

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GUN OWNERS OF AMERICA, INC.,

GUN OWNERS FOUNDATION,

VIRGINIA CITIZENS DEFENSE LEAGUE,

MATT WATKINS,

TIM HARMSSEN, and

RACHEL MALONE,

Plaintiffs,

Case No.

Hon.

v.

**MATTHEW WHITAKER, in his official capacity as
Acting Attorney General of the United States,**

U.S. DEPARTMENT OF JUSTICE,

**BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, and**

**THOMAS E. BRANDON, in his official capacity as Acting
Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives,**

Defendants.

Kerry L. Morgan* (P32645)
PENTIUK, COUVREUR & KOBILJAK, P.C.
2915 Biddle Avenue, Suite 200
Wyandotte, MI 48192
Main: (734) 281-7100
F: (734) 281-2524
KMorgan@pck-law.com

**Counsel for Plaintiffs*

Robert J. Olson
William J. Olson
Jeremiah L. Morgan
Herbert W. Titus
WILLIAM J OLSON, P.C.
370 Maple Avenue West, Suite 4
Vienna, VA 22180
T: (703) 356-5070
F: (703) 356-5085
wjo@mindspring.com
Of counsel

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Now comes Plaintiffs by and through Counsel and for their Complaint state as follows:

1. Numerous times over many years, ATF has been asked to determine whether various “bump-fire-type stocks” or “bump stocks” constitute “machineguns” under federal law.
2. ATF has acknowledged that such devices, which have “no automatically functioning mechanical parts or springs and perform[] no automatic mechanical function when installed,” are not machineguns under federal law. *See, e.g.*, Exhibit 1.
3. On October 1, 2017, there was a mass shooting in Las Vegas, Nevada, at the Route 91 Harvest music festival. Various news sources have reported that there were bump stocks installed on some of the rifles found at the scene.
4. Bowing to the political pressure that followed, President Trump ordered that ATF reclassify bump stocks as machineguns through regulation¹ — despite the clarity of federal law and ATF’s consistent legal conclusions to the contrary.
5. Within days of the President’s decree, ATF concluded that bump stocks are, in fact, machineguns, and demeaned all of its prior decisions on the subject as “not includ[ing] extensive legal analysis” and “not reflect[ing] the best interpretation” of the law. Notice of Proposed Rulemaking, 83 *Fed Reg.* 13442 (Mar. 29, 2018) (“NPRM”) at 13443.
6. ATF’s re-classification of bump stocks as machineguns is a political decision designed to circumvent the legislative process, not a legal one based on any technical evaluation. It ignores the plain text of the statute, and all prior ATF determinations and opinions. The

¹ <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-application-definition-machinegun-bump-fire-stocks-similar-devices/>

classification of bump stocks as machineguns is arbitrary and capricious, contrary to law, obfuscates the way bump stocks operate, and reaches an irrational decision, unsupportable in either law or fact.

7. Plaintiffs bring this action seeking a preliminary injunction to preserve the status quo, followed by permanent injunctive relief restraining Defendants from enforcing ATF's regulation designed to prohibit private ownership of so-called "bump-fire stocks." Finally, Plaintiffs seek a declaratory judgment that such bump-fire stocks do not constitute "machineguns" under existing federal law. As grounds therefor, Plaintiffs allege the following:

JURISDICTION AND VENUE

8. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 702 and 28 U.S.C. § 1331. This Court has authority to grant the remedy Plaintiffs seek under 28 U.S.C. §§ 2201 and 2202 and 5 U.S.C. § 706.

9. Venue is proper in this district pursuant to 5 U.S.C. § 703 and 28 U.S.C. § 1391(e).

PARTIES

10. Plaintiff Gun Owners of America, Inc. ("GOA") is a California non-stock corporation with its principal place of business in Virginia, at 8001 Forbes Place, Springfield, VA 22151. GOA is organized and operated as a non-profit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1975 to preserve and defend the Second Amendment rights of gun owners. GOA has hundreds (if not thousands) of members and supporters, including residents of the

Western District of Michigan, who own bump stocks, or who wish to acquire them, but for the challenged regulation.

11. Gun Owners Foundation (“GOF”) is a Virginia non-stock corporation, with its principal place of business in Virginia, at 8001 Forbes Place, Springfield, VA 22151. GOF is organized and operated as a non-profit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, and through contributions made through the Combined Federal Campaign.

12. Virginia Citizens Defense League (“VCDL”) is a Virginia non-stock corporation, with its principal place of business in Virginia, at P.O. Box 513, Newington, VA 22122. VCDL is organized and operated as a non-profit civic league that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. VCDL is supported by gun owners both within and without Virginia.

13. Matt Watkins is a United States citizen, and resident of Hudsonville, Michigan, located within Ottawa County within this district. He is a law-abiding person, and has no disqualification that would prevent him from keeping and bearing arms. Mr. Watkins is a member of GOA. Mr. Watkins currently owns a Slidefire bump stock, a device that would be banned under the noticed regulation. Under the noticed regulation, Mr. Watkins would be forced to surrender or destroy his bump stock, losing the considerable value thereof. Mr. Watkins has used and wishes to continue to use his bump stock in recreational shooting and target practice. Mr. Watkins may also seek to purchase or own additional bump stocks in the future.

14. Tim Harmsen is a United States citizen, and resident of Valparaiso, Indiana. He is a law-abiding person, and has no disqualification that would prevent him from keeping and bearing arms. Mr. Harmsen is a member of GOA. Mr. Harmsen is an owner of Copper Custom Armament, a firearm retail store offering customization and gunsmithing services, and www.Full30.com, a website providing video content exclusively of firearms reviews, education, and entertainment. Mr. Harmsen is also the owner and operator of the Military Arms Channel on YouTube, which has over 800,000 subscribers, and over 136 million views of his nearly 800 videos relating to all manner of small arms. Mr. Harmsen possesses bump stocks and would like to acquire additional bump stocks in the future. Mr. Harmsen has spent much time shooting, teaching, and demonstrating how to bump fire with and without bump stocks, including in numerous videos posted to the Military Arms Channel. As such, he is intimately familiar with the operation of bump stocks. Should the noticed regulation take effect, not only will Mr. Harmsen be forced to surrender or destroy his valuable possessions, but also his business could be affected by being unable to continue to create content featuring bump stocks. His business also would be unable to engage in retail sales of bump stocks to the public, should it so desire.

15. Rachel Malone is a United States citizen, and resident of Manor, Texas. She is a law-abiding person, and has no disqualification that would prevent her from keeping and bearing arms. Ms. Malone is a member of GOA, and is GOA's Texas Director. Ms. Malone holds numerous firearms certifications, including being an NRA-certified firearms instructor, holds a Texas License to Carry handguns, and is best known for her work in grassroots activism in the Second Amendment community. Ms. Malone currently does not own bump stocks, but would purchase one, if not for the noticed regulation.

16. The individual Plaintiffs, along with the organizational Plaintiffs, their members, and supporters, will be irreparably harmed if the noticed regulation is permitted to take effect. Not only will many of the Plaintiffs lose the monetary value of their possessions (through forced surrender, confiscation, or destruction) and their ability to use them, but all the Plaintiffs will be deprived of the ability to purchase and use bump stocks in the future. Plaintiff bump stock owners will lose the use and enjoyment of their belongings, along with the ability to keep and bear firearms equipped with bump stocks. Semiautomatic rifles which only have a bump fire stock attached will be rendered inoperative unless a new stock is purchased by the owner. Finally, any bump stock owner who retains a bump stock past the effective date, thinking he is protected by a copy of the prior ATF approval letter included by retailers with many bump stock shipments, will be at risk of felony prosecution — and accompanying permanent loss of their Second Amendment rights — even if unaware of this sudden change in law.

17. In his capacity as the Acting Attorney General of the United States, Defendant Matthew Whitaker is purporting to exercise the powers of the Attorney General of the United States, as who was delegated certain authority by federal law to promulgate rules and regulations to carry out the provisions of the National Firearms Act of 1934 and the Gun Control Act of 1968. *See* 18 U.S.C. § 926; 26 U.S.C. § 7805(a). Mr. Whitaker's predecessor, former Attorney General Sessions, was the recipient of President Trump's February 2018 memorandum ordering that bump stocks be banned by administrative action.²

² <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-regulation-effectively-banning-bump-stocks>.

18. Defendant U.S. Department of Justice (“DOJ”) is an executive agency within the federal government of the United States. DOJ is headquartered at 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

19. Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is a component of the DOJ, and is headquartered at 99 New York Avenue NE, Washington, D.C. 20226.

20. Defendant Thomas E. Brandon is the Acting Director of ATF, and is responsible for overseeing the agency’s promulgation of the regulation challenged herein.

STATEMENT OF FACTS

Federal Statute

21. Ever since the 1934 National Firearms Act (26 U.S.C. Chapter 53) (“NFA”), enacted pursuant to Congress’ power to lay and collect taxes, machineguns have been regulated heavily by the federal government.

22. Since the Hughes Amendment to the 1986 Firearm Owners Protection Act (“the machinegun ban”), which amended the Gun Control Act of 1968 (“GCA”), Americans generally are prohibited from possessing and transferring machineguns, except for those that were in existence and registered prior to the effective date of the statute, May 19, 1986. 18 U.S.C. § 922(o). *See* Final Rule, 83 *Fed Reg.* 66514 (Dec. 26, 2018) at 66536.

23. Today, pursuant to its reassignment from the Department of the Treasury to the Department of Justice under the Homeland Security Act of 2002, 116 Stat. 2135, ATF controls the registration and regulation of machineguns pursuant to the provisions of the NFA and GCA. *See* Final Rule at 66515 n.2.

24. 26 U.S.C. § 5845(b) defines a machinegun as follows: “The term ‘machinegun’ means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

25. 18 U.S.C. § 921(23) (enacted with the 1986 machinegun ban) states that “The term ‘machinegun’ has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).”

Federal Regulations

26. ATF has limited authority under the Gun Control Act to promulgate: “only such rules and regulations as are necessary to carry out the provisions of this chapter....” 18 U.S.C. § 926(a). *See* Final Rule at 66527.

27. Under the National Firearms Act, ATF has the authority to “prescribe all needful rules and regulations for the enforcement of this title....” 26 U.S.C. § 7805(a).

28. Relying on its statutory authority, ATF has promulgated various regulations in Title 27, Code of Federal Regulations. Final Rule at 66514.

29. Until the challenged rulemaking, ATF’s regulations mirrored the federal definition of the term “machinegun” with respect to firearms manufactured and owned in the United States. 27 C.F.R. § 478.11; 27 C.F.R. § 479.11.

30. In the 84 years since passage of the National Firearms Act, ATF has never seen the need to enact regulations further expounding on the statutory meaning of the term “machinegun.” Until now.

The “Bump Fire” Shooting Technique

31. “Bump fire” is a shooting technique — requiring skill, patience, and practice — which allows a shooter to engage in rapid, semiautomatic fire. *See* Exhibit 2 (Acting Director Brandon referring to “the bump fire technique.”).

32. In 2006, ATF noted that “‘bump fire’ is a vernacular used in the firearms culture ... meaning rapid manual trigger manipulation to simulate automatic fire ... you are simply firing a semiautomatic firearm in a rapid manner and are not violating any Federal firearms laws or regulations.” Exhibit 3.

33. By contrast, a fully-automatic machinegun discharges multiple rounds with a “single function” of the trigger³ — *i.e.*, an “automatic firing cycle that continues until the finger is released or the ammunition supply is exhausted.” ATF Rul. 2006-2.⁴

34. Because a machinegun fires automatically by pulling the trigger once, it can be fired with one hand. A bump stock, however, cannot be fired with one hand. *See* Verified Declaration of Richard (Rick) Vasquez (hereinafter “Vasquez Decl.”) ¶ 13(d).

³ https://www.youtube.com/watch?v=-PYr_EY1lss

⁴ <https://www.atf.gov/firearms/docs/ruling/2006-2-classification-devices-exclusively-designed-increase-rate-fire/download>

35. Bump stocks are nothing more than a type of firearm stock (usually plastic) that fits loosely over the firearm, allowing the firearm to reciprocate back-and-forth freely.⁵ Final Rule at 66516.

36. Typically, when using a bump stock, a shooter rests his trigger finger on a plastic ledge that is part of the bump stock (and not on the trigger), with that dominant hand holding the stock firmly against his shoulder. *See* Final Rule at 66516. His support hand then grips the firearm's handguard, and provides forward pressure on the firearm, pushing it forward until the trigger contacts his trigger finger. Vasquez Decl. ¶ 11.

37. Whereas the recoil of a fired shot generally drives a firearm rearward, bump firing involves opposing pressure by the support hand pushing the firearm forward. Vasquez Decl. ¶ 11.

38. Each time a shot is fired, recoil pushes the firearm rearward. Vasquez Decl. ¶ 10; *see* Final Rule at 66516. This rearward movement causes the shooter's trigger finger to break contact with the trigger (Final Rule at 66516), permitting it to "reset," and complete a "single function of the trigger." However, the continual forward pressure by the shooter's support hand again pushes the firearm forward, causing the trigger to impact the trigger finger another time. Vasquez Decl. ¶ 28(b). *See* Exhibit 34.

39. Through this technique, a shooter is able to rapidly "bump" the trigger onto and off of the trigger finger. *See* Vasquez Decl. ¶ 13(c).

⁵ <https://www.rwarms.com/wp-content/uploads/2018/05/10-0110-00-10.jpg>

40. Those skilled in bump firing can achieve rapid semiautomatic fire that some could misunderstand to be fully automatic fire.⁶

41. However, bump fire is not automatic fire. Bump fire is rapid, semiautomatic fire. Vasquez Decl. ¶ 12; *see* Final Rule at 66516.

42. So-called “bump fire stocks” or “bump stocks,” when used in bump fire mode, are designed to **assist** a shooter with the legal, semiautomatic bump firing technique described above.

43. Bump stocks do not change the mechanical operation of a firearm in any way. Vasquez Decl. ¶ 13(c).

44. Because bump fire is a shooting technique, not a device, a ban on bump stocks will not eliminate bump firing, which ATF admits remains a legal type of semiautomatic fire. Final Rule at 66516; Vasquez Decl. ¶ 13(f).

ATF Operations

45. The ATF Firearms and Ammunition Technology Division (“FATD”) “is the federal technical authority regarding firearms and ammunition and their classification under federal laws and regulations....” *See* ATF Fact Sheet: Firearms and Ammunition Technology Division (May 2018).

46. Within FATD, the Firearms Technology Industry Services Branch (“FTISB”) (formerly FTB) “responds to ... industry requests regarding importation evaluations and domestic manufacturing examinations....” *Id.*

⁶ <https://www.youtube.com/watch?v=7RdAhTxyP64>.

47. As ATF explains, “individuals ... voluntarily ... submit numerous items to ATF to make classifications ... Classifications are memorialized via a letter from ATF ...” Exhibit 4.

48. FTISB’s classifications generally are made through informal “private letter rulings” to individuals and industry members who submit samples for classification. *See* Exhibit 4.

49. ATF does not make private letter rulings a matter of public record. *See* Exhibit 4.

50. Rather, the only way private letter rulings become public is if the recipient chooses to make the letter public.

51. Upon information and belief, there is no known central, digital repository for ATF private letter rulings — including within the agency itself.

52. For example, an October 3, 2017 email from Earl Griffith, Chief Firearms and Ammunition Technology Division, to Assistant Director Marvin G. Richardson included a spreadsheet of 11 bump stock letters and stated “This is all we could find in our data bases.” Exhibit 5.

53. Nevertheless, a later October 6, 2017 email from Deputy Assistant Director Megan Bennett attached a “binder” of ATF bump stock classification letters which contained at least 25 entries. Exhibit 6.

54. ATF claims that its private letter rulings are non-binding, non-precedential, and cannot be relied on as legal authority by anyone other than the person to whom the letter is addressed, for the particular sample that was submitted. Thus, ATF remains free to change its mind at any time, and often has simply overruled one letter ruling with another.

55. ATF has a checkered past when it comes to classifying things that allegedly constitute machineguns. For example, in 1996 and 2004, ATF twice infamously concluded that a shoestring is a machinegun. *See* Exhibit 7.

56. It was not until 2007 that ATF overruled those two rulings, and finally arrived at the common sense conclusion “that the string by itself is not a machinegun....” *See* Exhibit 8.

ATF Past Approval of Bump Fire Stocks

57. In 2002, ATF received a request to classify a firearm stock/mechanism that enabled the rapid fire of a semiautomatic firearm by utilizing recoil energy. *See Akins v. United States*, 82 Fed. Cl. 619, 621 (U.S. Claims 2008).

58. On November 17, 2003, ATF (through a private letter ruling) determined that this device, the “Akins Accelerator,” a reciprocating stock using an internal spring, was **not** a machinegun. *See* Exhibit 9.

59. On January 29, 2004, in response to further questions by the manufacturer, ATF again wrote that “[t]he theory of operation was clear” and that the Akins Accelerator definitely was **not** a machinegun. *See* Exhibit 10.

60. Then, on November 22, 2006, ATF changed course, deciding now that the Akins Accelerator **was in fact** an illegal machinegun. *See* Exhibit 11.

