

Shooters Committee on Political Education

Position Paper



Prohibiting the possession of ammunition feeding devices with a capacity exceeding ten rounds and limiting usage to seven rounds.

PURPOSE

There appears to be no real purpose for this legislation other than to impose additional burdens and risk on legal firearms owners in the State of New York under the vague and undefined slogan that “it will make us safer.”

POSITION

SCOPE strongly opposes this legislation. It is based on the fallacious premise that limiting the magazine capacity of a firearm will in some way mitigate the illegal use of firearms. The enactment of legislation that restricts lawful firearm owners only impedes the legitimate and fully justified use of firearms for self-defense, competitive and sporting purposes.

This proposal represents a political and emotional response to a horrific event. The presumed philosophical foundation of this proposal is the imposition of a perceived utopian society through legislation. We feel that this is naïve at best. Unfortunately, we live in a world where there are bad individuals that will try to do horrific things to innocent people. To hope to reduce such violence with legislation of this kind is irrational. It is the creation of the hoplophobic and politically motivated. This legislation will have no effect on crime.

It is not intended to. It is to convince the public that “something is being done.” It is irrelevant whether “something” is an improvement. In a search for a response to prevent future tragedies, it is easier to lash out at inert device than to deal with the fundamental societal issues that permit an individual to engage in such an act.

Imposition of a capricious magazine capacity on law-abiding firearms owners is egregious at best.

Private citizens desire maximum magazine capacity for the same reason as law enforcement personnel. The victims of violent crime are always the “first responders.” If imposing an artificial impediment on law enforcement is not acceptable, there can be no justification for applying it to a law-abiding citizen who is likely to face the same risk.

Both handguns and long guns are used for personal defense. Such instances tend to be sudden and violent events that have to be dealt with using the weapon at hand. A full capacity magazine improves the defender’s ability to prevail. Not all shots are hits, nor do all hits stop an attacker and, according to the Justice Department, one third of aggravated assaults and robberies involve more than one assailant.¹ When your life is on the line, more is better.

When considering such severe restrictions, the burden should be on the state to demonstrate the need for a ban, not on the citizen to show their need for possession.

¹ U.S. Department of Justice, O.J.P., B.O.J.S. *Criminal Victimization in the United States, 2007 Statistical Tables*, Table 37

The federal ban was a failure and subsequent state restrictions have been equally unsuccessful.

The federal ban on “assault weapons” and restrictions on magazine capacity enacted in 1994 were a complete failure. Congressional studies have uniformly stated that there was no reduction in the number of victims per firearm homicide incident or in the gunshot wounds per victim. This is an attempt to revitalize a failed law by trading on a tragic incident that would in no way have been prevented by legislation of this type.

Nothing in this proposal addresses the illegal acquisition, possession or use of firearms.

This legislation will do nothing to keep firearms out of the hands of ineligible individuals. It is directed solely at legal firearms owners. It is not likely that an ineligible individual, having obtained a weapon and planning a criminal enterprise, is likely to be deterred by a prohibition on the capacity of the magazine (or how many rounds are in it) in their already illegal firearm. The public would be better served by directing the state’s resources toward crime prevention rather than fixating on banning firearms with a feature they deem undesirable.

What the legislation terms “high capacity” has, in fact, been the standard for decades and is not going to go away.

Magazines are durable and essentially fungible products. Many firearms owners are using guns with “high capacity” magazines that were made before they were born, and in some cases, before their parents were born.

The AK series of rifles was designed in the Soviet Union and went into production in 1949. It is estimated that over 100 million have been made. No attempt has been made to formally estimate magazine production but it is clearly in the tens of billions. The NATO standard² magazine used in the AR type rifles dates to 1959 and is used by the United States and allied countries around the world. Over 100 different rifles use these magazine and they have been manufactured on every continent except Antarctica. Estimated production of these rifles exceeds 130 million and of magazines, it is in the tens of billions.

Magazine capacity in pistols went over 10 rounds with the introduction of the Browning HiPower in 1935. Virtually every service or sport pistol designed since has a standard magazine capacity of over 10 rounds. In this context, the term “high capacity” is meaningless.

² STANAG 4179