

Folks/ Guys/People:

The material in this document comes from an interview aired by a radio program by [NPR](#) (National Public Radio) called [Fresh Air](#). You have been assigned this material because it gives you a good insight into how many of the major social issues in this country that fundamentally degrade the quality of life—as represented by *authentic democracy*—of all are also linked to the role of money (in the form of “Big Business” or the alternative name I prefer *Corporate Capital*). The major social issue that is the topic of this document is gun-related violence, which every year consumes more lives in this country than in any other country on the planet! In other words, from the perspective of this course, gun-related violence is also a form of *class warfare*. NOTE: consult the course glossary for all italicized terms in this preamble. If you would like to listen to the radio program, click on the source link below. You must also explore all the links within this document. Question: how many of you have actually read the Second Amendment to the U.S. Constitution?



Introduction

Assault-Style Weapons in The Civilian Market

December 20, 2012 9:02 AM

Source: <http://www.npr.org/2012/12/20/167694808/assault-style-weapons-in-the-civilian-market>

As the country reels after Friday's massacre in Newtown, Conn., the question of how assault rifles like the one used at Sandy Hook Elementary School entered the civilian market is front and center.



The semi-automatic weapon found at the site where Adam Lanza shot to death 20 children and six adults, for example, is a variant of a type of gun developed for troops during Vietnam.

"It is one of a variety of assault rifles that militaries of the world developed," Tom Diaz, a policy analyst for the [Violence Policy Center](#), tells *Fresh Air*'s Terry Gross, "when they realized that most soldiers do not, when they're engaged in combat ... take accurate aim, do not fire at long distances, but rather just spray bullets in the general direction of the enemy at short to medium range. ... [S]oldiers are not marksmen, and they tend to just fire in bursts at ambiguous targets and, in fact, most battlefield injuries are the result of just being where the bullet is and not someone actually aiming at you."

Diaz — who is also the author of the forthcoming book [The Last Gun](#), about changes in the gun industry and gun violence — and his colleagues have conducted extensive research on gun violence in the United States and have written reports on assault weapons, as well as on the National Rifle Association and the corporations that fund it. What gun manufacturers have done to rejuvenate their markets, Diaz tells *Fresh Air*'s Terry Gross, is to emphasize military-derived semi-automatic guns and, in marketing, "appeal to the inner soldier, the insurrectionist feelings and high-tech desires to market these military-style guns."

The only difference, Diaz says, between the semi-automatic rifles sold on the civilian market and those issued to soldiers "is that the purely military rifle is capable of firing what's called 'fully automatic fire,' " meaning the gun will continue to fire until it expends all of the ammunition in its magazine.

When it comes to potential bills that could be introduced in Congress in the wake of the Sandy Hook Elementary School shooting, Diaz says it's crucial to focus on this question of magazine capacity. Lawmakers must ask, Diaz says, "What actually are the design features? What are the real functions of assault weapons? ... Can you put a high-capacity magazine into this gun that will hold 20, 40, 60, 100, 110 rounds of ammunition? And, if that's true, then it's an assault rifle and we will not allow their manufacture or import."

Tom Diaz is a senior analyst for the Violence Policy Center and the author of [Making A Killing: The Business of Guns in America](#). According to Tom Diaz of the Violence Policy Center, more people in the United States die every year from gun-related incidents than have been killed in all terrorist attacks worldwide since the 1960s.

Interview Highlights

On the Bushmaster rifle found at Sandy Hook Elementary



"[It's] a variant of a type of gun called the AR-15 ... which was designed and developed for military use roughly during the Vietnam War period. It is one of a variety of assault rifles that militaries of the world developed when they realized that most soldiers do not — when they're engaged in combat — do not take accurate aim, do not fire at long distances, but rather just spray bullets in the general direction of the enemy at short to medium range. When the military accepted this as a fact — that soldiers are not marksmen, and they tend to just fire in bursts at ambiguous targets, and in fact most battlefield injuries are the result of just being where the bullet is and not someone actually aiming at you — the militaries of the world said, 'OK, we need a type of gun to give our soldiers that will do just that.' ... This was the genesis of the assault rifle. The first one was developed by the Germans in 1944. It was called the StG-44. The Soviet army quickly ... made a design similar to it, which is called the AK-47, probably the most widely used rifle in the world."