61. On December 13, 2006, ATF followed up the Akins letters by issuing ATF Ruling 2006-2, which classified as a machinegun any device that, “when activated by a single pull of the

trigger, initiates an automatic firing cycle that continues until the finger is released or the ammunition supply is exhausted.”⁷

62. ATF Ruling 2006-2 concluded that a device such as the Akins Accelerator, which used a compressed “coiled spring” to achieve rapid fire “is a machinegun under the National Firearms Act.”

63. On June 18, 2008, ATF was then asked to review a bump style device that **did not use a spring**, and concluded that, unlike devices which used a spring, the device was “incapable of initiating an automatic firing cycle....” Exhibit 12.

64. On June 26, 2008, in another private letter ruling, ATF clarified its 2006 determinations, and noted that “the absence of an accelerator spring ... prevents the device from operating automatically” and thus that a bump fire device like the Akins Accelerator — without a spring — is not a machinegun.⁸ See Exhibit 14.

65. Thereafter, manufacturers began to submit samples of bump-fire-type stocks that did not utilize springs. In accordance with ATF Ruling 2006-2, ATF has consistently held that these devices are not machineguns under federal law. See Exhibits 1, 15-23.

66. On June 7, 2010, ATF concluded that the Slide Fire bump stock “has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed.” Exhibit 1.

⁷ <https://www.atf.gov/firearms/docs/ruling/2006-2-classification-devices-exclusively-designed-increase-rate-fire/download>

⁸ On May 25, 2011, ATF similarly concluded for another device that “[t]he absence of an accelerator spring ... prevents the device from operating automatically as described in ATF Ruling 2006-2.” Exhibit 13.

67. On March 9, 2011, ATF concluded that “an AR-15 type rifle which has been fitted with a sliding shoulder-stock type buffer-tube assembly ... has no automatically functioning mechanical parts or springs and performs no automatic mechanical function.” Exhibit 15.

68. On April 2, 2012, ATF held that a “plastic shoulder stock” requires application of “the appropriate amount of forward pressure” and thus is “incapable of initiating an automatic firing cycle” and “FTB finds that it is not a machinegun....” Exhibit 16 (emphasis original).

69. On July 9, 2012, ATF examined a “replacement shoulder stock for a Saiga-12 type shotgun” which “allows the shotgun to slide back and forth, independently of the shoulder stock and pistol grip,” and found that it “is a firearm part and is not regulated.” Exhibit 17.

70. On July 13, 2012, ATF examined a “‘bump fire’ type stock designed for use with a semiautomatic AK-pattern type rifle,” which allows the rifle “to reciprocate back and forth in a linear motion,” and found “it is NOT a machinegun under the NFA....” Exhibit 18.

71. On February 11, 2013, ATF examined the “Bumpski” bump fire stock and, for the same reasons as above, concluded that “it is NOT a machinegun under the NFA....” Exhibit 19.

72. On April 16, 2013, ATF’s Assistant Director for Public and Governmental Affairs rejected a congressional request to reclassify bump stocks as machineguns. ATF explained that, in the past, the “Akins Accelerator incorporated a mechanism to automatically reset and activate the fire-control components of a firearm,” whereas modern bump stocks “require[] **continuous multiple inputs** by the user for each successive shot.” Exhibit 20 (emphasis added). ATF noted that bump fire stocks “do not fall within any of the classifications for firearm contained in Federal law” and “ATF does not have the authority to restrict their lawful possession, use, or transfer.” *Id.*

73. On May 1, 2013, ATF examined “‘the HailStorm,’ ... a replacement ‘bump-fire’ type stock designed for use with a semiautomatic AR-15 type rifle” and, for the same reasons as above, found “that it is NOT a machinegun under the NFA....” Exhibit 21.

74. On September 14, 2015, ATF concluded that a submitted “10/22-style rifle stock” allows a shooter to “pull[] the firearm forward to fire each shot” and thus, for the same reasons as above, “it is not a machinegun as defined under the NFA....” Exhibit 22.

75. On April 6, 2017, ATF issued another private letter ruling classifying yet another bump stock, noting that “your device does not initiate an automatic firing cycle by a single function of the trigger” and “FTISB finds that it is NOT a machinegun....” Exhibit 23.

76. As a result of ATF’s past approvals of bump stock devices, several individuals and corporations expended considerable resources engaging in R&D, product development, production, and marketing and sale of their bump stock products. ATF now estimates that “the total undiscounted cost of this rule [is] \$312.1 million over 10 years,” not even taking into account various “[u]nquantified costs....” Final Rule at 66515. ATF estimates that there are as many as 520,000 bump stocks owned by gun owners throughout the United States — all of these devices are now required to be destroyed or surrendered for destruction. Final Rule at 66523.

Las Vegas Shooting & Aftermath

77. On October 1, 2017, a shooter opened fire on a large crowd of people in Las Vegas, Nevada, inflicting large numbers of casualties. Final Rule at 66516.

78. Some of the firearms found at the scene reportedly were equipped with bump fire stocks. Final Rule at 66516.

79. Following the Las Vegas shooting, there was significant political pressure on ATF, Congress, and the Trump Administration to ban the ownership of bump stocks.

80. Nevertheless, ATF continued to insist that it had no legal authority to regulate bump stocks, consistent with more than 15 years of agency precedent, spanning three presidential administrations.

81. On October 2, 2017, ATF Acting Director Thomas Brandon sent an email to a subordinate, asking “are these [bump stocks] ‘ATF approved’ as advertised?” Exhibit 24.

82. On October 2, 2017, Acting Director Brandon received a reply that “They are approved as advertised as long as an individual doesn’t perform additional modifications to the firearm.” *Id.*

83. On October 3, 2017, Assistant Special Agent in Charge Monique Y. Villegas sent an email, noting “the loophole ATF recognized in 2012 and tried to get congress to pass legislation so that bump fire devices can be subject to NFA regulations.” Exhibit 25.

84. On October 6, 2017, Acting Assistant Director of Public & Governmental Affairs Joseph J. Allen recommended that “we should ultimately ask DOJ to allow us to point the various issues out to Congress so that they may be able to further consider permanent legislative fixes.” Exhibit 26.

85. On October 8, 2017, an email sent from the ATF Association email address atf-family@googlegroups.com noted that “[t]he focus on the Las Vegas shooters [sic] use of the bump slide obscures the fact that this individual could have just purchased actual machineguns legally.” Exhibit 27.

86. The same email noted that “These accessories DO NOT cause the firearm to shoot more than one shot by the single function of a trigger pull. There is a trigger pull for each shot ... The law is very clear and it does not currently allow ATF to regulate such accessories.” *Id.*

87. On October 19, 2017, the Washington Examiner reported that “House aides said the ATF indicated at a lawmaker briefing last week that it’s not ready to regulate bump stocks and promoted the idea of bump stock legislation.... ATF’s presentation made it clear that the agency is unlikely to push for a new regulation. This aide said the feeling at the agency is that current law is clear enough, and that it would be difficult to impose a new regulation limiting access to bump stocks in a way that’s consistent with U.S. law.” Exhibit 28.

88. On October 20, 2017, after receiving that briefing from ATF, Senator Dianne Feinstein tweeted that “The ATF does NOT have the authority to address bump-fire stocks—and has made this point clear to Congress MULTIPLE times.”⁹

89. Thus, even in the aftermath of the Las Vegas shooting, it seemed that virtually everyone agreed that bump stocks had been properly classified as firearm accessories.

ATF’S SUDDEN SHIFT OF POLICY

90. On October 6, 2017, a retired ATF Special Agent in Charge sent Acting Director Brandon an email, recommending that ATF ban bump stocks, and that Mr. Brandon ignore the advice of ATF’s technical branch. The email stated: “I recommend an overruling of the prior decision and putting it [bump stock] under the NFA.... You can do it fast and it is the right thing to do, don’t let the technical experts take you down the rabbit hole.” Exhibit 29.

⁹ <https://twitter.com/SenFeinstein/status/921461866840428544>. See also P. Kasperowicz, “[Dianne Feinstein: ATF Won’t Regulate ‘Bump Stocks,’](#)” *Washington Examiner* (Oct. 20, 2017).

91. On October 6, 2017, Acting Director Brandon replied “I’m very concerned about public safety and share your view.” *Id.*

92. On October 6, 2017, the former SAIC replied “Found I often had to override experts Lab, ETB, Etc they get in such a technical world they can lose common sense....” *Id.*

93. Upon information and belief, decisions regarding the noticed rulemaking have taken place at the highest levels within ATF, within the DOJ, and within the Administration.

94. Upon information and belief, FATB personnel were not involved in the crafting of the Proposed or Final Bump Stock Rule.

95. Upon information and belief, FTISB did not engage in any additional technical analysis of bump stocks before ATF issued the challenged regulation.

96. FATB’s exclusion from the development of the challenged regulation shows that ATF’s technical experts were unwilling to go along with the bump stock reclassification.

97. In fact, rank and file ATF personnel generally recognize that noticed regulation is without basis in law or fact.

98. Essentially, ATF’s technical experts were overruled and ignored by senior DOJ and ATF personnel, who wished to enact the noticed regulation for political reasons.

99. In March of 2018, CNN reported that Acting Director “Brandon ... told senators that he was initially advised by his agency experts and lawyers in the aftermath of last fall’s Las Vegas shooting that banning bump stocks was outside the law, but his agency has since arrived at a different conclusion after working with a team launched by the Department of Justice.”¹⁰

¹⁰ D. Shortell, “ATF Chief tells Congress laws to ban bump fire stocks is best route,” CNN Politics, Mar. 14, 2018, <https://www.cnn.com/2018/03/14/politics/bump-stocks-legislation-atf/index.html>; *see also* “Trump may want to ban bump stocks, but ATF isn’t sure it can,” CBS

100. On December 26, 2017, reportedly under orders from President Trump, ATF issued an “Advance Notice of Proposed Rulemaking” asking for public comment as to **whether** bump stocks had been properly classified as “accessories” under federal law. 82 *Fed. Reg.* 60929 (Dec. 26, 2017).

101. Then, on February 20, 2018, President Trump issued his memorandum to Attorney General Jeff Sessions, ordering that ATF issue a rulemaking banning bump stocks.

102. On March 29, 2018, ATF issued a “Notice of Proposed Rulemaking,” (“NPRM”) proposing to classify bump stocks as machineguns, and to make amendments to ATF’s definitions of machinegun in the Code of Federal Regulations. 83 *Fed. Reg.* 13442 (Mar. 29, 2018). Comments were due by June 27, 2018.

103. In that NPRM, ATF tossed its entire 17-year history with bump stocks into the trash bin — overriding the considered judgment of at least one ATF Director, four Assistant Directors, and five Chiefs and one Acting Chief of the Firearms Technology Industry Services Branch.

104. The final rule attempts to discredit the agency’s own work, alleging that all of its past private letter rulings, its Ruling 2006-2, and its 2013 response to a congressional inquiry, “did not include extensive legal analysis” and “did not reflect the best interpretation of the term ‘machinegun’....” Final Rule at 66514.

105. Rather, ATF alleged that devices that are “designed to increase the rate of fire of semiautomatic firearms” are machineguns. Final Rule at 66517.

News, Feb. 22, 2018, <https://www.cbsnews.com/news/trump-may-want-to-ban-bump-stocks-but-atf-isnt-sure-it-can/> (“Acting ATF director Thomas Brandon has sent mixed signals on what the agency can do.”)

106. At the heart of its claim, ATF asserted that semiautomatic fire, if it “mimic[s] automatic fire,” **is** automatic fire. Final Rule at 66516.

107. On December 26, 2018, ATF issued its Final Rule. 82 *Fed. Reg.* 66514 (Dec. 21, 2018).

108. ATF’s Final Rule amends the statutory and regulatory definition of machinegun to add the following language: “For purposes of this definition, the term ‘automatically’ as it modifies ‘shoots, is designed to shoot, or can be readily restored to shoot,’ means functioning as the result of a **self-acting or self-regulating mechanism** that allows the firing of multiple rounds through a **single function** of the trigger; and ‘single function of the trigger’ means a **single pull** of the trigger and analogous motions. The term ‘machinegun’ includes a bump-stock-type device, *i.e.*, a device that allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by **harnessing the recoil energy** of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing **without additional physical manipulation** of the trigger by the shooter.” Final Rule at 66553-54 (emphasis added).

109. Bump stocks do not work “as the result of a self-acting or self-regulating mechanism.” Vasquez Dec. ¶ 28(f). However, all semiautomatic firearms function “as the result of a self-acting or self-regulating mechanism,” in that they automatically load the chamber with fresh ammunition and reset the trigger components. Vasquez Dec. ¶ 22-23.

110. Bump stocks do not fire “multiple rounds through a single function of the trigger.” Vasquez Dec. ¶ 28(b).

111. Bump stocks do not fire “multiple rounds through a single pull of the trigger.” Vasquez Dec. ¶ 28(c).

112. Bump stocks do not fire “automatically.” Vasquez Dec. ¶ 28(a).

113. Bump stocks do not harness recoil energy of the semiautomatic firearm. Vasquez Dec. ¶ 28(g). However, all semiautomatic firearms “harness the recoil energy” of a fired shot, in order to load fresh ammunition and reset trigger components. Vasquez Dec. ¶22.

114. Bump stocks do not increase the mechanical “rate of fire” of a firearm. Vasquez Decl. ¶ 13(e).

115. And, as ATF has admitted, bump stocks “require[] **continuous multiple inputs** by the user for each successive shot.” Vasquez Dec. ¶ 28(g).

ATF DOES NOT APPEAR TO HAVE ANALYZED THE LAS VEGAS FIREARMS

116. On October 2, 2017, Acting ATF Deputy Director Ronald B. Turk wrote an email to Acting Director Thomas E. Brandon, reporting that “Our FTD firearms expert will be in Vegas soon and examining the rifles from the scene. LE reports possible ‘bump fire’ stock devices attached to two rifles at the hotel scene — more to follow after expert analysis.” Exhibit 30.

117. However, it appears that this “expert analysis” never occurred.

118. Rather, it seems that ATF was forced to get its information from public news sources.

119. On October 3, 2017, Acting Director Brandon received an email from Earl Griffith, Chief Firearms and Ammunition Technology Division with a link to an AP news article reporting that the Las Vegas shooter had bump stocks attached to some of his rifles. Acting Director Brandon replied “Thanks for letting us know, Earl.” Exhibit 31.

120. On October 17, 2017 — more than two weeks after the Las Vegas shooting — Acting Deputy Director Turk reported that “we apparently have never seen a report or had access

[to] the Vegas shooting ammo for analysis. Is that still correct? If so, it seems problematic that the FBI classified the ammo without our involvement, conducted interviews at places like Lake City, and now asks us to join at the end....” Exhibit 32.

121. On October 18, 2017, Acting Deputy Director Turk received a reply that “We have not seen any reports or ammo analysis from the FBI,” and responded that “FBI should have asked for our technical support that we have been pressing for for over a week....” *Id.*

122. An ATF report entitled “Las Vegas Recovered Weapons and Ammunition” reported that “on-scene ATF personnel were **not** allowed to physically examine the interior of the weapons for machinegun fire-control components or known machinegun conversion devices such as Drop-In Auto Sears, Lightning Links, etc.” Exhibit 33 (emphasis original).

123. Thus, ATF’s report entitled “Las Vegas Recovered Weapons and Ammunition” employs the phrase “appears to be” no fewer than 20 times. *Id.*

124. Upon information and belief, in promulgating its Final Rule, ATF has no proof that the Las Vegas shooter actually **used** bump stocks in the shooting — only that bump stocks were found **installed** on some of the firearms found at the scene.

ALLEGATIONS RELATING TO INJUNCTIVE RELIEF

125. Based on the foregoing, the Court should enjoin the Final Rule from taking effect.

126. If the noticed regulation is permitted to take effect, Plaintiffs will be irreparably harmed as discussed in paragraph 16 above.

127. In addition to banning bump stocks by name, the noticed regulation will give ATF broad new authority, not found in any statute, to regulate any part that can increase the rate at which a semiautomatic firearm can be fired.

128. Because the noticed regulation will become effective on 90 days from its publication in the Federal Register, the threat of harm to Plaintiffs is imminent, and Plaintiffs possess no adequate remedy to compensate for that injury.

129. The balance of the harms weighs in Plaintiffs' favor. If Plaintiffs and those like them are wrongly forced to destroy or surrender their property, well over \$100 million in property could be lost and, in addition, they will be deprived of its use. Furthermore, Defendants have no valid interest in an unlawful exercise of their rulemaking authority.

130. Meanwhile, there is little to no risk of any harm to Defendants should this policy be put on hold, as the regulation itself denies any public safety rationale, and the status quo maintained until the Court can reach a decision on the merits.

131. Finally, the issuance of an injunction would serve the public interest, as it is always in the public interest that federal agencies do not issue unlawful regulations.

**FIRST CAUSE OF ACTION
(VIOLATION OF APA 5 U.S.C. § 702(2)(A))**

132. Plaintiffs reallege paragraphs 1 through 131 as though fully set forth herein.

133. Defendants' conclusion that bump stocks constitute machineguns is without authority, and contrary to the plain language of the statute.

