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NBC's Display of a 30-Shot Gun Magazine Prompts a Police Inquiry

By MICHAEL S. SCHMIDT

WASHINGTON — The Metropolitan Police Department said on Wednesday that it had opened an investigation into whether NBC and David Gregory, the host of “Meet the Press,” broke the law when Mr. Gregory displayed a high-capacity gun magazine during an interview on Sunday with the vice president of the National Rifle Association.

NBC had asked the police for permission to use a high-capacity magazine and “was informed that possession of a high-capacity magazine is not permissible, and their request was denied,” said Officer Araz Alali, a police spokesman.

“This matter is currently being investigated,” he said. “I can’t get into any other specifics of this investigation.”

A spokeswoman for NBC declined to comment.

According to a federal law enforcement official, an NBC employee contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives on Friday to ask whether it would be legal for Mr. Gregory to show the magazine on television without the ammunition. The bureau, which does not enforce Washington’s gun laws, said it would be legal. That information, however, was incorrect, as it is illegal to have any empty magazine in Washington, the official said.

Mr. Gregory displayed the magazine, which rapidly feeds ammunition into the chamber of a gun, about 10 minutes into his interview with Wayne LaPierre, the N.R.A. vice president. The host picked it up from the table in front of him and held it in the air as he questioned Mr. LaPierre.

“Let’s widen the argument out a little bit,” Mr. Gregory said. “So here is a magazine for ammunition that carries 30 bullets. Now isn’t it possible that if we got rid of these, if we replaced them and said, ‘Well, you could only have a magazine that carries 5 bullets or 10 bullets,’ isn’t it just possible that we can reduce the carnage in a situation like Newtown?”

Mr. LaPierre said he did not believe it would have made a difference. “There are so many different ways to evade that, even if you had that,” he said.

In Washington, people who are caught in possession of the type of magazine that Mr. Gregory had can face up to a year in prison, said David Benowitz, a criminal defense lawyer.

“You would be arrested; you would most likely be charged with possession of an illegal magazine,” Mr. Benowitz said, adding that “depending on what time you were arrested, you would most likely be held overnight.”

Prosecutors and defense lawyers often work out a plea agreement in which defendants receive probation and have a misdemeanor charge on their criminal record, Mr. Benowitz said. If defendants have a prior criminal record or lose a jury trial, they could face a stiffer sentence.

Mr. Benowitz said the accusation from the police that NBC had asked for permission and then had gone ahead with showing the magazine “didn’t help Gregory’s case.”

NBC was the only network to have a televised interview on Sunday with Mr. LaPierre, who held a [nationally televised news conference](#) on Friday to address the issue of gun control after the [school shooting in Newtown, Conn.](#)

At several points during the interview, the word “Exclusive” appeared at the bottom of the screen.

Source: http://www.nytimes.com/2012/12/27/us/washington-police-investigating-nbc-over-gun-device.html?_r=0