Read More on Gun Policy

- [Around the Nation](#)
- [What Are The Odds Of Gun Control Changes?](#)
- [Shootings In Newtown, Conn.](#)
- [Amid Calls For Gun Control, Some Push For Weapons At School](#)
- [NRA Issues Statement Amid Calls For New Gun Control Laws](#) Dec. 18, 2012

On how the 1994 Assault Weapons Ban defined a semi-automatic weapon

"It defined a semi-automatic assault weapon in terms of a gun that had at least two of certain features. One of them was the actual crucial feature, which is the ability to take a high capacity magazine. ... The others were ... almost decorative features that were on these guns, such as a bayonet mount, which means you could put a bayonet on the gun; a thing called a ... flash hider, which means that the flash from the barrel of the gun is less observable; a stock in the rear that could be extended or shortened. ... The requirement that you have at least two of those meant that gun manufactures could say, 'Aha, we can keep the ability to take the high capacity magazine and just knock off the rest of these bells and whistles [and] we still have essentially the same gun, ... but it's now federally legal. And that's what Bushmaster figured out. They actually rose to prominence after the 1994 semi-automatic assault weapons ban because they took off all the truly irrelevant bells and whistles and just produced a basic gun."

On Beretta's marketing strategy for a semi-automatic pistol that entered civilian market

"Prior to the early- to mid-1980s, most handguns in the United States, including those used by law enforcement officers, were the old-fashioned revolver, which had a capacity of about six rounds — relatively cumbersome. In the 1980s, Beretta, an Italian company, decided to compete to replace the U.S. military standard sidearm. Dating back to 1911, there was a gun known as the Colt Model 1911, .45 caliber, semi-automatic pistol, and it was thought to be antiquated, not suitable for the modern battlefield.

Research from the Violence Policy Center

[The Militarization Of The U.S. Civilian Firearms Market](#)

[When Men Murder Women: An Analysis of 2010 Homicide Data](#)

[American Roulette: Murder-Suicide In The United States](#)

[Understanding The Smith And Wesson M&P15 Semi-Automatic Assault Rifle Used In The Aurora, Colo., Mass Murder](#)

"So there was a competition and Beretta actually won the competition for its .9 millimeter, high-capacity semi-automatic pistol. Beretta executives later in interviews on public record which we've documented ... said, 'Look, our strategy was this: ... What we want to do is get the cache of military sales so that we can then turn to the much bigger, much more profitable American civilian market and make a lot more money doing that.' And that's precisely what they did. Beretta's advertising [strategy] to this day ... is, 'This is a gun that we sell to the military. It's made for them but you can use it.' "

On the FN 5.7, a gun designed for counterterrorism purposes that has entered the civilian market

"It was specifically designed for use by counterterrorism teams because it fires a very small but very high-velocity bullet that will penetrate body armor — what people call ballistic vests or bullet-proof vests. When FN first manufactured this gun, they recognized how dangerous it would be on a civilian market and they claimed they would never sell it to civilians, that it would only be for police and counterterrorism units. In fact, it's become a very popular gun on the American civilian market and is exported to Mexico, where it's called the *mata policia*, or police killer, cop killer."

On why he — himself a former NRA member and gun owner — switched sides on the debate

"When I worked for Congressman [Chuck] Schumer, who was then chairman of the House crime subcommittee — about 1993, 1994 — I inherited the gun legislation account. And one of the things I had to do was generate a hearing on, we called it 'Kids and Guns,' and, in the course of preparing a hearing, staff members such as I was [would] actually go and interview the witnesses. ... I talked to some of these children and I realized that their world had nothing whatever to do with this kind of mythical world of the National Rifle Association, and so that set me to thinking, and ... I realized that I was living, frankly, in a dream world. I mean, I was living in the world of when I was a Boy Scout."

Transcript of the radio interview

Copyright ©2012 National Public Radio. For personal, noncommercial use only. See Terms of Use. For other uses, prior permission required.

TERRY GROSS, HOST:

This is FRESH AIR. I'm Terry Gross. We're going to talk about how military-style weapons like the assault weapon used in the massacre at Sandy Hook Elementary School became available for purchase by civilians. These weapons will be the focus of debate in Congress next year. Senator Dianne Feinstein has pledged to introduce an assault weapons ban bill.

President Obama said yesterday that gun control would be a central issue for him in this term. The NRA has been silent since the massacre but will hold a major news conference tomorrow. My guest, Tom Diaz, is senior policy analyst at the Violence Policy Center, which conducts gun-related research and advocates for ways to reduce gun violence.

He wrote a report last year on the militarization of the civilian firearms market and is the author of a book scheduled for publication in the spring called "The Last Gun," about how changes in the gun industry are affecting gun violence. Diaz is a former gun owner and a former NRA member.