134. Defendants' administrative bump stock ban is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with the law.

135. Plaintiffs are adversely affected because they will be irreparably harmed by Defendants' regulation, in that they will be forced to turn over, destroy, or decommission their bump stocks, or risk felony prosecution.

**SECOND CAUSE OF ACTION
(VIOLATION OF APA 5 U.S.C. § 702(2)(C))**

136. Plaintiffs reallege paragraphs 1 through 135 as though fully set forth herein.

137. Defendants' administrative bump stock ban is in excess of the agency's statutory jurisdiction and authority and is short of the agency's statutory right.

138. Defendants' administrative bump stock ban will prohibit the ownership and possession of firearm accessories that are not prohibited by the relevant statutes.

139. Plaintiffs are adversely affected because they will be irreparably harmed by Defendants' regulation in that they will be forced to turn over, destroy, or decommission their bump stocks, or risk felony prosecution.

**THIRD CAUSE OF ACTION
(VIOLATION OF FIFTH AMENDMENT TAKINGS CLAUSE)**

140. Plaintiffs reallege paragraphs 1 through 139 as though fully set forth herein.

141. The regulation requires that "current possessors of these devices ... destroy the devices or abandon them at an ATF office prior to the effective date of the rule." Final rule at 2.

142. This will result in the complete and total loss of property to the individual plaintiffs and the organizational plaintiffs' members.

143. ATF's Final Rule estimates that its final rule will result in a loss of property, amounting to \$102.5 million alone, as well as loss business opportunities ("forgone future production and sales") (Final Rule at 66515) for those who choose to comply with the regulation.

144. ATF argues that it has the authority to confiscate what it now deems contraband, but it is the ATF who told gun owners that bump stocks were unregulated accessories and perfectly legal to own.

145. The regulation constitutes a taking of private property without just compensation, in violation of the Fifth Amendment.

**FOURTH CAUSE OF ACTION
(DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS)**

146. Plaintiffs reallege paragraphs 1 through 145 as though fully set forth herein.

147. Both the United States Constitution and the Michigan Constitution prohibit the deprivation of property without the due process of law. U.S. Const. Am. XIV; Const. 1963, Art 1, § 17.

148. Plaintiffs have a property right in the possession and continued possession of their bump stocks, which were lawful to possess when acquired, and Defendants are prohibited from depriving Plaintiffs of that property absent due process of law.

149. The fundamental requirement of procedural due process is the opportunity to be heard at a meaningful time and in a meaningful manner. Mathews v. Eldridge, 424 US 319 (1976).

150. Plaintiffs' procedural due process rights were violated when Defendants caused the regulation to be published without affording a pre-deprivation or other hearing.

151. The procedure to dispose of Plaintiffs' property (surrender or destruction) does not afford Plaintiffs due process, either pre-deprivation or post-deprivation, and therefore the Defendants are constitutionally prohibited from terminating Plaintiffs' property rights under the noticed regulation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court grant all appropriate relief, including:

- a. The issuance of a preliminary injunction, halting Defendants' enforcement of the challenged regulation.
- b. A declaratory judgment, pursuant to the Declaratory Judgment Act (28 U.S.C. §§ 2201-2202) or other applicable law, that holds unlawful and sets aside ATF's action, finding that rapid, semiautomatic fire is not fully automatic fire, that bump stocks are not machineguns under federal law, but rather nothing more than firearm accessories which Defendants have no authority to regulate.
- c. An order permanently enjoining Defendants from enforcing the challenged regulation, or in any other way regulating bump stocks under currently existing law.
- d. An award of attorneys' fees and costs to Plaintiffs pursuant to Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and any applicable statute or authority; and
- e. Any other relief that this Court in its discretion deems just and proper.

/s/ Kerry L. Morgan
Kerry L. Morgan*
(P32645)
Pentiuk, Couvreur & Kobiljak, P.C.
2915 Biddle Avenue
Edelson Building
Suite 200
Wyandotte, MI 48192-5267
734-281-7100 (telephone)
734-281-2524 (fax)
Kmorgan@pck-law.com (e-mail)
**Counsel for Plaintiffs*

Dated: December 26, 2018

Robert J. Olson
William J. Olson

Jeremiah L. Morgan
Herbert W. Titus
William J. Olson, P.C.
370 Maple Avenue West, Suite 4
Vienna, VA 22180-5615
703-356-5070 (telephone)
703-356-5085 (fax)
wjo@mindspring.com (e-mail)
Of counsel

Gun Owners of America v. Whittaker
Complaint – Exhibits

1. June 7, 2010 ATF Letter to redacted addressee
2. FOIA 5303-5305
3. 2006 ATF letter to Mr. Jason A. Lee
4. FOIA 923
5. FOIA 5523
6. FOIA 1678-79
7. September 30, 2004 ATF Letter to Mr. Brian A. Blakely
8. June 25, 2007 ATF Letter to Mr. Brian A. Blakely
9. November 17, 2003 ATF letter to redacted addressee
10. January 29, 2004 ATF letter to redacted addressee
11. November 22, 2006 ATF letter to redacted addressee
12. FOIA 1697
13. May 25, 2011 ATF letter to Mr. Len Savage
14. June 26, 2008 ATF letter to redacted addressee
15. FOIA 1710
16. April 2, 2012 ATF letter to redacted addressee
17. FOIA 1726
18. FOIA 1731-32
19. FOIA 1739
20. April 16, 2013 ATF letter to The Honorable Ed Perlmutter
21. FOIA 1746
22. FOIA 1755
23. April 6, 2017 ATF letter to redacted addressee
24. FOIA 3668
25. FOIA 2083
26. FOIA 1587
27. FOIA 990
28. FOIA 6123
29. FOIA 5409
30. FOIA 3443
31. FOIA 5625
32. FOIA 2885
33. FOIA 3200-3231
34. FOIA 5203



Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

JUN 07 2010

903050:MMK
3311/2010-434

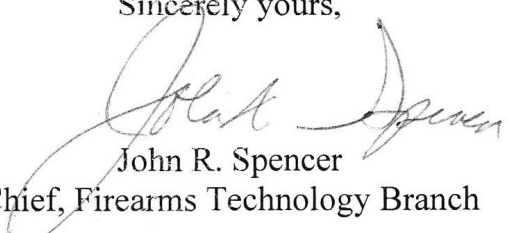
This is in reference to your submission and accompanying letter to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), asking for an evaluation of a replacement shoulder stock for an AR-15 type rifle. Your letter advises that the stock (referenced in this reply as a "bump-stock") is intended to assist persons whose hands have limited mobility to "bump-fire" an AR-15 type rifle. Your submission includes the following: a block to replace the pistol grip while providing retention for the selector stop spring; a hollow shoulder stock intended to be installed over the rear of an AR-15 fitting with a sliding-stock type buffer-tube assembly; and a set of assembly instructions.

The FTB evaluation confirmed that the submitted stock (see enclosed photos) does attach to the rear of an AR-15 type rifle which has been fitted with a sliding shoulder-stock type buffer-tube assembly. The stock has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed. In order to use the installed device, the shooter must apply constant forward pressure with the non-shooting hand and constant rearward pressure with the shooting hand. Accordingly, we find that the "bump-stock" is a firearm part and is not regulated as a firearm under Gun Control Act or the National Firearms Act.

Per your telephoned instructions, we will contact you separately to make return delivery arrangements.

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch

Enclosure

To: Brandon, Thomas E. (b) (6)
From: (b) (6)
Sent: Thur 10/12/2017 11:56:59 PM
Subject: Re: Glock Video

If that is the case Sir that is incredibly fast for a bump fire technique. I would really like to see if it could be replicated with an off the shelf glock.

(b) (6)

Sent from my iPhone

On Oct 12, 2017, at 7:03 PM, Brandon, Thomas E. <(b) (6)> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Brandon, Thomas E." <(b) (6)>
Date: October 12, 2017 at 6:37:40 PM EDT
To: "Canino, Carlos A." <(b) (6)>
Subject: Re: Glock Video

I agree CC. I find it ironic that his "one fast Glock" is no longer worthy of owning. Like you, I'll wait for the report. Thanks for the follow through.
Tom

Sent from my iPad

On Oct 12, 2017, at 6:34 PM, Canino, Carlos A. <(b) (6)> wrote:

He doesn't own any Glocks any more. His girlfriend or wife is also in videos demonstrating the bump technique with various firearms to include an SKS. The only way to know for sure would b to get paper on his house. I don't believe we have enough for that. I'm waiting for the finished ROI

Sent from my iPhone

On Oct 12, 2017, at 18:28, Brandon, Thomas E. <(b) (6)> wrote:

So he doesn't own the Glock that he demonstrated?
Why?I'm suspicious. He never mentioned bump firing in that video.

The video he did post as demonstrating bump firing was a slower rate than that 10-take shot. Look forward to reading the report.

Either way, this is an education re the bump fire technique.

Thanks,

Tom

Sent from my iPad

On Oct 12, 2017, at 5:38 PM, Canino, Carlos A. (b) (6) wrote:

Sent from my iPhone

Begin forwarded message:

From: (b) (6)

(b) (6)

Date: October 12, 2017 at 17:08:15 EDT

To: "Canino, Carlos A." (b) (6)

Subject: Glock Video

One of our IIC agents and an agent from the Bowling Green field office made contact with the person in the video (b) (6) at his work office. He was very cooperative. Our agent will write a report, but in summary, he is into professional and competitive shooting, and he made many YouTube videos before. He said he never own any machineguns, that he was "bump firing" in those videos. He said it looks easier than it is, and takes practice to do it. He said it took about 10+ takes to get it right in that video. He demonstrated to the agents

with his fingers how he does it. He said he never modified any of this firearms, that he would not want to damage them. He said he no longer owned any Glock pistols. He also mention that he was recently contacted by Fox News for permission to use one of his videos on bump firing.

(b) (6)

(b) (6) Chief
National Investigative Division
ATF Headquarters, Washington,
DC
O: (202) 648 (b) (6) | C: (b) (6)
(b) (6)

https://m.youtube.com/watch?v=fgoQ_7T47ig

<https://www.youtube.com/watch?v=btCHPKvGDZA>

Subject:

(b) (6)

(b) (6)

(b) (6)



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and ExplosivesMartinsburg, WV 25401
www.atf.gov903050:MSK
3111/2006-1088

OCT 13 2006

Mr. Jason A. Lee
[REDACTED]
[REDACTED]

Dear Mr. Lee:

This refers to your correspondence dated September 5, 2006, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Office of Public and Governmental Affairs, in which you ask about the legality of "bump-firing" a firearm and installing aftermarket parts enabling a firearm to more easily "bump-fire." Your letter was forwarded to the ATF Firearms Technology Branch (FTB), Martinsburg, West Virginia, for reply.

For your information, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines a "machinegun" as follows:


...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

The term "bump-fire" is a vernacular used in the firearms culture and is not defined in either the Gun Control Act of 1968 or the NFA. For present purposes, FTB will regard the term as meaning rapid manual trigger manipulation to simulate automatic fire. As long as you must consciously pull the trigger for each shot of the "bump-fire" operation, you are simply firing a semiautomatic weapon in a rapid manner and are not violating any Federal firearms laws or regulations.

Regarding the installation of various aftermarket parts; modifying fire-control components; installing Tac, Hellfire, or Hellstorm triggers; or attaching rubber bands to triggers to facilitate easier "bump-fire" operations, you should be aware that any modifications which permit a weapon to fire automatically more than one shot with a single function of the trigger could result in that weapon being defined as a "machinegun" as noted in 5845(b). Possession of an unregistered machinegun is a violation of Federal law.

We thank you for your inquiry and trust that the foregoing has been responsive to your request for information.

Sincerely yours,


Sterling Nixon
Chief, Firearms Technology Branch

FIELD PIO TALKING POINTS FOR LAS VEGAS SHOOTING

All questions directly related to the investigation are to be forwarded to the Las Vegas Metropolitan PD as they are the lead.

All questions related to bump stocks should be forwarded to HQ Public Affairs Division at 202-648-8500.

CONVERSION TO MACHINEGUNS

- In general, firearms parts and accessories are not regulated by the National Firearms Act (NFA) or the Gun Control Act (GCA).
- Devices that have been submitted to ATF for classification and are deemed a firearm “part” and not a “firearm,” are not subject to rules and regulations of the NFA or GCA. It is legal to purchase firearms parts and accessories.
- If a firearms part or accessory allows a firearm to be converted to fully automatic, it is no longer classified as a part or accessory, but rather as a machinegun. Then the device and firearm are subject to regulations of the NFA and any person in possession would need to be in compliance with applicable federal laws and regulations. A firearms part or accessory alone that is not coupled with a firearm, which is a combination of “parts” or a single “part,” that is designed and intended solely and exclusively for use in converting a non-NFA firearm into a machinegun is subject to all regulations of NFA.

SEMI-AUTOMATIC vs. “FULLY-AUTOMATIC” (“MACHINEGUN”)

- Semiautomatic is defined by the National Firearms Act (NFA) as having self-loading action that is used in the design and function of rifles, shotguns and pistols.
<https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-ammunition-and-implements-war-self>
- Machineguns are defined by the National Firearms Act (NFA) as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger, under the National Firearms Act.
<https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-national-firearms-act-definitions-0>

FIREARMS vs. FIREARMS PARTS:

- If a firearms part or accessory allows a firearm to be converted to fully automatic, it is no longer classified as a part or accessory but rather as a machinegun. The classification is based upon an evaluation of whether or not the firearms part or accessory in question alters the function of the firearm to shoot automatically, more than one shot without manual reloading, by a single function of the trigger.

FIREARMS PARTS AND ACCESSORIES CLASSIFICATIONS

- The firearms industry and individuals submit numerous items to ATF to make classifications (i.e. a “part”, a “firearm”, a “machinegun”, a “silencer”, etc.). These submissions are not required, but are submitted voluntarily to clarify what laws and regulations the items may or may not be subject to. ATF makes classifications based on the most current laws and regulations at the time of submission and on the results of a physical examination of that specific item.
- After ATF makes a classification, then the applicable laws and regulations related to the GCA and NFA, if any, apply to the item.
- Classifications are memorialized via a letter from ATF, which is provided to the requesting individual or entity. These letters are not made public by ATF due to individuals’ and/or entities’ privacy rights and/or proprietary rights. Classifications are particular to the item submitted for evaluation and do not apply to like items manufactured by a different entity.
- **ATF DOES NOT APPROVE ITEMS THAT ARE SUBMITTED FOR CLASSIFICATION.** ATF provides guidance to the industry and evaluates and classifies items submitted as either being a firearm, an NFA firearm, or not subject to the jurisdiction of ATF.
- Amendments to existing law or the introduction of new laws can have an impact on a previously submitted item that may cause an item’s classification to change. This later change in classification ensures consistency with the most current law. Additionally, if an item previously classified by ATF is changed or altered, this too can result in the item’s classification to change.

MULTIPLE SALES

- A multiple sale occurs when a licensed dealer or pawnbroker sells or otherwise disposes of, at one time or during any five consecutive business days, more than one semiautomatic rifle capable of accepting a detachable magazine and with a caliber greater than .22 (including .223/5.56 caliber) to an unlicensed person. <https://www.atf.gov/file/61741/download>
- The reporting of multiple sales for rifles requirement is applicable to licensed dealers and pawnbrokers in Arizona, California, New Mexico and Texas. However, all licensees remain obligated to submit reports of multiple sales or other dispositions of handguns when the licensee sells or otherwise disposes of two or more pistols or revolvers or any combination of pistols or revolvers totaling two or more, to an unlicensed person at one time or during any five consecutive business days.

- The reporting of multiple sales for pistols and revolvers is a separate requirement from the reporting of multiple sales of certain rifles.
- The multiple sales reporting requirement has no expiration date. The OMB form “Report of Multiple Sale or Other Disposition of Certain Rifles (ATF Form 3310.12) (OMB Number 1140-0100)” expires on Nov. 30, 2017. The form is expected to be renewed.

CLASSIFICATION LETTER

- Letters to firearms licensees are proprietary and ATF does not release these letters without approval from the licensee. Licensees may release them if they so choose.

NFA

- ATF is responsible for regulating and overseeing every person or business entity which intends to sell, manufacture and import firearms.
- The NFA Division maintains the National Firearms Registration and Transfer Record (NFRTR), the central registry of all NFA firearms in the United States.
- Possession of an unregistered machinegun (NFA) is a federal crime. In addition, some conversion kits are subject to NFA regulation.
- ATF conducts background checks on possessors of machineguns.
- Release of NFRTR Information
 - Information about whether someone does or does not have something registered on the NFRTR can NOT be released to the public, per 26 USC 6103 (tax information)
 - Whether someone is alive or dead does NOT matter.

