—and all the Congressmen and Senators who supported this bill—going to say next year, when a bill is proposed calling for prohibition of conventional ammunition that has killed police officers? After all, only two police officers have been killed with the prohibited armor-piercing ammunition during the past ten years (neither of them were killed by penetration of their vests), but many police officers have been killed with conventional ammo.

Some have claimed that NRA never endorsed or supported the bill, but merely didn’t oppose it, thereby preventing passage of the far-worse original Biaggi bill. While reasonable men can disagree as to the necessity for such a strategic retreat, there is absolutely no excuse for telling Congress one thing and telling gun owners the opposite.

For the record, just before the annual members’ meeting, April 18, 1984, NRA-ILA sent members a legislative alert accurately saying the “‘cop-killer’ bullet issue is a Trojan Horse ... (which) will be used to enact a backdoor, national gun control scheme.” Less than two months later that tough position gave way to a June 14, 1984 NRA-ILA press release headlined “NRA Endorses New Armor-Piercing Ammo Legislation,” and quoting the head of ILA as saying “the legislation would

serve as a viable legislative vehicle to protect our nation's police."

It has been said that later NRA "changed its position," citing the ILA Director's statements at the 1985 NRA members' meeting in opposition to laws against inanimate objects, and letters such as the one he sent to a voting member June 26, 1985, saying "we will do our very best to stop the bill from becoming law." But on June 18, 1985, when Sen. Jim McClure was attempting to prevent all amendments to the McClure-Volkmer bill, NRA-ILA sent a "memorandum" to the Senate stating "NRA would support the addition [to S. 49] of language identical to the Thurmond/Moynihan (S. 104) legislation."

Only a month before the bill passed the House, on October 11, 1985, ILA wrote Rep. Dan Coats (R-IN) "'Gun Owners of America' is generating postcards in opposition to H.R. 13 and S.104, both of which are supported by the National Rifle Association."

Further, we've seen numerous letters from Congressmen who were under the impression NRA supported H.R. 3132, the similar Biaggi-Hughes bill that passed. However, during debate, long-time NRA Director John Dingell said NRA "although supporting the Senate language and hoping that it can be ultimately adopted, will not oppose this legislation."

With such support from NRA, there was never any question that the bill would pass if it came to a vote. The only thing surprising was that we had prevented that vote for almost two years—though it was co-sponsored by 96 of the 100 Senators, and opposed, initially, only by the "Firearms Hard Corps." Thankfully, we were soon joined by GOA, CCRK-BA and Safari Club International, and that opposition eventually did lead to some improvements in the bill.

There are a lot of lessons in all this, but the greatest is that we can defeat any "gun control" legislation if we stand together, united in opposition to any attack upon the Second Amendment. I pray I never again go through a fight where our greatest enemies are our friends.

A Question of Fairness

January 14, 1987

If you're a voting member of NRA, your February Rifleman or Hunter contains a ballot both for the election of Directors and a vote on Bylaw amendments that will determine the future course of NRA.

In 1985 the Board of Directors wrote Art. XV, Sec. 4 calling for Bylaws amendments to be voted upon by mail; it had the appearance of total fairness, calling for equal argument by both sides.

As spokesman for the three member-petitioned amendments—which call for NRA Directors to uphold the Second Amendment, and allow a mail ballot election of the Executive Vice President—I wrote our arguments last fall. They, and the Board's opposing arguments, are to be published in the February issue. What could be more fair?

Then the January *American Rifleman* arrives—containing (by order of the Board) an additional page of one-sided arguments against our amendments, and supporting the Board's proposal to take the EVP vote away from the members.

I immediately pointed out the violation of Art. 15, Sec. 4 to NRA Secretary Warren Cheek. Since the information had already been published I asked that we be allowed rebuttal space in the February issue. Cheek responded that "it is my view, and that of counsel, that the article [...] of which you complain is not improper and that Article XV of the Bylaws has no application."

The way the NRA Board construes the fair-election Bylaw, the NRA Board and the loyal opposition each get 750 words to state their case, then the Board gets as much more space for unrebutted argument as they wish!

How's that for fairness?

A Federal judge ruled in *Fitzgerald v. NRA* [383 F.Supp. 162 (1974)]: "[I]t is the duty of the NRA's Directors and officers to take all necessary

steps to insure an informed electorate and fair corporate elections.”

In “compliance” with that duty, I suspect they will have more one-sided argument in the February issue.

The Board routinely violates the Bylaws, as they did in the December issue, ordering the Nominating Committee’s list published in obvious violation of Art. VIII Sec. 3(e), which says “no persons nominated by petition nor by the Nominating Committee shall be so designated” in the magazines.

Two-thirds of that list are incumbent Directors, including the President and First Vice President. That’s why publication also violated the law, as described in the *Fitzgerald* ruling: “[O]fficers and Directors cannot utilize corporate instrumentalities such as *The American Rifleman* to perpetuate themselves in office.”

That is precisely what the Board has done, and is doing, but I have no intention of taking the NRA Board to court at a cost of \$50,000, plus great embarrassment and expense to the NRA.

That’s why the Board must be changed by the election. I urge you to vote against the candidates nominated by the Nominating Committee.

I’m voting for only 18: Britton, Chaconas, Clark, DeSaye, Donnell, Goodman, Greif, Lovell, McGurk, O’Donnell, Rose, Slavonic, Spring, Stegkemper, Steigers, Stump, Todd and Zielinski.

Don’t give up your right to vote.

NRA’s Attack On The .357 Magnum

February 27, 1987

During the last 20 years of his life, Elmer Keith told me many tales, including some of his hassles with the NRA brass. He was delighted when I helped lead the successful NRA members’ revolt at Cincinnati in 1977, but he never told me about the members’ rebellion he led in 1937.