Tom Diaz, welcome back to FRESH AIR. As we think about the massacre at Sandy Hook in Newtown and other recent massacres, could you compare the toll of gun crimes perpetrated by Americans with acts of terrorism by Islamic extremists on American soil? We've done so much to protect against acts of terrorism.

TOM DIAZ: That's actually an excellent comparison because every year in the United States, more people die from gunshot injury than have ever been killed in any terrorist act throughout the history of the recording of these acts, which goes back well into the 1960s. In other words, I'm saying that if you take all of the Americans who have ever died in any terrorist attack that's been recorded, more Americans die every year from gunshot injury.

It's even more shocking than that, I think. More Americans die every year in our own country from gunshot injury than people of any nationality totaled together in the world die of terrorism. Since September 11, 2001, we've spent several trillion dollars on so-called homeland security. We have made changes in our constitutional protections, particularly in the Fourth Amendment and the Fifth Amendment, against search and seizure and self-incrimination, that would have shocked people, shocked constitutional scholars before 9/11.

And yet we spend a tiny amount of money on public health concerning guns. We forbid the Center for Disease Control and Injury in Atlanta, part of the public health service, from actually researching gun safety. So we have seen terror as a great evil, and we've started a war on terror. We have no war on guns, and yet comparing the actual impact on Americans, it's staggering that we have this war on terror and spend so much money, and apparently don't care about gun death and injury.

And I say only apparently because I believe that Americans really are not aware of the extent of the problem.

GROSS: So let's talk about assault weapons and how they came to enter the civilian market. Let's start with the Bushmaster, the semiautomatic rifle that was used by Adam Lanza when he massacred the children in Newtown. What was this weapon designed to do?

DIAZ: The Bushmaster is a variant of a type of gun called the AR-15, which was the ArmaLite 15, which was designed and developed for military use roughly during the Vietnam War period. It is one of a variety of assault rifles that militaries of the world developed when they realized that most soldiers do not, when they're engaged in combat, do not take accurate aim, do not fire at long distances, but rather just spray bullets in the general direction of the enemy at short to medium range.

When the military accepted this as a fact, that soldiers are not marksmen, and they tend to just fire in bursts at ambiguous targets, and in fact most battlefield injuries are the result of just being where the bullet is, not somebody actually aiming at you, the militaries of the world said, OK, we need a type of gun to give our soldiers that will do just that, which is spray enough bullets to kill and injure people more or less randomly in close to medium distance.

This was the genesis of the assault rifle. The first one was developed by the Germans in 1944. It was called the StG-44. The Soviet army quickly copied the design or made a design similar to it, which is called the AK-47, probably the most widely used rifle in the world. And the United States military developed what they now call the M-16, but which is basically the AR-15.

In the 1980s, two things happened, and since then we've seen just an incredible increase in these trends. One, foreign manufacturers, particularly the Chinese, began to dump their products into the United States, their assault weapons. So the AK-47 suddenly became available in large numbers in the United States..

GROSS: When you say they dumped them here, how do they sell them here?

DIAZ: They sell them through a network of importers who then either distribute them to gun stores or more or less directly. So there's an organized traffic into the United States from foreign manufacturers. Today the assault weapon traffic mostly comes from Eastern Europe.

GROSS: Are you talking about legitimate marketing or black market?

DIAZ: No, no, I'm talking about legitimate, legal marketing. At about the same time, Colt Manufacturing, which had the military contract for the M-16, recognized that there could also be a civilian market for this rifle. So they developed what they called the AR-15, which was actually the original developmental designation of the rifle.

The only difference between these rifles that are sold on the civilian market and the rifles that are issued to our soldiers and soldiers all over the world is that the purely military rifle is capable of firing what's called fully automatic fire. That means if you pull the trigger and hold it down, the gun will continue to fire until it expends all the ammunition in what is known as the magazine, the thing that holds the bullets.

Machine guns have been outlawed in the United States, effectively, for civilian use since the mid-1980s. So what these guns need to be configured to be are semiautomatic. That means you must pull the trigger for each round fired. There's a question about rate of fire which the industry and the NRA and other advocates of having these guns in civilian hands make, and it goes like this: Well, the military guns are fully automatic, therefore they're technically machine guns, but the civilians guns are not. They're semiautomatic, and therefore they're not assault rifles.

That's a distinction without a difference, as many writers on the gun side noted in the early 1980s, when even the industry called them assault rifles, until they became involved in unfortunate incidents.