GCA FIREARM DISCLOSURE RESTRICTION (Commonly referred to as the Tiahrt Amendment)

- Applies to information included on records mandated to be kept by FFLs pursuant to 18 USC 923(g)(3) and (7) and/or any information contained in the FTS or otherwise related to the tracing of a firearm.
- Includes 4473s, A&D books, Multiple Sale Forms, etc.
- Example: ATF finds a firearm laying on the ground next to a suspect and a credit card statement at his home with a purchase at Bob's Gun Shop

- Releasing information about the make and model of the gun you can clearly see laying on the ground does NOT violate the disclosure restriction.
 - Releasing that ATF found a credit card statement for a purchase at Some Unnamed Gun Shop does NOT violate the disclosure restriction.
 - If ATF goes to Bob's Gun Shop and asks if that suspect purchased that gun there, and the shop checks their records to confirm, ATF releasing that confirmation DOES violate the restriction. If ATF traces the firearm and it comes back to Bob's Gun Shop and ATF releases that confirmation, that DOES violate the restriction.
 - Whether a suspect associated with that trace is alive or dead does NOT matter. It would be a violation of the restriction either way as Congress has provided for specific exemptions in the restriction and the fact that a possessor or purchaser is deceased is not one of the specific exemptions.
- The GCA disclosure restriction does not apply to information not required to be maintained by an FFL. For example, ammunition and accessory purchases.

ADMINISTRATION AND EXECUTIVE ACTION

- ATF does not comment on pending legislation, nor executive changes or decisions. We continue to work closely with FFLs, those individuals licensed by ATF to engage in the business of manufacturing, importing, and dealing in firearms, to ensure they are in compliance with federal rules and regulations.
- **ATF does not comment on potential internal deliberations.**

BINARY EXPLOSIVES

- ATF does not regulate the sale and distribution of binary component chemicals (usually an oxidizer like ammonium nitrate and a fuel like aluminum or another metal) even when sold together in binary "kits." However, when the binary components are combined, the resulting mixture is an explosive material subject to the regulatory requirements, as mixing binary components together constitutes manufacturing explosives.
- Persons manufacturing explosives for their own personal, non-business use only (e.g., personal target practice) are not required to have a federal explosives license or permit.
- Individuals or entities must obtain a federal explosives license or permit if they intend to acquire and/or transport explosives materials, engage in the business as an explosives manufacturer, importer or dealer, or use explosives materials for their own business use.
www.atf.gov/explosives/binary-explosives
- Tannerite is the brand name of an exploding target used for firearms practice, sold in kit form and containing the components of a binary explosive.

To: Richardson, Marvin G. (b) (6) Allen, Joseph J. (b) (6)
Cc: Gilbert, Curtis W. (b) (6)
From: Griffith, Earl L.
Sent: Tue 10/3/2017 9:05:13 PM
Subject: Bump stock history
[Research-Bump Fire Stocks-OCT 2017.pdf](#)

Gentlemen,

This is all we could find in our data bases.

There are a total of eleven devices.

- (1) we did not evaluate because a physical sample was not included.
- (9) were classified as **NOT** machineguns.
- (1) was classified as Machinegun.

Below is an inventory of what is included in the attachment in order by date (oldest first).

Bump Fire / Slide Fire Device Classification - FATD - OCT 2017

<u>IQ #</u>	<u>Date</u>	<u>Letter Addressed to:</u> <u>Name-who submitted device</u>	<u>Name of Device</u>	<u>Classification</u>			<u>Photo</u> <u>Yes / No</u>
				<u>MachGun</u>	<u>NOT M/Gun</u>	<u>None Given</u>	
72350	06/18/08	(b) (6)	Bump Fire type stock		NOT		Y
74544	06/07/10	(b) (6)	Bump Fire Stock		NOT		Y
75918	11/23/11	(b) (6)	AFSA Stock	M/Gun			
76715	04/02/12	(b) (6)	BFS & Receiver Module		NOT		Y
76600	07/09/12	(b) (6)	Rapid Fire Stock		NOT		Y
76598	07/13/12	(b) (6)	Bump Fire Stock		NOT		Y
77918	02/11/13	(b) (6)	The "BUMPSKI"		NOT		Y

78025	05/01/13	(b) (6)	Bump Fire Stock		NOT		Y
301754	04/10/14	(b) (6)	Bump Fire Adapter			<i>none given</i>	N
303826	09/14/15	(b) (6)	Bump Fire Stock/Chassis		NOT		Y
304609	04/06/17	(b) (6)	Bump Fire Stock AR-type		NOT		Y

Earl Griffith
United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)
Chief, Firearms Ammunition Technology Division
Firearms Enforcement Officer
244 Needy Road
Martinsburg, WV 25405
Office (b) (6)



To: Shaefer, Christopher C. (b) (6)
From: Bennett, Megan A.
Sent: Fri 10/6/2017 6:23:25 PM
Subject: FW: Timeline Binder OCT 2017.pdf
Timeline Binder OCT 2017.pdf

From: (b) (6)
Sent: Friday, October 6, 2017 2:20 PM
To: Bennett, Megan A. (b) (6)
Cc: (b) (6) >
Subject: FW: Timeline Binder OCT 2017.pdf

Updated timeline with docs that (b) (6) has been working very hard on!

From: (b) (6)
Sent: Friday, October 6, 2017 12:20 PM
To: PGA - Legislative Affairs (b) (6) >
Subject: Timeline Binder OCT 2017.pdf

Attached is a binder with information, mainly ATF classification letters and (b) (6) bump stock history, gathered from various internet websites pertaining to the evaluation of devices being classified as machineguns, or not. Although the devices mentioned in last two internet articles are not similar to a bump stock device, they have information about how ATF classified the two (shoestring and autoglove). I will upload this to the L drive.

(b) (6)

	DATE	RULING/FFL/ INDIVIDUAL	SUBJECT	DETERMINATION	ATF official signature
1.	July 28, 2003	(b) (6)	Classification of device intended to facilitate rapid semiautomatic fire 3311/2002-404	NOT a machinegun	NIXON, Sterling
2.	October 20, 2003		Request of prototype		NIXON, Sterling
3.	November 17, 2003		Recoiling metal stock assembly	NOT a machinegun	NIXON, Sterling
4.	January 29, 2004		Clarification request regarding 3311/2004-096	NOT a machinegun	NIXON, Sterling
5.	October 13, 2006		Legality of bump fire		NIXON, Sterling
6.	November 22, 2006		Akins device reclassification	MACHINEGUN	VASQUEZ, Richard
7.	December 16, 2006	ATF Ruling 2006-2	Classification of Devices Exclusively Designed to Increase the Rate of Fire of a Semiautomatic Firearm		
8.	September 24, 2007	(b) (6)	Reconsideration of Ruling 2006-2	No change to ruling	RADEN, Lewis
9.	June 18, 2008		Metal type shoulder stock	NOT a machinegun	SPENCER, John
10.	June 26, 2008		Akins type device WITHOUT spring	NOT a machinegun	SPENCER, John
11.	June 7, 2010		Bump fire AR-15 type rifle; "bump stock"	NOT a machinegun	SPENCER, John
12.	March 9, 2011		Device to facilitate "bump firing" a firearm		
13.	November 23, 2011		Evaluation of "ASFS Stock" and magazine	MACHINEGUN	SPENCER, John
14.	April 2, 2012		Evaluation of stock	NOT a machinegun	SPENCER, John
15.	July 9, 2012		Evaluation of submitted "rapid fire stock"	NOT a machinegun	SPENCER, John
16.	July 13, 2012		Evaluation of submitted "bump fire" type stock	NOT a machinegun	SPENCER, John
17.	February 11, 2013		Evaluation of submitted "bump fire" type stock	NOT a machinegun	SPENCER, John
18.	May 1, 2013		Evaluation of submitted "bump fire" type stock	NOT a machinegun	GRIFFITH, Earl
19.	April 10, 2014				GRIFFITH, Earl
20.	September 14, 2015		Evaluation of 3D prototype rifle stock	NOT a machinegun	KINGERY, Max
21.	September 23, 2016		Classification of bump fire assistance device		
22.	April 6, 2017		Evaluation of Bump fire stock	NOT a machinegun	CURTIS, Michael

23.	July 13, 2012	The Honorable William M. Thornberry	ATF Congressional	Bump fire	ALLEN, Joe
24.	2004/2007	(b) (6)	Shoestring to increase rate of fire	NOT a machinegun	VASQUEZ, Richard
25.	September 16, 2017	Autoglove USA, LLC	Autoglove	MACHINEGUN	



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

SEP 8 0 2004

903050:RDC
3311/2004-379

www.atf.gov

Mr. Brian A. Blakely

Dear Mr. Blakely:

This refers to your letter of February 6, 2004, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you inquired about the legality of a small section of string intended for use as a means for increasing the cycling rate of a semiautomatic rifle.

As you may be aware, the National Firearms Act, 26 U.S.C. § 5845(b), defines "machinegun" to include the following:

...any weapon that shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. This term shall also include the frame or receiver of any such weapon, **any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person [bolding added].**

In 1996, FTB examined and classified a 14-inch long shoestring with a loop at each end. The string was attached to the cocking handle of a semiautomatic rifle and was looped around the trigger and attached to the shooter's finger. The device caused the weapon to fire repeatedly until finger pressure was released from the string. Because this item was designed and intended to convert a semiautomatic rifle into a machinegun, FTB determined that it was a **machinegun** as defined in 26 U.S.C. 5845(b).

We thank you for your inquiry, regret the delay in response, and trust the foregoing has been responsive.

Sincerely yours,

Sterling Nixon
Chief, Firearms Technology Branch



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401 903050:JPV
www.atf.gov 3311/2007-615

JUN 25 2007

Mr. Brian A. Blakely

Dear Mr. Blakely:

On February 6, 2004 you wrote to the Firearms Technology Branch (FTB) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) inquiring about the legality of a small section of string intended for use as a means for increasing the cycling rate of a semiautomatic rifle. We responded on September 30, 2004. In that letter we stated:

In 1996, FTB examined and classified a 14-inch long shoestring with a loop at each end. The string was attached to the cocking handle of a semiautomatic rifle and was looped around the trigger and attached to the shooter's finger. The device caused the weapon to fire repeatedly until finger pressure was released from the string. Because this item was designed and intended to convert a semiautomatic rifle into a machinegun, FTB determined that it was a **machinegun** as defined in 26 U.S.C. 5845(b). (Emphasis in original).

Upon further review, we have determined that the string by itself is not a machinegun, whether or not there are loops tied on the ends. However, when the string is added to a semiautomatic firearm as you proposed in order to increase the cycling rate of that rifle, the result is a firearm that fires automatically and consequently would be classified as a machinegun. To the extent that prior ATF classification letters are inconsistent with this letter, they are hereby overruled.

We hope that this clarifies our position. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Richard Vasquez
Acting Chief, Firearms Technology Branch



NOV 17 2003

903050 (b) (6)
3311/2004-096

(b) (6)

Dear (b) (6)

This refers to your recoiling metal stock assembly, designed for use on an SKS type semiautomatic rifle, that was received by the Firearms Technology Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), on August 21, 2003 for the purposes of examination and classification.

Our evaluation indicates that the submitted sample stock assembly measures approximately 36 inches long and approximately 9-7/8 inches at its widest point. It is marked (b) (6) "CORNELIUS OR", and "AA1". The following is a list of its physical characteristics:

- * rectangular channel, approximately 22-5/16 inches long;
- * barrel mounting block/spring actuated recoiling mechanism affixed to the forward end of the rectangular channel;
- * access cutout in the bottom of the rectangular channel for the trigger group and magazine;
- * two adjustable screws affixed to the underside of the rectangular channel; and
- * tubular pistol grip/shoulder stock assembly welded to the underside of the rectangular channel.

The proposed theory of operation of this stock involves the application of the movement of the counter recoiling rifle to initiate a rapid succession of semiautomatic fire. The shooter places his trigger finger behind the two adjustable screws and forward of the weapon's trigger. After the weapon is initially fired and the action is moved to the rear (by the recoiling mechanism), the subsequent forward movement of the action is halted

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(b) (6)

by the shooter's trigger finger being held against the adjustable screws. The trigger is then depressed, and a second firing of the weapon commences. The movements of the action within the stock assembly are used to consecutively fire the weapon in lieu of the traditional method of manually pulling the trigger.

The action of a semiautomatic SKS-type 7.62x39mm rifle from our firearms reference collection was placed within the submitted stock. The weapon was then test fired. Both of the adjustable screws fractured, breaking away from the underside of the stock. These fractures occurred on the second test firing. The weapon did not fire more than one shot by a single function of the trigger.

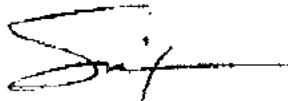
The National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term "machinegun" to include the following:

...any weapon that shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. This term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

Our examination has determined that the submitted stock assembly does not constitute a machinegun as defined in the NFA. It is not a part or parts designed and intended for use in converting a weapon into a machinegun.

We thank you for your submitted assembly and trust that the foregoing has been responsive.

Sincerely yours,



Sterling Nixon
Chief, Firearms Technology Branch



Bureau of Alcohol, Tobacco,

Firearms and Explosives

JAN 29 2004

903050 (b) (6)

3311/2004-308

www.atf.gov

(b) (6)

(b) (6)

This refers to your letter of January 21, 2004, to the Firearms Technology Branch, ATF, in which you request clarification of our previous correspondence (3311/2004-096) regarding the manufacture of a recoiling metal stock assembly that is designed for use on an SKS-type semiautomatic rifle.

As noted previously, the proposed theory of operation of this stock involves the application of the movement of the counter recoiling rifle to initiate a rapid succession of semiautomatic fire. Our examination and subsequent classification revealed that the stock did not constitute a "machinegun" as that term is defined in the National Firearms Act (NFA), 26 U.S.C. Chapter 53.

As indicated, during the course of our examination and testing of the item (SKS barreled action installed into the submitted stock), two set-screws dislodged from the frame. The weapon did not fire more than one shot by a single function of the trigger at any point throughout the testing.

Our classification of the stock assembly was rendered despite the fact that the screws dislodged from the frame. The theory of operation was clear even though the rifle/stock assembly did not perform as intended.

In conclusion, your prototype shoulder stock assembly does not constitute a "machinegun" as defined in the NFA. This evaluation is valid provided that when the

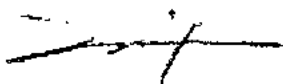
-2-

(b) (6)

stock is assembled with an otherwise unmodified SKS semiautomatic rifle, the rifle does not discharge more than one shot by a single function of the trigger.

We trust the foregoing has been responsive to your follow-up inquiry.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sterling Nixon", with a horizontal line extending to the right.

Sterling Nixon
Chief, Firearms Technology Branch



Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25404
www.atf.gov

903050 (b) (6)
3311/2006-1060
NOV 22 2006

BY HAND DELIVERY

(b) (6)

President
Akins Group, Inc.
935 S. Cherry Street #B
Cornelius, OR 97113

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) recently received a request from an individual to examine a device referred to as an "Akins Accelerator." Because your company is manufacturing and distributing the device, we are contacting you to advise you of the results of our examination and classification.

The National Firearms Act (NFA), Title 26 United States Code (U.S.C.) Chapter 53, defines the term "firearm" to include a machinegun. Section 5845(b) of the NFA defines the term "machinegun" as follows:

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

Machineguns are also regulated under the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, which defines the term in the same way as in the NFA. 18 U.S.C. § 921(a)(23). Pursuant to 18 U.S.C. § 922(o), machineguns manufactured on or after May 19, 1986, may only be manufactured for and distributed to Federal, State, and local government agencies for official use.

The Firearms Technology Branch (FTB) examination of the submitted item indicates that the Akins Accelerator is an accessory that is designed and intended to accelerate the rate of fire for Ruger 10/22 semiautomatic firearms. The Akins Accelerator device, which is patented, consists of the following metal block components (also see enclosed photos):

13.

- Block 1: A metal block that replaces the original manufacturer's V-Block of the 10/22 rifle. The replacement block has two rods attached that are approximately ¼ inch in diameter and approximately 6 inches in length.
- Block 2: A metal block that is approximately 3 inches long, 1-3/8 inches wide, and ¾ of an inch high that has been machined to allow the two guide rods to pass through. Block 2 serves as a support for the guide rods and as an attachment to the stock.

As received, the Akins Accelerator utilizes the following parts and features to facilitate assembly:

- Assembly of Block 1 to Block 2: These blocks are assembled using ¼ inch rods, metal washers, rubber and metal bushings, two collars with set screws, one coiled spring, C-clamps, and a split ring.
- Apertures for Attachment of Stock: Block 2 is drilled and tapped for two 10-24 NC screws. These threaded holes allow the attachment of the Akins device with Ruger 10/22 barreled receiver to the composite stock that is a component part of the Akins device.

The composite stock is designed for a Ruger 10/22 barrel and receiver. This stock permits the entire firearm (receiver and all its firing components) to recoil a short distance within the stock when fired. Rearward pressure on the trigger causes the firearm to discharge, and as the firearm moves rearward in the composite stock, the shooter's trigger finger contacts the stock. The trigger mechanically resets, and the accelerator, which has a coiled spring located forward of the firearm receiver, is compressed. Energy from this accelerator spring subsequently drives the firearm forward into its normal firing position and, in turn, causes the trigger to contact the shooter's trigger finger, so long as the shooter maintains finger pressure against the stock, making the weapon fire again. The Akins device assembled with a Ruger 10/22 is advertised to fire approximately 650 rounds per minute.