GROSS: So just so I can clarify, so in a semiautomatic weapon like the Bushmaster that was used in Newtown, you have to pull the trigger for each round that's fired, for each bullet that's fired?

DIAZ: Yes, you do. The whole purpose of the semiautomatic, whether it's in a rifle or a handgun, is simply that when you pull the trigger, it fires the gun, and then it automatically moves another round into position to be fired, and it ejects the old empty case. So it -in really old-fashioned guns, before semiautomatic, like the iconic Western revolver, when you pull the trigger, you have to somehow move the cylinder. It's a much slower, more cumbersome process.

In semiautomatic weapons, everything happens, and then it's ready to fire again. The reason I say it's a distinction without a difference is that the trigger can be pulled at a very rapid rate in semiautomatic fire, and it's actually more accurate. It sounds - it's a difficult concept to grasp, but in automatic fire the gun has a tendency to rise upward, to travel.

If you go to shooting ranges where automatic weapons are used, you'll often see, in the ceiling, bullet holes because you pull the trigger and the characteristic sounds of - bbruppp - the gun will rise. Semiautomatic fire doesn't do that, which is why the military encourages soldiers to shoot semiautomatic rather than automatic whenever possible.

GROSS: What are some of the specific history of the Bushmaster semiautomatic rifle that was used?

DIAZ: In 1994, Congress passed a thing called the Semiautomatic Assault Weapons Ban. And it was very flawed. One of the flaws was that it defined a semiautomatic assault weapon in terms of a gun that had at least two of certain features. One of them was the actual crucial feature, which is the ability to take a high-capacity magazine.

But the others were what we call bells and whistles. They were irrelevant, almost decorative features that were on these guns, such as a bayonet mount, which means you could put a bayonet on the gun; a thing called a flash suppressor or flash hider, which means the flash from the barrel of the gun is less observable; a stock in the rear that could be extended or shortened.

None of those characteristics had anything to do, really, with what makes an assault weapon so dangerous. However, the requirement that you have at least two of those meant that gun manufacturers could say, a-ha, we can keep the ability to take the high-capacity magazine and just knock off all the rest of these bells and whistles; we still have essentially the same gun for all functional purposes, but it's now federally legal.

And that's what Bushmaster figured out. They actually rose to prominence after the 1994 Semiautomatic Assault Weapons Ban because they took off all of the truly irrelevant bells and whistles and just produced a basic gun. Having done that, they had a wide-open market for a long time because they sort of conceived this idea that, well, it's easy to make a gun that's legal. And then other manufacturers began to do the same.

But Bushmaster was very successful in that period. So you could say that the 1994 assault weapons ban, because of its flaws, actually spawned Bushmaster.

GROSS: If you're just joining us, my guest is Tom Diaz. He's a senior policy analyst at the Violence Policy Center and author of the forthcoming book "The Last Gun," which is scheduled to be published this spring. Let's take a short break here, and then we'll talk more about assault weapons and their history. This is FRESH AIR.

(SOUNDBITE OF MUSIC)

GROSS: If you're just joining us, my guest is Tom Diaz, senior policy analyst at the Violence Policy Center, and the center has written reports on the history of assault weapons and how they entered the civilian market, on the NRA and the corporations that help fund it. Diaz is also the author of the forthcoming book "The Last Gun," about changes in the gun industry, and that's scheduled to be published in the spring.

You have a report on, you know, basically the history of assault weapons, and you wrote in the report that semiautomatic weapons have become an important moneymaker for the gun industry, selling these to civilians, and that this is compensating for declines in other forms of gun sales.

And I was very surprised to read that there were declines in other forms of gun sales. Where are the declines, and what's behind them?

DIAZ: There are a couple of factors that are driving the declines. One of them is there's a marked decline in hunting, which was the market for what I think probably most Americans, when they think about guns, they think of old-fashioned shotguns and hunting rifles, maybe their grandfather's gun.

There was a decline, there has been and continues to be a decline in hunting. Young people are much more interested in electronic games than going out and shooting. There have been changes in the law enforcement market. There are just other entertainment opportunities.

So the gun industry has really - even though every now and then their sales go up and down, they've actually been in a long-term decline. What they've done to rejuvenate their markets and to basically stay in business is emphasize designing and heavily marketing not just semiautomatic guns but military-derived semiautomatic guns.

So we're talking specifically about the semiautomatic assault rifles; semiautomatic pistols, which are capable of taking high-capacity magazines; and finally, and perhaps most shocking, at least to my mind, is that it is possible to buy a variety of 50-caliber anti-armor sniper rifles capable of penetrating an inch of steel at 1,000 yards.

What the gun industry has done is sort of appeal to the inner soldier, the insurrectionist feelings and high-tech desires to market these military-style guns. Now, they don't call them assault rifles. They have a couple of terms they use. They call them tactical rifles. They call them modern sporting rifles.

I personally don't care what you call them; they are basically assault rifles, and their purpose is to kill people.

GROSS: Is there any research on how these semiautomatic weapons are being used? I mean we know they've been used in massacres, but many more people buy them than become killers who go on these killing sprees. So are people using these as hunting rifles?

DIAZ: The industry says that they are, but preliminarily let me say this: Let's assume that there is a large number - a large number of people who - take your choice of benign uses - use it for hunting, use it for target shooting. The policy choice, the cultural choice that we face is: Is that enough, does that balance the bad consequences that we know flow from the easy availability of these firearms? Does that balance the slaughter of children? Does it balance the increasing killing of law enforcement officers that we see from assault rifles? Does it balance the traffic to other countries from the United States civilian market?

So it's not just a question of do other people use these. The direct answer to your question is, because the gun industry and the National Rifle Association have been so very successful in shutting down federal sources of data - for example, from the Bureau of Alcohol, Tobacco and Firearms, and basically shutting down cogent research from the Centers for Disease Control and Injury - we don't really know the extent of the use of these guns in crime, because we cannot get even the generic aggregate data. It's been shut down. What we learned from are simply - for example, at the Violence Policy Center we do a lot of anecdotal research. I, for example, did a study about assault weapons a couple years ago, but I had to rely entirely on what I could derive from news reports and other public sources.

You cannot get that information from government sources because of something called the Tiahrt Amendment, which has basically shut down ATF from releasing data. So...

GROSS: So this amendment prevents the Bureau of Alcohol, Tobacco and Firearms from releasing information about what guns have been used in crimes. Do I have that right?

DIAZ: You have that exactly right. It's interesting, you know, I used to work on the Hill for Congress Schumer back during the early '90s, and the Bureau of Alcohol, Tobacco and Firearms routinely released aggregate data. We're not talking about specific investigative files here. We're talking about useful data about what types of gun are used in what types of crime.

The gun industry realized that it really loses every argument where you can have facts. So they got Congressman Todd Tiahrt from Kansas to sponsor what are called riders. You put them on appropriations bills. And it basically says, ATF, you cannot spend any money to release any of this data.

So immediately we're shut down. ATF collects by make, model, caliber - data about the guns and the type of crimes they're used in. So we could, for example, were ATF able to release this data, we could say we want to look at Bushmaster. How many of these Bushmasters have been used in how many crimes and where in the United States over the last, what, 10 years? Take your pick.

That data is available in the files of ATF, but it cannot release it. It is forbidden by law from releasing it.

GROSS: So the Tiahrt Amendment, which is basically a rider to the appropriations bill that was introduced by Congressman Todd Tiahrt, what year was that first passed?

DIAZ: It was first passed in 2003, and it's been amended since and continuously included in appropriations bills.

GROSS: You mentioned that there are restrictions on the CDC, the Centers for Disease Control's ability to do gun-related research. Do I have that right? And if so, can you explain what those restrictions are?

DIAZ: Again, it's another one of these funding restrictions. There was a period of time when the CDC was sponsoring what's called peer-reviewed research about gun death and injury, what were the causes, and it was getting uncomfortably close to the question of proliferation of firearms and particular kinds of guns.

So the NRA's supporters on the Hill actually wanted to abolish this particular unit of the CDC and were calmed down and persuaded to simply make a funding restriction, which essentially says the CDC cannot do any research related to gun control.

That has meant that a number of promising research initiatives in universities and in teaching hospitals and what have you were shut down, and although the CDC does some very useful compilation of data, they're very careful about the research they do. That's another thing that I think Congress and the president should look at.

We should open up the CDC. We do it for - if a brand of tires has a problem, the National Highway Transportation Safety Administration is going to know that within weeks. If there's an epidemic of some kind of disease, the CDC's going to know that within weeks or months. We have an epidemic of gun violence, and we've shut down everybody from looking at it.

GROSS: Tom Diaz will be back in the second half of the show. He's senior policy analyst at the Violence Policy Center and author of the forthcoming book "The Last Gun." I'm Terry Gross and this is FRESH AIR.