For testing purposes, FTB personnel installed a semiautomatic Ruger 10/22 rifle from the National Firearms Collection into the stock, with the Akins device attached. Live-fire testing of the Akins Accelerator demonstrated that a single pull of the trigger initiates an automatic firing cycle that continues until the finger is released, the weapon malfunctions, or the ammunition supply is exhausted.

In order to be regulated as a "machinegun" under Section 5845(b), conversion parts must be designed and intended to convert a weapon into a machinegun, *i.e.*, a weapon that shoots automatically more than one shot, without manual reloading, by a **single function of the trigger**. Legislative history for the National Firearms Act indicates that the drafters equated "single function of the trigger" with "single pull of the trigger." National Firearms Act: Hearings Before the Comm. on Ways and Means, House of Representatives, Second Session on H.R. 9066, 73rd Cong., at 40 (1934). Accordingly, it is the position of this agency that conversion parts that are designed and intended to convert a weapon into a machinegun, that is, one that will

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(b) (6)

shoot more than one shot, without manual reloading, by a single pull of the trigger, are regulated as machineguns under the National Firearms Act and the Gun Control Act.

We note that by letters dated November 17, 2003, and January 29, 2004, we previously advised you that we were unable to test-fire a prototype of the Akins device that you sent in for examination. However, both letters state that the theory of operation is clear, and because the device is not a part or parts designed and intended for use in converting a weapon into a machinegun, it is not a machinegun as defined under the National Firearms Act. The previous classification was based on a prototype that fractured when this office attempted to test fire it. Nonetheless, the theory of operation of the prototype and the Akins Accelerator is the same. To the extent the determination in this letter is inconsistent with the letters dated November 17, 2003, and January 29, 2004, they are hereby overruled.

Manufacture and distribution of the Akins Accelerator device must comply with all provisions of the NFA and the GCA. Accordingly, any devices you currently possess must be registered in accordance with 26 U.S.C. § 5822 and regulations in Part 27 Code of Federal Regulations (C.F.R.) § 479.103. If you do not wish to register the devices, they should immediately be abandoned to the nearest ATF Office. You may contact the Portland field office at (503) 331-7850 to arrange for abandonment of the weapons. Pursuant to 18 U.S.C. § 922(o), the devices may only be manufactured for and distributed to Federal, State, and local law enforcement agencies. In addition, the devices must be marked in accordance with 18 U.S.C. § 923(i), 26 U.S.C. § 5842, 27 C.F.R. § 478.92, and 27 C.F.R. § 479.102. If you have questions about any of these provisions of law, please contact Acting Assistant Chief Cherie A. Knoblock in the Firearms Programs Division at (202) 927-7770.

Sincerely yours,



Richard Vasquez
Assistant Chief, Firearms Technology Branch

cc: SAC, Seattle Field Division
DIO, Seattle Field Division
Division Counsel, Seattle
Assistant Chief Counsel, San Francisco

Enclosures

15



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

JUN 18 2008

903050 (b) (6)

3311/2008-371

(b) (6)

(b) (6)

This is in reference to your submitted item, as well as accompanying correspondence, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB). This item, consisting of a metal type shoulder stock, was submitted with a request for classification under the Gun Control Act (GCA) and National Firearms Act (NFA).

As background information, the NFA, 26 U.S.C. Section 5845(b), defines "machinegun" as—

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

The device submitted for evaluation consists of the following:

- Two sections of square metal tubing, the exterior tube measuring approximately 10 x 1-1/2 x 1-1/2 inches. Additionally, a flat piece of metal similar in shape to a butt plate is welded to the rear of the exterior tube.
- An interior tube measuring approximately 12-9/16 x 1-1/4 x 1-1/4 inches.
- A flat piece of metal measuring 4-3/4 x 1-3/8 x 3/16 inches attached by means of welding to the bottom and located on the front of the exterior tubing.
- A cylindrically shaped section of pipe that acts as pistol grip and is attached to the previously described flat piece of metal by means of welding. It measures approximately 4-1/8 inches in length and 1-5/16 inches in diameter.
- A support bar attached to the pistol grip and butt plate by means of welding. It measures approximately 11-1/4 x 13/16 x 3/8 inches.
- Interior tubing that has been drilled and tapped for two oval head screws which are located on the left and right side. These screws are used to stop the rearward movement after a short distance of travel. Additionally, two holes have been drilled and tapped into the top of the interior tube which allow attachment of the device to an AK-type rifle.

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(b) (6)

- An exterior-tube slot (1-3/16 inches) milled on the bottom, approximately 4-3/16 inches from the front of the tube. The interior tubing has a hole drilled and tapped to accept an oval head screw. This screw supports the two previously mentioned stop screws on the interior tubing. It also stops the forward travel of the interior tubing after a short distance of travel.

To install this shoulder-stock device on an AK-type rifle, the shoulder stock and independent pistol grip has to be removed. Next, the front of the interior tube has to be inserted into the interior cavity of the receiver of the AK-type rifle, and the attachment screws installed.

The FTB live-fire testing of the submitted device indicates that if, as a shot is fired, an intermediate amount of pressure is applied to the fore-end with the support hand, the shoulder stock device will recoil rearward far enough to allow the trigger to mechanically reset. Continued intermediate pressure applied to the fore-end will then push the receiver assembly forward until the trigger re-contacts the shooter's stationary firing hand finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the firearm forward to fire each shot, each shot being fired by a single function of the trigger. Further, every subsequent shot depends on the shooter applying the appropriate amount of forward pressure to the fore-end and timing it to contact the trigger finger on the firing hand.

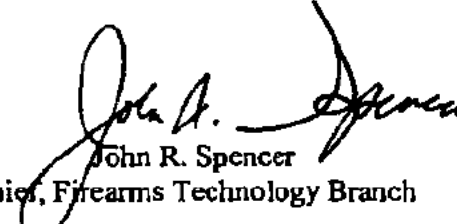
Since your device is incapable of initiating an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, FTB finds that it is NOT a machinegun under the NFA, 26 U.S.C. 5845(b), or the GCA, 18 U.S.C. 921(a)(23).

Please note that this classification is based on the item as submitted. Any changes to its design features or characteristics will void this classification. In addition, we caution that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described will result in the manufacture of a machinegun as defined in the NFA, 26 U.S.C. 5845(b).

Please provide our Branch with a FedEx account number so that we may return this item to you.

We thank you for your inquiry and trust the foregoing has been responsive to your request.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

903050:MSK

3311/2011-502

MAY 25 2011

Mr. Len Savage
Historic Arms, LLC
1486 Cherry Road
Franklin, Georgia 30217

Dear Mr. Savage:

This is in reference to your sample, as well as accompanying correspondence, which was submitted to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). You have submitted this item, consisting of a Chinese, Type 56 (SKS) rifle and a stock of your own manufacture, with a request for classification under the National Firearms Act (NFA).

As you know, the NFA, 26 U.S.C. § 5845(b), defines the term “**machinegun**” as follows:

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

Further, ATF Ruling 2006-2 describes a device that is designed and intended to accelerate the rate of fire of a semiautomatic weapon and classifies it as follows:

Held, a device (consisting of a block replacing the original manufacturer's V-Block of a Ruger 10/22 rifle with two attached rods approximately 1/4 inch in diameter and approximately 6 inches in length; a second block, approximately 3 inches long, 1 3/8 inches wide, and 3/4 inch high, machined to allow the two guide rods of the first block to pass through; the second block supporting the guide rods and attached to the stock; using 1/4 inch rods; metal washers; rubber and metal bushings; two collars with set screws; one coiled spring; C-clamps; a split ring; the

Mr. Len Savage

two blocks assembled together with the composite stock) that is designed to attach to a firearm and, when activated by a single pull of the trigger, initiates an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, is a machinegun under the NFA, 26 U.S.C. 5845(b), and the ...[Gun Control Act: GCA]... 18 U.S.C. 921(a)(23).

The submitted device (also see enclosed photos) incorporates the following features or characteristics:

- A metal block which secures the SKS trigger mechanism to the remainder of the weapon (a function formerly accomplished by the weapons factory stock). A metal rod is attached and protrudes from the rear section of this metal block. This rod rides within a bushing inletted into the rear portion of your "ALM" stock.
- A second metal block which has been machined to allow the three guide rods located in the front portion of your stock to pass through it. This component serves as a support for the front portion of the SKS rifle and as an attachment to the modified stock.
- A forward hand guard/gripping surface which is attached to the bottom portion of the second metal block noted above.
- Lack of any operating springs, bands, or other devices which would permit automatic firing.

Your ALM stock is designed to allow the SKS rifle mounted within it to reciprocate back and forth in a linear motion. The absence of an accelerator spring or similar component in the submitted device prevents the device from operating automatically as described in ATF Ruling 2006-2. When operated, forward pressure must be applied to the above noted forward hand-guard/gripping surface with the support hand, bringing the receiver assembly forward to a point where the trigger can be pulled by the firing hand. If sufficient forward pressure is not applied to the hand guard with the support hand, the rifle can be fired in a conventional semiautomatic manner since the reciprocation of the receiver assembly is eliminated.

The FTB live-fire testing of the submitted device indicates that if, as a shot is fired and a sufficient amount of pressure is applied to the hand guard/gripping surface with the shooter's support hand, the SKS rifle assembly will come forward until the trigger re-contacts the shooter's stationary firing-hand trigger finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the receiver assembly forward to fire each shot, each shot being fired by a single function of the trigger.

Since your device does not initiate an automatic firing cycle by a single function of the trigger, FTB finds that it is NOT a machinegun under the NFA, 26 U.S.C. 5845(b), or the GCA, 18 U.S.C. 921(a)(23).

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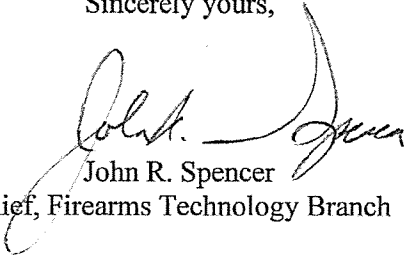
Mr. Len Savage

Please note that this classification is based on the item as submitted. Any changes to its design features or characteristics will void this classification. Moreover, we caution that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described in Ruling 2006-2 will result in the manufacture of a machinegun as defined in the NFA, 26 U.S.C. 5845(b).

Please provide our Branch with a FedEx account number so that we may return this item to you.

We thank you for your inquiry and trust that the foregoing has been responsive to your evaluation request.

Sincerely yours,



John R. Spencer
Chief, Firearms Technology Branch

Enclosure

-4-

Mr. Len Savage

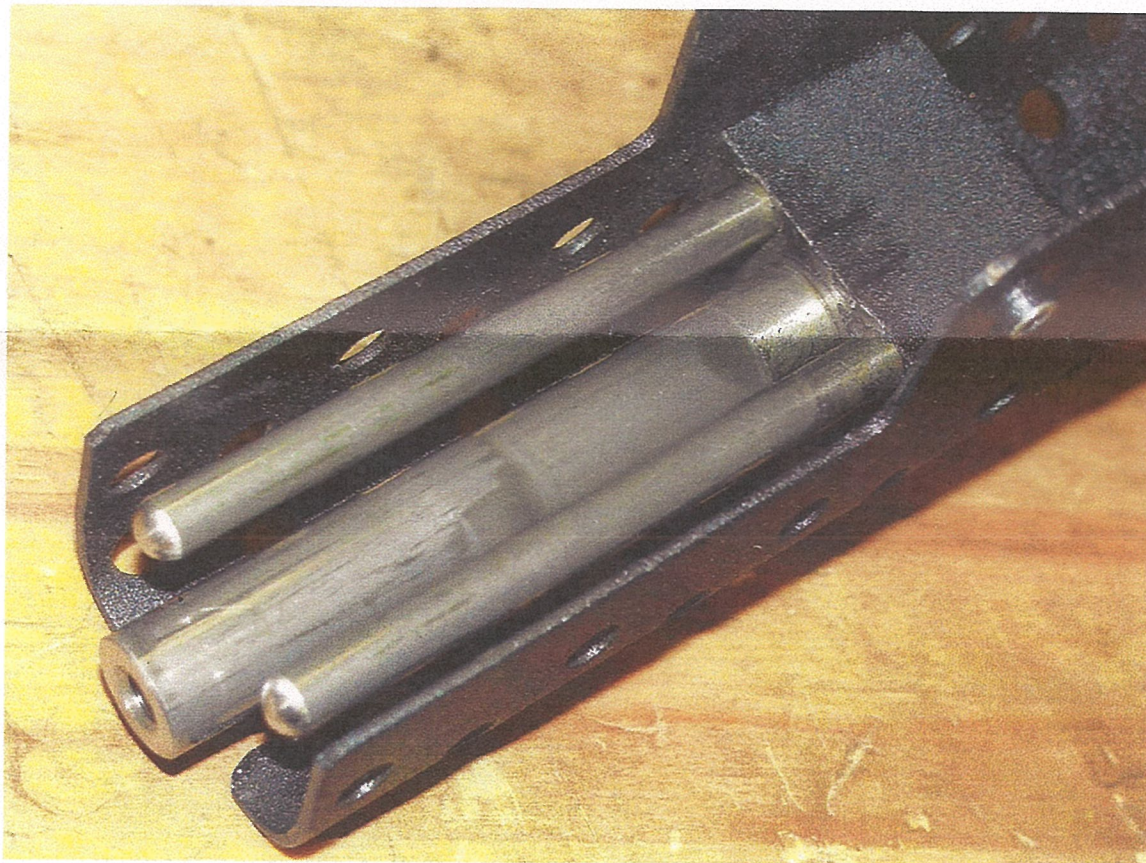
Submitted device assembled:



-5-

Mr. Len Savage

View of the three forward guide rods:



-6-

Mr. Len Savage

Metal block which secures SKS rifle and rides over the guide rails pictured above:



-7-

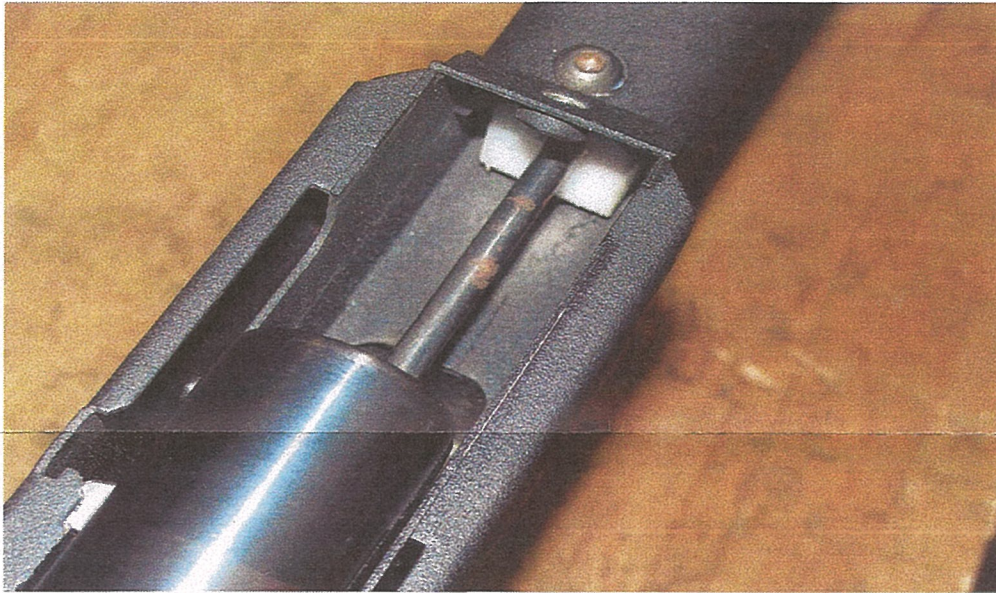
Mr. Len Savage

Metal block which secures trigger mechanism and metal rod which rides in bushing located in rear portion of the ALM stock:



-8-

Mr. Len Savage





Bureau of Alcohol, Tobacco,
Firearms and Explosives

983050 (b) (6)

Martinsburg, West Virginia 25405 3311 2007-812

atf.gov

JUN 26 2008

(b) (6)

Dear (b) (6)

This is in reference to your submitted item, as well as accompanying correspondence, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB). This item, consisting of a Ruger 10/22 rifle and stock which you have modified to incorporate what you refer to as an Akins Accelerator type device of your own manufacture, was submitted with a request for classification under the Gun Control Act (GCA) and National Firearms Act (NFA). This submission was sent in response to our earlier reply to your initial correspondence (see FTB #3311/2007-383).

As you may be aware, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term “**machinegun**” as follows:

“...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

Further, **ATF Ruling 2006-2** describes a device that is designed and intended to accelerate the rate of fire of a semiautomatic weapon and classifies it as follows:

Held, a device (consisting of a block replacing the original manufacturer’s V-Block of a Ruger 10/22 rifle with two attached rods approximately ¼ inch in diameter and approximately 6 inches in length; a second block, approximately 3 inches long, 1 ½ inches wide, and ¼ inch high, machined to allow the two guide rods of the first block to pass through; the second block supporting the guide rods and attached to the stock; using ¼ inch rods; metal washers; rubber and metal bushings; two collars with set screws; one coiled spring; C-clamps; a split ring; the

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two blocks assembled together with the composite stock) that is designed to attach to a firearm and, when activated by a single pull of the trigger, initiates an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, is a machinegun under the NFA, 26 U.S.C. 5845(b), and the GCA, 18 U.S.C. 921(a)(23).

The submitted device (also see enclosed photos, pages 4 and 5) incorporates the following features:

- A metal block that replaces the original manufacturer's V-Block from the 10/22 rifle. The replacement block has two rods attached that are approximately ¼ inch in diameter and approximately 6 inches in length.
- A second metal block which has been machined to allow the two guide rods to pass through. This component serves as a support for the guide rods and as an attachment to the modified stock.
- A third rod, threaded into the outside rear of the 10/22 receiver, rides within a bushing inletted into the tang area of the stock immediately behind the receiver.
- Two external finger stops mounted to the stock, adjacent to the rifle's trigger guard, which limit the rearward travel of the shooter's trigger finger.
- The device does not incorporate an operating spring like the original Akkins Accelerator, but has been modified to utilize a thumbscrew which protrudes downward through the fore end of the stock, and allows the operator to apply manual forward pressure to the device.

The absence of an accelerator spring in the submitted device prevents the device from operating automatically as described in ATF Ruling 2006-2. Conversely, forward pressure must be applied to the thumb screw with the support hand, bringing the receiver assembly forward to a point where the trigger can be pulled by the firing hand. If strong forward pressure is applied to the thumb screw with the support hand, the rifle can be fired in a conventional semiautomatic manner since the reciprocation of the receiver assembly is eliminated. If, upon firing, weak pressure is applied to the thumb screw with the support hand, the receiver assembly will recoil rearward past the finger stops, requiring that the shooter push the receiver assembly forward before a subsequent shot can be fired.

The FTB live-fire testing of the submitted device indicates that if, as a shot is fired, an intermediate amount of pressure is applied to the thumb screw with the support hand, the receiver assembly will recoil rearward far enough to allow the trigger to mechanically reset. Continued intermediate pressure applied to the thumb screw will then push the receiver assembly forward until the trigger re-contacts the shooter's stationary firing hand finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the receiver assembly forward to fire each shot, each shot being fired by a single function of the trigger.

-3-

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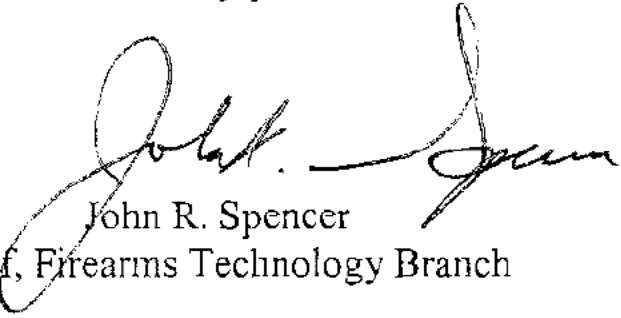
Since your device does not, when activated by a single function of the trigger, initiate an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, FTB finds that it is NOT a machinegun under the NFA, 26 U.S.C. 5845(b), or the GCA, 18 U.S.C. 921(a)(23).

Please note that this classification is based on the item as submitted. Any changes to its design features or characteristics will void this classification. Moreover, we caution that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described in ATF Ruling 2006-2 will result in the manufacture of a machinegun as defined in the NFA, 26 U.S.C. 5845(b).

Please provide our Branch with a FedEx account number so that we may return this item to you.

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,



John R. Spencer
Chief, Firearms Technology Branch

Enclosures

U. S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Correspondence Approval and Clearance

903050 (b) (6)
3311/2010-434

(b) (6)

P.O. Box 3175
Albany, Texas 76430

(b) (6)

This is in reference to your submission and accompanying letter to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), asking for an evaluation of a replacement shoulder stock for an AR-15 type rifle. Your letter advises that the stock (referenced in this reply as a "bump-stock") is intended to assist persons whose hands have limited mobility to "bump-fire" an AR-15 type rifle. Your submission includes the following: a block to replace the pistol grip while providing retention for the selector stop spring; a hollow shoulder stock intended to be installed over the rear of an AR-15 fitting with a sliding-stock type buffer-tube assembly; and a set of assembly instructions.

The FTB evaluation confirmed that the submitted stock (see enclosed photos) does attach to the rear of an AR-15 type rifle which has been fitted with a sliding shoulder-stock type buffer-tube assembly. The stock has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed. In order to use the installed device, the shooter must apply constant forward pressure with the non-shooting hand and constant rearward pressure with the shooting hand. Accordingly, we find that the "bump-stock" is a firearm part and is not regulated as a firearm under Gun Control Act or the National Firearms Act.

Per your telephoned instructions, we will contact you separately to make return delivery arrangements.

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,

John R. Spencer
Chief, Firearms Technology Branch

Enclosure

Code	Initiator	Reviewer	Reviewer	Reviewer	Reviewer	Reviewer	Reviewer
Sumame	(b) (6)						
Date							

1710

EVAL.

2010-434- (b) (6)

(b) (6)

PO Box 3175

Albany, TX 76430

(b) (6)

RECEIVED

ATTN: Chief John Spencer
BATFE Firearm Technology Branch
244 Needy Road
Martinsburg, WV 25405 USA

BY:

ph# 325-668-6770

To Whom It May Concern:

Included in the box is a rifle stock that I had made for my standard AR-15 rifle. I have included an instruction pamphlet explaining how to install the stock on a standard AR-15 rifle. The stock has a finger rest located on the left side of the pistol grip. There is also a two position switch that locks the stock in place or allows the stock to slide a 1/2" when bump-firing. I have found that this is much safer than just removing the locking pin on my standard rifle stock, and this also allows me to properly hold the rifle when I am shooting. It also has the added benefit of allowing someone with limited mobility in their fingers the ability to use their off-hand to assist them in firing the rifle. This is an alternative to the standard rifle stock, but I wanted to ensure that it was not violating any Federal laws. If you would please review the rifle stock and inform me of your decision I would greatly appreciate it. You may contact me at the above listed address or via email at: (b) (6)

(b) (6)



Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

903050 (b) (6)
3311/2012-196

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APR 02 2012

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This is in reference to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), requesting FTB to evaluate an accompanying stock and determine if its design would violate any Federal statutes.

As background information, the National Firearms Act (NFA), 26 U.S.C. Section 5845(b), defines "machinegun" as—

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

The FTB evaluation confirmed that you have submitted a plastic shoulder stock designed to function on an AR-15 type rifle (see enclosed photos). For your stock to function in the manner intended, it has to be attached to an AR-15 type platform that is assembled with a collapsible-stock receiver extension. Along with the shoulder stock, you have submitted what you have identified as a "receiver module." This module is a plastic block approximately 1-5/16 inches high, about 1-3/8 inches long, and approximately 7/8-inch wide. Additionally, there are two extensions, one on each side, that are designed to travel in the two slots configured on the shoulder stock. The receiver module replaces the AR-15 pistol grip.

Further, the submitted custom shoulder stock incorporates a pistol grip. This grip section has a cavity for the receiver module to move forward and backward. Additionally, two slots have been cut for the receiver module extensions to travel in. The upper section of the shoulder stock is designed to encapsulate the collapsible receiver extension. Further, the custom stock is

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designed with a "lock pin." When the handle on the lock pin is facing in the 3- to 9-o'clock positions, the stock is fixed and will not move; and when the handle on the lock pin is facing in the 12- to 6-o'clock positions, the stock is movable.

The FTB live-fire testing of the submitted device indicates that if, as a shot is fired, an intermediate amount of pressure is applied to the fore-end with the support hand, the shoulder stock device will recoil sufficiently rearward to allow the trigger to mechanically reset. Continued intermediate pressure applied to the fore-end will then push the receiver assembly forward until the trigger re-contacts the shooter's stationary firing hand finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the firearm forward to fire each shot, the firing of each shot being accomplished by a single trigger function. Further, each subsequent shot depends on the shooter applying the appropriate amount of forward pressure to the fore-end and timing it to contact the trigger finger on the firing hand, while maintaining constant pressure on the trigger itself.

Since your device is incapable of initiating an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, FTB finds that it is not a machinegun as defined under the NFA, 26 U.S.C. 5845(b), or the Gun Control Act, 18 U.S.C. 921(a)(23).

Please be advised that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Further, we caution that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described will result in the manufacture of a machinegun as defined in the NFA, 5845(b).

To facilitate the return of your sample, to include the module, please provide FTB with the appropriate FedEx or similar account information within 60 days of receipt of this letter. If their return is not necessary, please fax FTB at 304-616-4301 with authorization to destroy them on your behalf.

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,



John R. Spencer
Chief, Firearms Technology Branch

Enclosure

(b) (6)

Custom Alternative Stock for AR-15 type rifle



(b) (6)

Custom Stock Installed on AR-15 type Rifle





Bureau of Alcohol, Tobacco,
Firearms and Explosives

903050 (b) (6)
3311/2012-081

www.atf.gov

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Saigatechusa/Ramlake, LLC
4540 South Berkeley Lake Road
Norcross, Georgia 30071

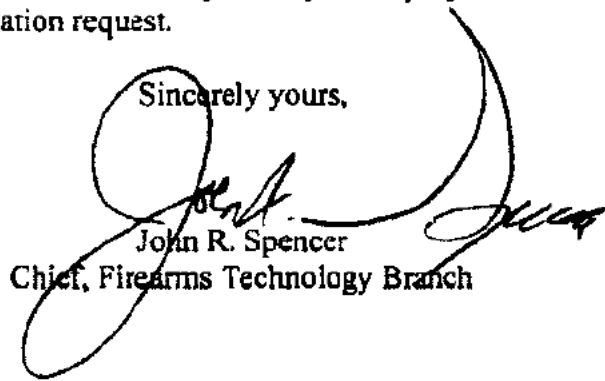
Dear (b) (6)

This is in reference to your recent submission and accompanying letter to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), asking for an evaluation of a replacement shoulder stock for a Saiga-12 type shotgun. Your letter advises that the stock (referenced in this reply as a "Rapid Fire Stock") is intended to assist persons with limited mobility to "bump-fire" an AK-type weapon (such as the Saiga-12 shotgun). The submitted Saiga-12 shotgun has been fitted with an AR-15 stock adapter, as well as a modified, AR-15 type, collapsible stock assembly. The modified assembly incorporates a trigger finger stop and allows the shotgun to slide back and forth, independently of the shoulder stock and pistol grip.

The FTB evaluation confirmed that the submitted stock (see enclosed photos) has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed. In order to use the installed device, the shooter must apply constant forward pressure with the non-shooting hand and constant rearward pressure with the shooting hand. Accordingly, we find that the "Rapid Fire Stock" is a firearm part and is not regulated as a firearm under Gun Control Act or the National Firearms Act.

Please note that this determination pertains to the Rapid Fire Stock as received and evaluated by our Branch. Any changes to the design features or physical characteristics of the Rapid Fire Stock will void this classification. We thank you for your inquiry and trust that the foregoing has been responsive to your evaluation request.

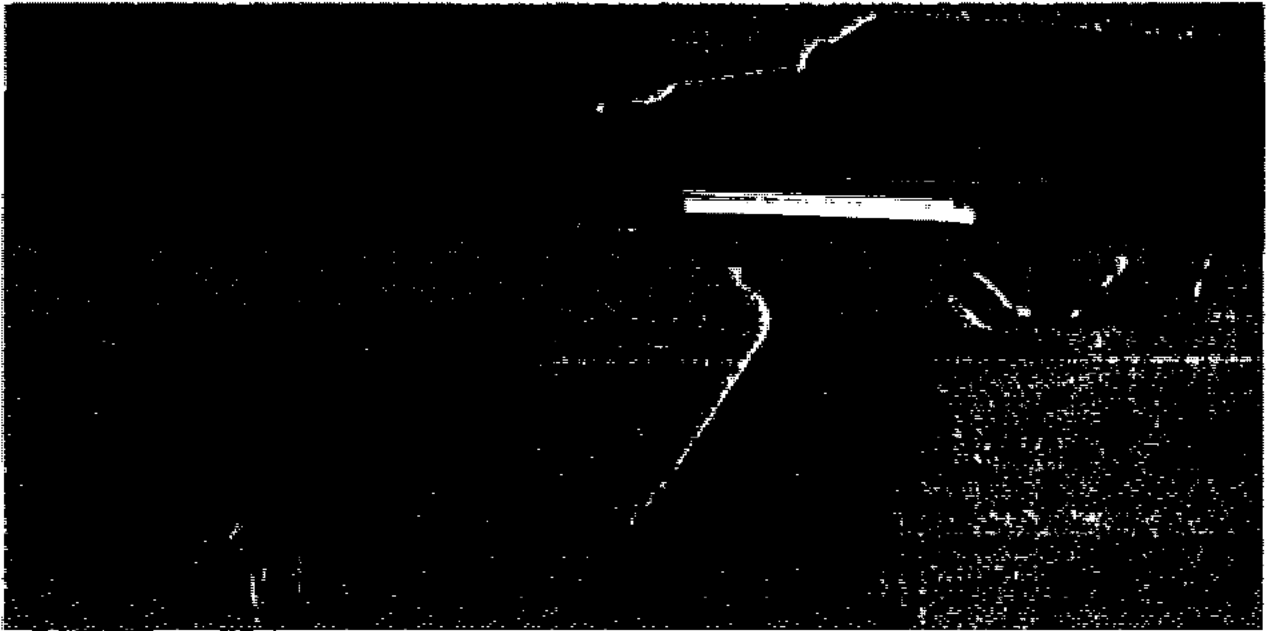
Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch

Enclosure

(b) (6)

Submitted item:





U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

903050 (b) (6)
3311/2012-079

(b) (6)

JUL 13 2012

Phoenix Technology, Ltd.
210 Progress Dr.
Burgaw, North Carolina 28425

(b) (6)

This is in reference to your sample, as well as accompanying correspondence, which was submitted to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The sample, consisting of a replacement "bump fire" type stock designed for use with a semiautomatic AK-pattern type rifle, was furnished to FTB with a request for classification under Federal firearms laws. (As received, the left-side wall of this stock was cracked.)

As you know, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term "machinegun" as—

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

Further, ATF Ruling 2006-2 describes a device that is designed and intended to accelerate the rate of fire of a semiautomatic weapon and classifies it as follows:

Held, a device (consisting of a block replacing the original manufacturer's V-Block of a Ruger 10/22 rifle with two attached rods approximately ¼ inch in diameter and approximately 6 inches in length; a second block, approximately 3 inches long, 1 ¾ inches wide, and ¾ inch high, machined to allow the two guide rods of the first block to pass through; the second block supporting the guide rods and attached to the stock; using ¼ inch rods; metal washers; rubber and metal bushings; two collars with set screws; one coiled spring; C-clamps; a split ring; the

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two blocks assembled together with the composite stock) that is designed to attach to a firearm and, when activated by a single pull of the trigger, initiates an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, is a machinegun under the NFA, 26 U.S.C. 5845(b), and the ...[Gun Control Act: GCA]... 18 U.S.C. 921(a)(23).

The submitted device (also see enclosure) incorporates the following features or characteristics:

- A plastic block which is designed to be inserted into the rear section of a stamped AK-type receiver and secures the "burst stock" to the remainder of the weapon utilizing the factory tang of the AKM rifle. This block is attached to a pistol-like assembly which reciprocates within a hollow metal buffer-style tube attached to the rear section of your stock.
- A collapsible AR-15 style shoulder stock.
- An attached pistol grip assembly.
- Two screws used to secure your stock to the AKM rifle.
- The stock's lack of any operating springs, bands, or other devices which would permit automatic firing.

Your stock is designed to allow the AKM-type semiautomatic rifle mounted to it to reciprocate back and forth in a linear motion. The absence of an accelerator spring or similar component in the submitted device prevents it from operating automatically as described in ATF Ruling 2006-2. When operated, forward pressure must be applied to the forward handguard/fore-end of the AKM rifle mounted to your stock with the support hand, bringing the receiver assembly forward to a point where the trigger can be pulled by the firing hand. If sufficient forward pressure is not applied to the handguard with the support hand, the rifle can be fired in a conventional semiautomatic manner since the reciprocation of the receiver assembly is eliminated.

The FTB examination of the submitted device indicates that if, as a shot is fired and a sufficient amount of pressure is applied to the handguard/gripping surface with the shooter's support hand, the AKM rifle assembly will come forward until the trigger re-contacts the shooter's stationary firing-hand trigger finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the receiver assembly forward to fire each shot, each shot being fired by a single function of the trigger.

Since your device does not initiate an automatic firing cycle by a single function of the trigger, FTB finds that it is NOT a machinegun under the NFA, 26 U.S.C. 5845(b), or the GCA, 18 U.S.C. 921(a)(23).

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We caution that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Moreover, we should point out that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described in Ruling 2006-2 will result in the manufacture of a machinegun as defined in the NFA, 26 U.S.C. 5845(b).

Please provide our Branch with a FedEx account number so that we may return this item.