(SOUNDBITE OF MUSIC)

GROSS: This is FRESH AIR. I'm Terry Gross back with Tom Diaz. We're talking about assault weapons, how they were created for military use and adapted for the civilian market. He's a senior policy analyst with the Violence Policy Center, which conducts gun related research and advocates for ways to reduce gun violence. He's the author of the forthcoming book "The Last Gun," scheduled for publication in the spring. And he wrote a report last year on the militarization of the civilian arms market.

We're talking about the history of assault weapons and how semi-automatic weapons entered the civilian market. In one of the reports at the Violence Policy Center, the case study is given of Beretta, which I want you to describe how they made a semi-automatic pistol that entered the civilian market. What was their marketing strategy for that?

DIAZ: That's a very interesting story and it's probably one of the turning points in the whole history of the civilian gun profile. Prior to the early to mid 1980s, most handguns in the United States, including those used by law enforcement officers, were the old-fashioned revolver, which had a capacity of about six rounds, relatively cumbersome. In the 1980s, Beretta, an Italian company, decided to compete to replace the U.S. military standard sidearm. Dating back to 1911, there was a gun known as the Colt Model 1911, .45 caliber, semi-automatic pistol, and it was thought to be antiquated, not suitable for the modern battlefield. So there was a competition and Beretta actually won the competition for its .9 millimeter, high-capacity semi-automatic pistol. Beretta,

Executives later in interviews on public record, which we've documented, in both the book and other reports we've done, said, look, our strategy was this: When the military contract, and even though that's not very lucrative because we have to give the military a price break - I think at some point they may even have been selling them at cost or less - because what we want to do is get the cache of military sales so that we can then turn to the much bigger, much more profitable American civilian market and make a lot more money doing that. And that's precisely what they did. Beretta's advertising to this day as, following in their wake, many other handgun manufacturers have done is this is a gun that we sell to the military. It's made for them but you can use it.

So that was their entry point into the civilian market. It had enormous consequences. The guns began to be known as the Wonder Nine. They began to show up in street gangs and naturally they began to show up in, eventually in mass shootings. They began to show up in just the torrent of every day gun violence that goes on in America.

GROSS: Is there any difference between the military model of this Beretta and the one that's marketed to civilians?

DIAZ: No. In the case of the handguns they're all virtually the same. There's no difference. The only difference in the rifles is the semi-automatic versus automatic function. And in the .50 caliber sniper rifles, they also are exactly the same as the gun that's sold to the military. So in the case of handguns and the .50 caliber sniper rifles, you're really getting the military product. In the case of assault rifles, you have a slight technical difference.

GROSS: Now there have been guns that have been designed for use in counterterrorism that have entered the civilian market. Can you give us an example of one of those guns?

DIAZ: Yes. There is a gun called - it's made by a company called FN Herstal, which is a Belgian company, and the gun is called the FN 5.7. And 5.7 refers to the caliber of the gun. It was specifically designed for use by counterterrorism teams because it fires a very small but very high-velocity bullet that will penetrate body armor - what people call ballistic vests or bullet-proof vests.

When FN first manufactured this gun, they recognized how dangerous it would be on a civilian market and they claimed they would never sell it to civilians, that it would only be for police and counterterrorism units. In fact, it's become a very popular gun on the American civilian market and is exported to Mexico, where it's called the mata policia, or police killer, cop killer.

Major Nidal Hasan is accused of using one in the notorious Fort Hood massacre. The gun is again an example; it's almost the perfect example of a killing machine in a handgun. It's high-capacity, that means it has 20 rounds or so in the magazine. It's lethal. It's very easy to fire. It has almost no recoil and it's capable of penetrating body armor. So when Major Nidal Hasan went on his rampage at Fort Hood he was able to quickly run up a shocking body count of dead and injured with one handgun.

GROSS: Another thing that has changed in the nature of guns that are available for civilians today is their size. I mean they are small. They are easy to conceal. And, of course, in many places it's legal to carry concealed weapons now in the U.S. So can you talk about the design and technology that have made it possible for, you know, very small semi-automatic weapons?

DIAZ: Yes. And this is an example of how the National Rifle Association, the National Shooting Sports Foundation and the gun industry work together kind of hand in hand to market and create markets for guns. Fifteen years ago or so, it was in most states in the United States it was difficult to get a permit to carry a gun concealed on your person in public. The laws were what is known as May issue laws. You had to show some reason, and in that case, the issuing authority may or may not issue the gun to you.

The NRA, in particular a woman named Marianne Hammer in Florida, who was the former president of the National Rifle Association, began a crusade to change these laws. They started with Florida where they succeeded, and they were able to have enacted so-called shall issue laws, where unless you are a prohibited category - meaning a convicted felon or a non-citizen or a number of disqualifying categories - the issuing authority must give you a permit. After a certain period of time it's automatic, you get the permit. These laws then spread like wildfire and the NRA publicly said - Wayne LaPierre, the executive vice president, said we're going to take the show on the road and they did. And these laws have changed all over the country. So now, I'm not sure what the last count is, but by far the great majority of states allow concealed carry of handguns. And they also - many states recognize each other's licenses. They call it reciprocity.

This was a terrific boon for the gun industry. And, in fact, a woman named Tanya Metaksa, who used to be kind of the legislative director of the NRA, said the gun industry should send us a bouquet or a basket of fruit because of what we've done for them, the gift we've given them. And it's true. In the industry's publications themselves every time one of these laws is passed they recognize that this opens new marketing opportunities. Now the technology of it is that because of advances in metallurgy and plastics technology it is now possible to make very small handguns that are capable of holding many

more rounds of ammunition than say 20 or 30 years ago and are easily concealed on the person. So that means that people are walking around with great lethality in their pockets.

The NRA's point of view is that it's kind of a, well, people who use these guns in a bad way are bad people. Our point of view is no, these guns are available to people. People have moods, they have various emotional needs, they have moments of anger, they have moments of depression. So by putting these guns out in the population, it's not that good people are not going to use them in bad ways, it's that potentially, anybody can end up using them in a bad way. That's why we, in a more rational society, restrict access to lethal weapons.

GROSS: So are these new, more compact pistols that are easy to conceal, are they semi-automatic, the ones you're describing?

DIAZ: Yeah. Yeah. Yeah. In almost every case they are semi-automatic. There are still a few what are called revolvers, the old six-shooter kind of wheel gun. But the real markets have been in semi-automatic pistols and increasing the capacity and the size of the bullet, the caliber of the bullet.

GROSS: If you're just joining us, my guest is Tom Diaz, and he's a senior policy analyst at the Violence Policy Center. The center has issued reports on the history of assault weapons, on the funding of the NRA, many other gun related subjects. And Tom Diaz is the author of the forthcoming book "The Last Gun." And that book about the gun industry is scheduled to be published in the spring.

Let's take a short break and then we'll talk some more. This is FRESH AIR.

(SOUNDBITE OF MUSIC)

GROSS: If you're just joining us, my guest is Tom Diaz, and he studies gun violence and guns. He's a senior policy analyst at the Violence Policy Center, and author of the forthcoming book "The Last Gun" about how changes in the gun industry are affecting violence in America.

Let's talk about the NRA, the National Rifle Association, a very powerful lobby group, very powerful in helping to fund candidates for office or to defeat candidates who support gun legislation. In a recent report issued by the Violence Policy Center, the author wrote that the NRA is really more of a group representing the gun industry than it is representing gun owners. And that, you know, a lot of its money comes from the industry. What kinds of groups - like what is the mechanism for supporting, that the gun industry has for supporting the NRA?

DIAZ: Well, the NRA has various honorary levels and accolades they give to and they have sort of semi-patriotic titles for them, but essentially it boils down to this: A gun manufacturer makes a charitable donation to the NRA - and we're talking about millions of dollars - and then it gets recognized for its support of the NRA and the NRA is able to use the money, so they work very closely. The gun - I can't say other without looking at actual data. There are tens of millions of dollars that go into the NRA and our report details exactly where that money came from. But I think the broader point here is that the NRA was, at one time, truly represented sportsmen and what one might say benign uses of firearms, hunting and what have you. And there was a tremendous revolution within the NRA that went through the '80s and '90s and it was finally taken over by a much harder line, a group of people personified I think by Wayne LaPierre and Marianne Hammer, who was a woman who was president of the NRA and is now very active in Florida. And they're line was both ideologically a harder line and they allied themselves more with the industry so that there's almost a seamless web of interconnections between the industry and the NRA.

I liked to say that the NRA is, it becomes a kind of laundering machine for the gun industry. And I'll explain what I mean. The gun industry would really appear to be too crass perhaps, and shocking to say, you know what, you need to buy our Bushmaster so that you can resist the government and kill bad people if you have to. So they don't say that. The NRA on the other hand has no problem kind of euphemizing this very same message and saying, we need our guns, we need to protect ourselves from tyrannical governments, the way they phrase it. And some of their material is really quite provocative and quite shocking. So they've taken one of the messages of the industry and transformed it into a more or less socially acceptable way of saying it. And that brings us to the question of, as a society, are we going to break the code that the NRA constantly promulgates and say wait a minute, you guys have had enough with this business, that's not our society and are we going to stop it?