We thank you for your inquiry and trust that the foregoing has been responsive to your evaluation request.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch

Enclosure



Bureau of Alcohol, Tobacco,
Firearms and Explosives

Director, Bureau of Alcohol, Tobacco,
Firearms and Explosives

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3311/2013-149

FEB 11 2013

(b) (6)

FoSTech Outdoors, LLC
9290 West County Road 750 South
Paris Crossing, Indiana 47270

Dear (b) (6)

This is in reference to your sample, as well as accompanying correspondence, which was submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB). The sample, consisting of a replacement "bump-fire" type stock (or "Bumpski") designed for use with a semiautomatic AK-pattern type rifle, was furnished to FTB for classification under Federal firearms laws.

As you know, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term "machinegun" as

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

The submitted device (see enclosed photos) incorporates the following features or characteristics:

- A non-ferrous metal "upper portion" of the stock, designed for insertion into the rear section of a stamped AK-type receiver and, also, for securing the "Bumpski" to the remainder of the weapon utilizing the factory tang of the AKM rifle.
- "Lower portion" to which this "upper portion" is assembled: The "lower" consists of a pistol-gripped assembly which reciprocates within the "upper portion" of the buttstock.
- Four screws used to secure your stock to the AKM rifle.
- A "selector bar" to prevent linear movement of the non-ferrous "lower portion" of the stock.
- Lack of any operating springs, bands, or other parts which would permit automatic firing.

(b) (6)

Your stock is designed to allow the AKM-type semiautomatic rifle mounted to it to reciprocate back and forth in a linear motion. The absence of an accelerator spring or similar component in the submitted device prevents it from operating automatically. When operated, forward pressure must be applied with the support hand to the forward handguard fore-end of the AKM rifle mounted to your stock, bringing the receiver assembly forward to a point where the trigger can be pulled by the firing hand. If sufficient forward pressure is not applied to the handguard with the support hand, the rifle can be fired in a conventional semiautomatic manner since the reciprocation of the receiver assembly is eliminated.

The FTB examination of the submitted device indicates that if, as a shot is fired and a sufficient amount of pressure is applied to the handguard gripping surface with the shooter's support hand, the AKM rifle assembly will come forward until the trigger re-contacts the shooter's stationary firing-hand trigger finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the receiver assembly forward to fire each shot, each shot being fired by a single function of the trigger.

Since your device does not initiate an automatic firing cycle by a single function of the trigger, FTB finds that it is NOT a machinegun under the NFA, 26 U.S.C. 5845(b), or the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(23).

We caution that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Moreover, we should point out that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically will result in the manufacture of a machinegun as defined in the NFA, 5845(b).

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch

Enclosure



Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226
www.atf.gov

APR 16 2013

The Honorable Ed Perlmutter
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Perlmutter:

This is in response to your letter dated March 5, 2013, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to rescind a previous evaluation letter and to classify all bump-fire stocks (to include specifically the Slide Fire Solutions stock) as machineguns.

As you have indicated, machineguns are defined in the National Firearms Title Act, 26 United States Code Chapter 53 Section 5845(b). The definition has four distinct parts. The first, as you point out, states that a machinegun is “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a *single function of the trigger*.” The remaining portions of the definition go on to state that: “[t]he term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts *designed and intended, for use in converting a weapon into a machinegun*, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

In the course of examining a number of bump-fire stocks, ATF found that none of these devices could shoot nor did they constitute firearm frames or receivers; therefore, the first portion of the machinegun definition can not apply. Those bump-fire stocks which were found to convert a weapon to shoot automatically were classified as machineguns and regulated accordingly—most notably, the Akins Accelerator. Other bump-fire stocks (such as the SlideFire Solutions stock) that ATF determined to be unable to convert a weapon to shoot automatically were not classified as machineguns.

Reviewing findings with respect to the Akins and Slide Solutions, ATF, in Ruling 2006-2, found that the Akins Accelerator incorporated a mechanism to automatically reset and activate the fire-control components of a firearm following the single input of a user. Thus, the Akins Accelerator acted to convert a semiautomatic firearm to shoot automatically. Conversely, the Slide Fire Solutions stock requires continuous multiple inputs by the user for each successive

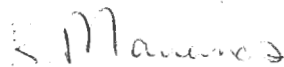
The Honorable Ed Perlmutter

shot. Similarly, other devices exist, such as the HellFire Trigger, which attach to and act upon the trigger of a firearm and also work to increase the rate or volume of fire of the firearm. Like the Slide Fire Solutions stock, the HellFire Trigger does not provide an automatic action—requiring instead continuous multiple inputs by the user for each successive shot.

Public safety is always a primary concern of ATF. We remain committed to the security of our Nation and the fight against violent crime. However, bump-fire stocks that do not fall within any of the classifications for firearm contained in Federal law may only be classified as firearms components. Stocks of this type are not subject to the provisions of Federal firearms statutes. Therefore, ATF does not have the authority to restrict their lawful possession, use, or transfer.

We hope this information proves helpful in responding to your constituent. Please let me know if we may be of further assistance.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "R. Marianos", is centered on the page.

Richard W. Marianos
Assistant Director
Public and Governmental Affairs



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Marionburg, IL 625405

www.atf.gov

903050 (b) (6)
3311/78025

May 1, 2013

(b) (6)

Dear (b) (6)

This is in reference to your sample, as well as accompanying correspondence, which was submitted in December 2012 to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), for classification under Federal firearms laws. The sample—which you call “the HailStorm”—consists of a replacement “bump-fire” type stock designed for use with a semiautomatic AR-15 type rifle.

As you know, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term “machinegun” as—

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

The submitted device (see enclosed photos) incorporates the following features or characteristics:

- A plastic, adjustable AR-type buttstock “anchor tube” that is designed to be installed onto the buffer tube of an AR-type firearm and, also, to house the “stabilizer bar.”
- A “stock adjusting pin” to prevent linear movement of the “anchor tube” while it is installed to the buffer tube.

(b) (6)

Page 2

- Lack of any operating springs, bands, or other parts which would permit automatic firing.

Your stock is designed to allow the AR-type semiautomatic rifle mounted to it to reciprocate back and forth in a linear motion. The absence of an accelerator spring or similar component in the submitted device prevents it from operating automatically. When operated, forward pressure must be applied with the support hand to the forward handguard/fore-end of the AR-type rifle mounted to your stock, bringing the receiver assembly forward to a point where the trigger can be pulled by the firing hand. If sufficient forward pressure is not applied to the handguard with the support hand, the rifle can be fired in a conventional, semiautomatic manner since the reciprocation of the receiver assembly is eliminated.

The FTB examination of the submitted device indicates that if as a shot is fired—and a sufficient amount of pressure is applied to the handguard/gripping surface with the shooter's support hand—the AR-type rifle assembly will come forward until the trigger re-contacts the shooter's stationary firing-hand trigger finger. Re-contacting allows the firing of a subsequent shot. In this manner, the shooter pulls the receiver assembly forward to fire each shot, each succeeding shot firing with a single trigger function.

Since your device does not initiate an automatic firing cycle by a single function of the trigger, FTB finds that it is NOT a machinegun under the NFA, 26 U.S.C. 5845(b), or the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(23).

We caution that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Moreover, we should point out that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically will result in the manufacture of a "machinegun" as defined in the NFA, 5845(b).

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,



Earl Griffith

Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

SEP 14 2015

907020 (b) (6)
3311/303826

(b) (6)

Dea (b) (6)

This refers to your recent correspondence and submission of a physical sample to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), Martinsburg, West Virginia. Specifically, you ask FTISB to evaluate your prototype design and determine its classification under Federal law.

The Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term “firearm” as follows: “...(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.”

Additionally, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines “machinegun” as—

“...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

You have submitted to FTISB a prototype 3D printed 10/22-style rifle stock. This is a follow-up design from a previous submission (907020:MRC 3311/302558) that FTISB classified as a machinegun.

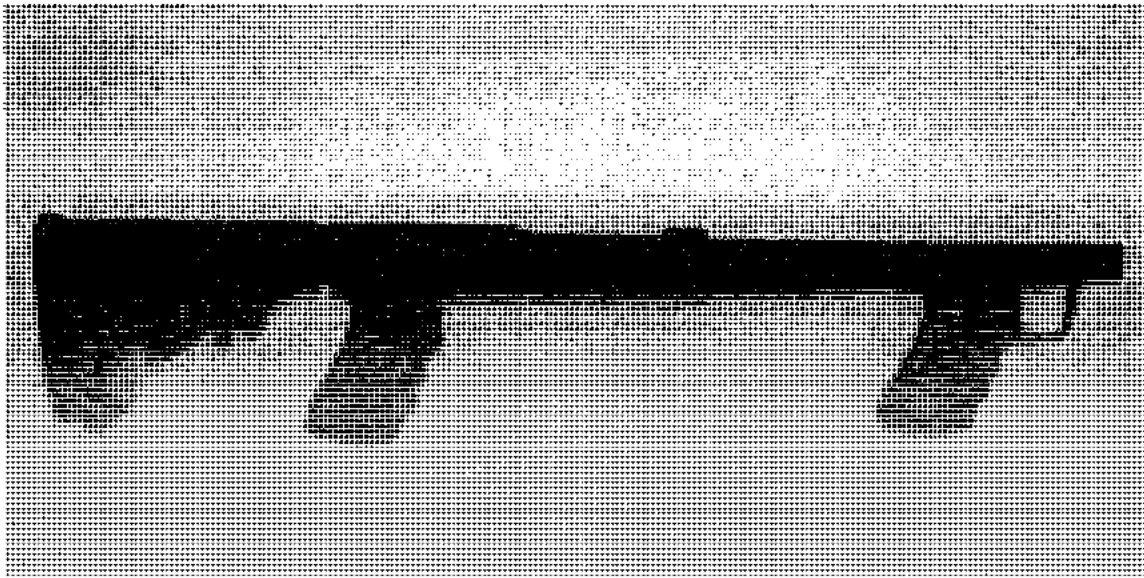
Your submission consists of the following components:

(b) (6)

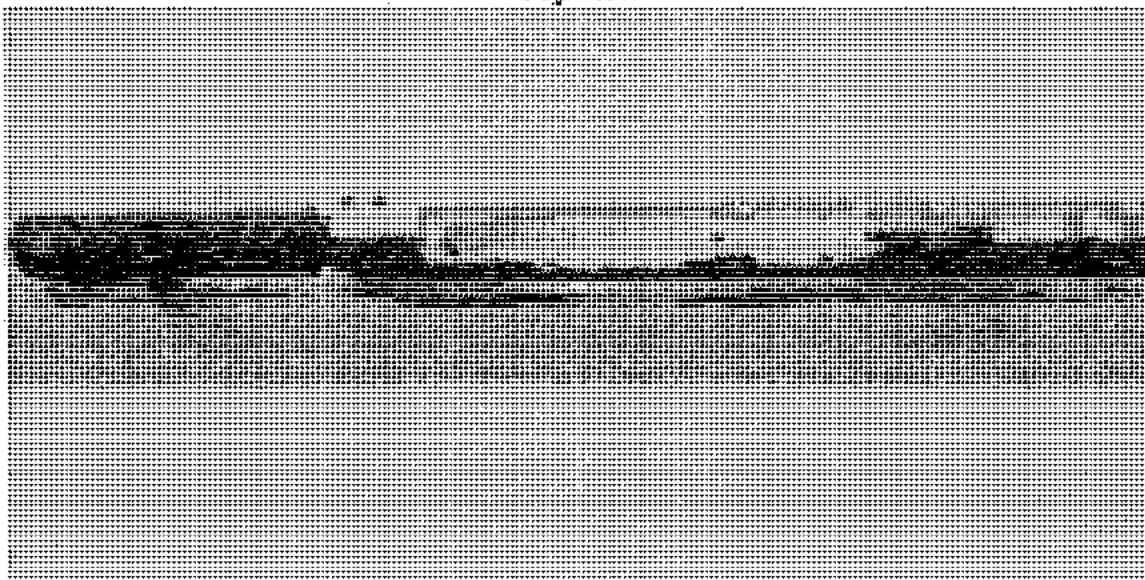
- Rifle stock/Gun support
- Pivot toggle
- Shuttle link
- Shuttle
- Forward actuator

You provided the prototype shown below:

Side view

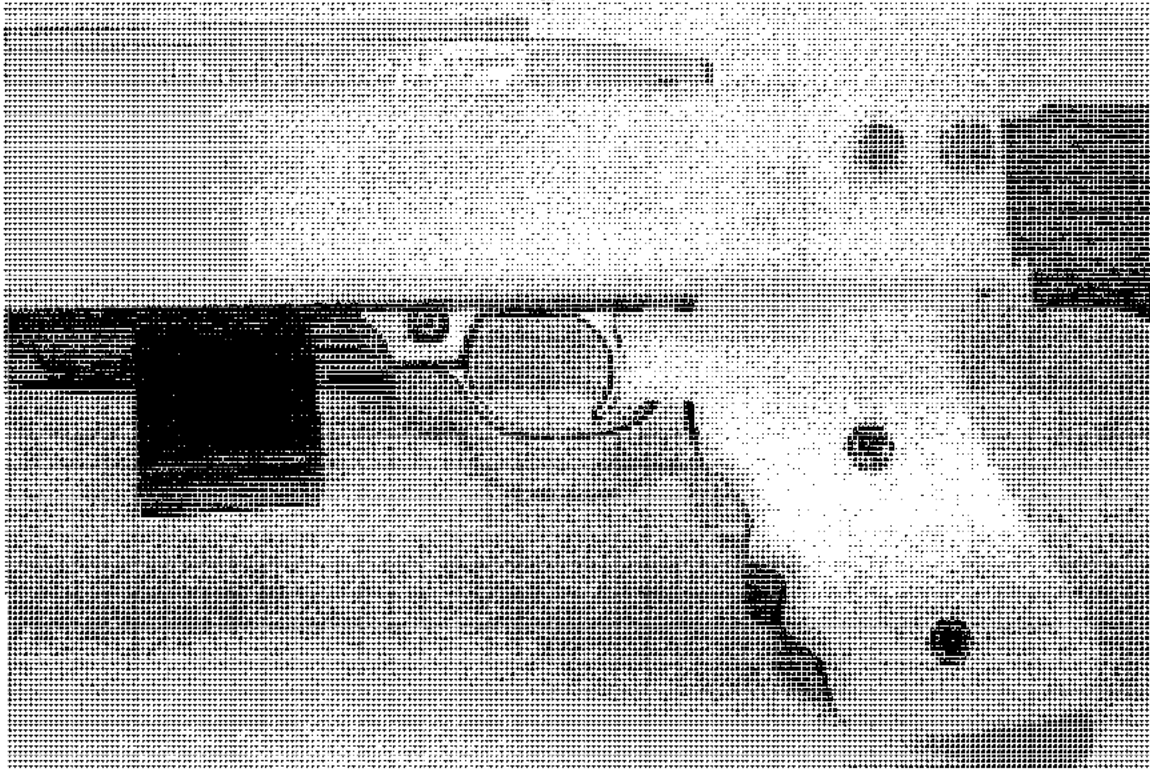


Top view



(b) (6)

Assembled with Ruger 10/22 barreled action.



Your prototype is designed in a manner that for firing requires the shooter (if right handed) to grip the forward pistol style grip with their left hand. The right hand will grip the rearward pistol grip requiring that the shooter place his/her trigger finger on the extension incorporated into the grip. The left forefinger will pull the forward actuator rearward causing the 10/22 barreled action to move forward until the Ruger 10/22 trigger contacts the shooters trigger finger and a projectile is expelled from the firearm barrel.

When a shot is fired, an intermediate amount of pressure is applied to the forward actuator with the left hand forefinger, and the barreled action via the shuttle recoils sufficiently rearward to allow the trigger to mechanically reset. Continued intermediate pressure applied to the forward actuator will then pull the receiver assembly forward until the trigger re-contacts the shooter's stationary firing-hand finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the firearm forward to fire each shot so that the action of firing is accomplished by a single trigger function. Further, each subsequent shot depends on the shooter applying the appropriate amount of forward pressure to the forward actuator and timing it to contact the trigger-finger on the firing hand.

As stated above, the NFA defines machinegun, in relevant part, as "any weapon which shoots...automatically more than one shot, without manual reloading, by a single function of the trigger." ATF has long held that a "single function of the trigger" is a single "pull" or a single "release" of the trigger. Therefore, a firearm that fires a single projectile upon a pull of the trigger and then fires another single projectile upon the release of that trigger would not be classified as a "machinegun" under Federal law.

(b) (6)

Since your device is incapable of initiating an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, FTISB finds that it is not a machinegun as defined under the NFA, 26 U.S.C. § 5845(b), or the Gun Control Act, 18 U.S.C. § 921(a)(23).

Please be advised that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Further, we caution that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described will result in the manufacture of a machinegun as defined in the NFA, § 5845(b).

To facilitate the return of your sample, please provide FTB with the appropriate FedEx or similar account information within 60 days of receipt of this letter. If their return is not necessary, please fax FTB at (b) (6) with authorization to destroy them on your behalf.