GROSS: Democrats plan to introduce gun control legislation in the new Congress. You've studied the results of the assault weapons ban that was signed by President Clinton in '94 and then sunset(ph) 10 years later and was never renewed. So what lessons do you think can be learned from the '94 assault weapons ban?

DIAZ: I think the number one lesson that we can learn from the failure of that law is that we have to look at what actually are the design features. What are the real functions of assault weapons? And the intersection of that is always, always, the ability to accept a high capacity magazine, and the high capacity magazines themselves.

So that's probably the most important single feature we need to focus on. Can you put an ammunition magazine into this gun that will hold 20, 40, 60, 100, 110 rounds of ammunition? And if that's true, then it's an assault rifle and we will not allow their manufacture or import.

The second lesson that I personally feel is important, the 1994 law did something that's called grandfathering. It said all of these guns, even if they do fall into this prohibition, that exist now and had some language about are legally owned, they're OK. The ban does not apply to them. Well, so you automatically said that there were hundreds of thousands, perhaps millions, of these guns out in circulation and it's as if the law never passed.

GROSS: Did that apply to unsold weapons or just weapons that had already been purchased?

DIAZ: Yes. It was interpreted to mean that if they were in the inventory of anybody anywhere and legally owned they were not covered by the law. So naturally, some manufacturers just - while they saw the writing on the wall before the legislation passed - cranked up the rate of manufacture. Importers took possession of lots of guns. So people not only slipped under the wire, they increased their production so that they would have more under the wire.

I think a new law would have to look at that problem of grandfathering. One thing the president could do immediately without legislation, that he has the executive power to do, is direct the Justice Department to look at imports into the United States of specific kinds of guns. The reason he can do that is the federal law that already exists regulating the import of firearms says that any firearm brought into the United States must have been primarily designed for sporting purposes.

And in fact, the first President Bush, President George H. W. Bush, and President William Clinton, used this power. And they directed the ATF to take a look at these guns and the ATF obediently said, well, wait a minute. These kinds of guns are not really primarily sporting. And so they did ban the import of certain classes of assault rifles.

President Obama could do the same thing. He could say to the Justice Department, which is now the home of ATF, take a look at these imports. Take a look at this standard for sporting purposes, and let's weed out the guns that don't meet that. That would have significant impact on assault rifles, including these assault pistols.

It might also have an impact on guns like the FN57 that was used at Fort Hood, which by no definition, by the industry's own admission was primarily designed for counterterrorism use. This is something the president can do with a stroke of the pen.

GROSS: Tom Diaz, I want to thank you very much for talking with us.

DIAZ: Thank you very much for having me on the show. It's been a pleasure.

GROSS: Tom Diaz is a senior policy analyst at the Violence Policy Center and author of the book "The Last Gun" which is scheduled for publication in the spring. You'll find a link to his report on the militarization of the civilian gun market on our website freshair.npr.org.

We called the NRA to invite a spokesperson on our show in the wake of the Newtown massacre. In response, we were sent a press release saying that out of respect for the families they're giving time for mourning, prayer, and a full investigation before commenting. The group will hold a news conference tomorrow and says it's prepared to offer meaningful contributions to help make sure this never happens again.

We also offered an invitation to the National Shooting Sports Foundation. They sent us a release saying out of respect to the families, the community, and the ongoing police investigation it would be inappropriate for the organization to participate in media requests at this time. We called the Freedom Group, the gun and ammunition manufacturer that owns several brands, including Remington and Bushmaster, which made the gun Adam Lanza used in Newtown. We never heard back from them.

And we contacted the gun manufacturer FNH U.S.A. which was referred to in our interview. They told us they were unable to accommodate our interview request on such short notice. Coming up, our linguist Geoff Nunberg chooses the word of the year. This is FRESH AIR.

Copyright © 2012 National Public Radio. All rights reserved. No quotes from the materials contained herein may be used in any media without attribution to National Public Radio. This transcript is provided for personal, noncommercial use only, pursuant to our Terms of Use. Any other use requires NPR's prior permission. Visit our permissions page for further information.

NPR transcripts are created on a rush deadline by a contractor for NPR, and accuracy and availability may vary. This text may not be in its final form and may be updated or revised in the future. Please be aware that the authoritative record of NPR's programming is the audio.

+++++++