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,



Max M. Kingery
Acting Chief, Firearms Technology Industry Services Branch



Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

APR 06 2017

907010 (b) (6)
3311/304609

(b) (6)

Dear (b) (6)

This refers to your correspondence, and sample AR15-type "Bump Fire Stock" to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), in which you ask for a review of your sample device and if it would be regulated by the provisions of the Gun Control Act of 1968 (GCA) or the National Firearms Act (NFA).

As background to our evaluation, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term "firearm" to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and] ...the frame or receiver of any such weapon....*

Further, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines "machinegun" to mean *...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.*

Your bump fire grip device consists of the following:

One AR-style pistol grip that it attached to and adjustable buttstock by a flat metal bar bent to contour to the buttstock. The pistol grip has two plastic pieces attached by small screws, one is the extension for resting your finger on while firing and the other is a shield to prevent the pistol grip from pinching the grip fingers of the firing hand.

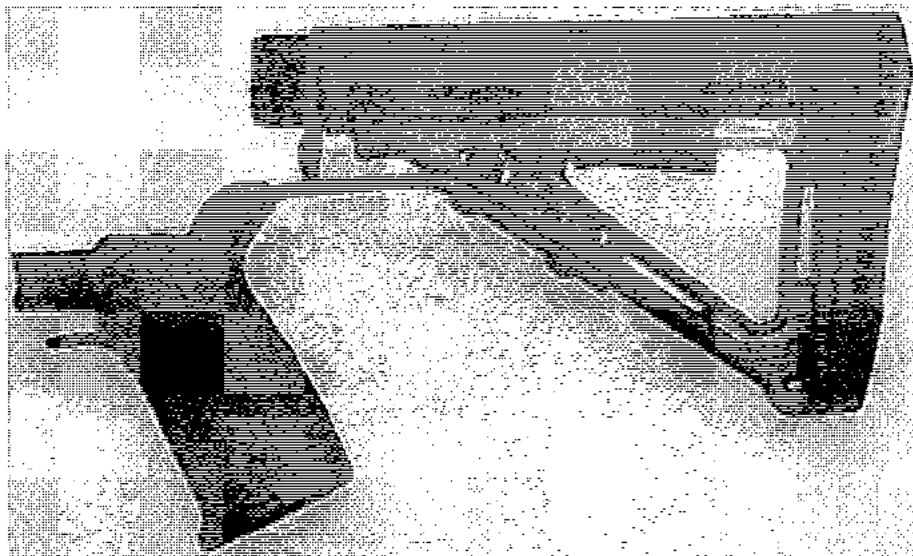
(b) (6)

Your stock is designed to allow an AR-type semiautomatic rifle mounted to it to reciprocate back and forth in a linear motion. The absence of an accelerator spring or similar component in the submitted device prevents it from operating automatically. When operated, forward pressure must be applied with the support hand to the forward handguard/fore-end of the AR-type rifle mounted to your stock, bringing the receiver assembly forward to a point where the trigger can be pulled by the firing hand. If sufficient forward pressure is not applied to the handguard with the support hand, the rifle can be fired in a conventional, semiautomatic manner since the reciprocation of the receiver assembly is eliminated.

The FTISB examination of the submitted device indicates that if as a shot is fired—and a sufficient amount of pressure is applied to the handguard/gripping surface with the shooter's support hand—the AR-type rifle assembly will come forward until the trigger re-contacts the shooter's stationary firing-hand trigger finger. Re-contacting allows the firing of a subsequent shot. In this manner, the shooter pulls the receiver assembly forward to fire each shot, each succeeding shot firing with a single trigger function.

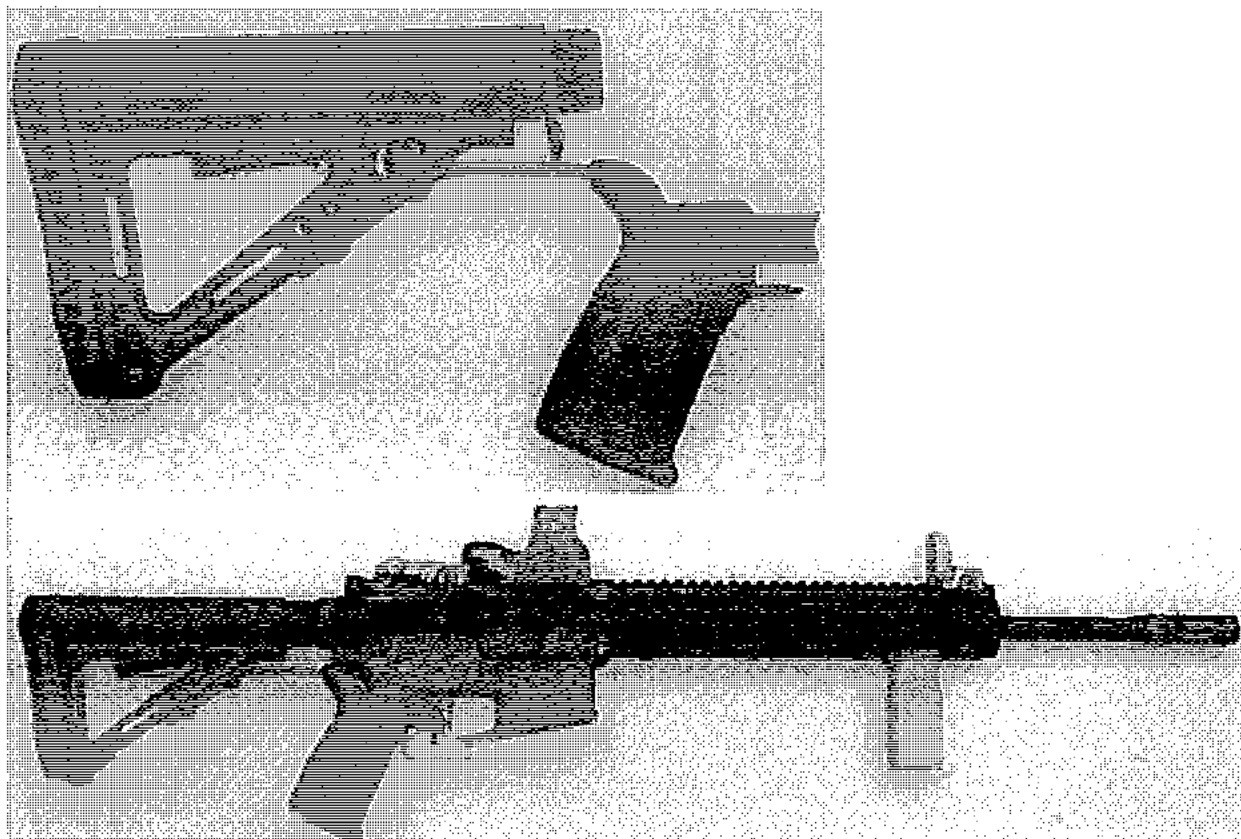
Since your device does not initiate an automatic firing cycle by a single function of the trigger, FTISB finds that it is NOT a machinegun under the NFA, 26 U.S.C. § 5845(b), or the amended GCA, 18 U.S.C. § 921(a)(23).

We caution that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Moreover, we should point out that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically will result in the manufacture of a "machinegun" as defined in the NFA, 5845(b).



Submitted device

(b) (6)



Your device will be returned to you via your provided UPS shipping label.

We thank you for your inquiry and trust the foregoing is responsive to your request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael R. Curtis".

Michael R. Curtis

Chief, Firearms Technology Industry Services Branch

To: Richardson, Marvin G. (b) (6)
Cc: Turk, Ronald B. (b) (6); McMullan, William P. (b) (6)
From: Gleysteen, Michael
Sent: Mon 10/2/2017 7:25:12 PM
Subject: RE: Bump Fire Videos and Reviews | Slide Fire® Freedom Unleashed

Copy.

From: Richardson, Marvin G.
Sent: Monday, October 02, 2017 3:13 PM
To: Turk, Ronald B. (b) (6); Gleysteen, Michael (b) (6); McMullan, William P. (b) (6)
Subject: FW: Bump Fire Videos and Reviews | Slide Fire® Freedom Unleashed

FYI

Marvin G. Richardson
Assistant Director
Bureau of ATF, Enforcement Programs & Services
Office (202) 648-(b) (6)
Cell (b) (6)

"Leaders don't do what they want to do, they do what is right".

From: (b) (6)
Sent: Monday, October 2, 2017 2:39 PM
To: Richardson, Marvin G. (b) (6)
Subject: FW: Bump Fire Videos and Reviews | Slide Fire® Freedom Unleashed

Marvin,

I just responded with the below email to Tom on the slide fire solutions stock. My understanding is that the individual had purchased two of the stocks from Cabela's. We are sending FEO (b) (6) out to Las Vegas. My phone has been burning up with questions from the field and PGA. I'll keep you up to date what I'm hearing.

(b) (6)

From: (b) (6)
Sent: Monday, October 2, 2017 2:25 PM
To: Brandon, Thomas E. (b) (6)
Subject: RE: Bump Fire Videos and Reviews | Slide Fire® Freedom Unleashed

Sir,

They are approved as advertised as long as an individual doesn't perform additional modifications to the firearm. This particular device was briefed at one of the monthly meeting. My thoughts after listening to the shots being fired is that the weapon was a modified semiautomatic AR type firearms. There are several ways an AR can be modified, one being by using a drop-in auto sear, Lighting link, or Swift link; another is by drilling

the auto sear pin hole and installing a flipper type auto sear as used in military and LE machineguns; a third could be a bump stock type conversion that is currently legal. We have also approved other bump-fire type devices in the past. We have been asked to send an FEO to assist at the scene. My understanding is that the Las Vegas police department is asking for ATF's help. One of my FEO will be heading out tonight. IF we had some pictures we could see if the weapon were modified. If you remember during the San Bernadino shooting one of our agents sent pictures and we could see n drop-in auto sear from the picture. If you have any additional questions we are here to support ATF.

(b) (6)

From: Brandon, Thomas E.
Sent: Monday, October 2, 2017 12:30 PM
To: **(b) (6)**
Subject: Fwd: Bump Fire Videos and Reviews | Slide Fire® Freedom Unleashed

(b) (6) are these "ATF approved" as advertised? Thanks, Tom

Sent from my iPad
Begin forwarded message:

From: <Thomas.Brandon**(b) (6)**>
Date: October 2, 2017 at 12:24:41 PM EDT
To: **(b) (6)**
Subject: Bump Fire Videos and Reviews | Slide Fire® Freedom Unleashed

<http://www.slidefire.com/videos>

Sent from my iPad

To: Villegas, Monique Y. (b) (6)
From: (b) (6)
Sent: Tue 10/3/2017 11:33:29 PM
Subject: Re: ATF Daily News Clips for Monday, Oct 2, 2017

A big 10-4.

Sent from my iPhone

On Oct 3, 2017, at 7:28 PM, Villegas, Monique Y. (b) (6) > wrote:

I know! Hang in there (b) (6). When the San Diego cop was shot and killed PGA was demanding information, and I said I report to ADFO. They don't understand that they put more pressure on the field that they don't need when trying to work through these tragedies. Even (b) (6) drives me nuts sometimes, because she too wants to feed the media, but we simply aren't here to appease the news. Not all SW's need to be publicized and the AUSA's office doesn't like us to put out pressers for every little thing. There is a balance and our mission is to put bad guys in prison.

Like I said, enjoy the fun stuff and let the other stuff just roll off your back.

From: (b) (6)
Sent: Tuesday, October 3, 2017 4:17 PM
To: Villegas, Monique Y. (b) (6)
Subject: Re: ATF Daily News Clips for Monday, Oct 2, 2017

Boss, you don't know the half of it.

This week has been crazy with the LV shooting. Unfortunately all the people I work with are civilians and media trained or journalists. They don't care or understand about the field and prefer more to just get a story out. Today it hit the fan (b) (6) cussed these ladies out because they wouldn't back off. The staff in HQ found out (b) (6) was helping the PIO from SF FD with the LV shooting and called (b) (6). They were being pushy to get updated information for today (b) (6) wanted them to back off. It also doesn't help that all of these ladies in HQ hate (b) (6) doesn't like them either.

The ladies in HQ summoned the AD's to "handle" the field. 10 mins after the AD of PGA, EPS and the DAD of the West leave our conference room to..."handle" the field...more AD's come in with the main counsel and tell us to stand down on contacting the media any further in relation to conversion kits, NFA, bump fire devices, or the LV shooting. They have to brief the White House this evening on how FTB came to its ruling to classify bump fire devices as just "parts". They also have to brief them on the loophole ATF recognized in 2012 and tried to get congress to pass legislation so that bump fire devices can be subject to NFA regulations.

To me the field is ATF's life blood and our product. We produce criminal adjudications and regulate our respective industries. HQ is in place to coordinate, and more important, support the field...not "handle" the field as my colleagues demand the AD's do today. It's like I'm on the Planet of the Apes! It's enough work to try and keep up with all the media inquiries and reply in a way that doesn't get us in trouble, but these ladies also want to pick a fight with the field in the middle of this tragedy because they are fighting over who controls messaging for ATF.

At least I do get to do fun stuff and coordinate TV show productions and on-camera interviews for the higher ups. They enjoy being on camera and I enjoy getting out of the office and shooting the breeze with them. I have piece that will air in mid Nov that Carlos Canino will be on...so that's cool.

I am taking this all in stride because after my year is up, I'm punching out and coming back to the field with some good insight on how HQ can make some people so crazy. When I'm gone, these civilians will still be at each other's throats though fighting for air time and press clippings.

Be well Boss,

(b) (6)

Sent from my iPhone

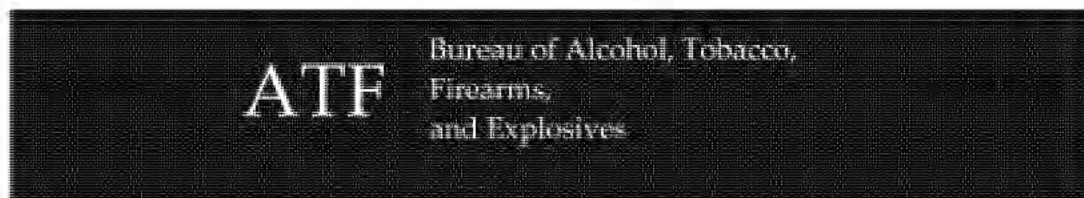
On Oct 3, 2017, at 6:51 PM, Villegas, Monique Y. (b) (6) wrote:

Check you out! Sending the Daily news clips!

From: (b) (6)

Sent: Monday, October 2, 2017 9:57 AM

Subject: ATF Daily News Clips for Monday, Oct 2, 2017



Daily News Clips

Monday, October 2, 2017

Firearms

ABC News (NV), Over 50 dead, 200 injured in Las Vegas after deadliest shooting in modern US history, 10/02/17

ABQ (NM), Police arrest suspect who fled pursuit, bait car operation, 10/01/17

NBC (MI), Feds put up \$5,000 to find 28 stolen guns, 9/30/17

Arson and Explosives

KUOW (WA), Congregations Look To Rebuild As Investigators Ask For Help With Vancouver-Area Church Fires, 9/29/17

Of Interest

U.S. News, Most Defendants in Guns, Drugs Case Have Pleaded Guilty, 9/30/17

To: Gleysteen, Michael (b) (6); Richardson, Marvin G. (b) (6)
From: Turk, Ronald B.
Sent: Fri 10/6/2017 12:45:23 AM
Subject: Fwd: Analysis
Counsel Memo to OAG re 'Bump Fire' Stocks 10-5-17.docx
ATT00001.htm

Gentlemen, for your eyes only / please do not forward or reproduce. Wanted you to be entirely in the loop on what we sent to DOJ, and what my thoughts are. Your insight will be valuable as career agents that manage the areas highly affected by these issues. I can summarize my thoughts as this: (b) (5)

(b) (5)

(b) (5).

Ron

Begin forwarded message:

From: "Turk, Ronald B." (b) (6) >
Date: October 5, 2017 at 8:23:10 PM EDT
To: "Brandon, Thomas E." (b) (6) >
Cc: "Allen, Joseph J." (b) (6) >, "Gross, Charles R." (b) (6) >
Subject: Fwd: Analysis

Sir, attached analysis was forwarded to OI.C. (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5) Anything of that sort should now fall under new proposed regulations.

(b) (5)

(b) (5)

(b) (5)

(b) (5)

If we proceed, we should ultimately ask DOJ to allow us to point the various issues out to Congress so that they may be able to further consider permanent legislative fixes.

If you concur, I propose to assemble a working group from EPS (FATD), CC, Ops and others starting next week to identify a list a potential areas where we have made past determinations and potential pivots exist.

Chuck - another legal issue I was thinking on regards Congressional intent with the 1986 statute relating to machine guns. (b) (5)

(b) (5)

(b) (5)

Ron

Begin forwarded message:

From: "Allen, Joseph J." (b) (6) >
Date: October 5, 2017 at 6:56:07 PM EDT
To: "Turk, Ronald B." (b) (6)
Subject: Analysis

Ron, This is the analysis we sent for OLC review.

Will call.

Joe

From: atf-family@googlegroups.com
Sent: Sun 10/8/2017 2:56:32 AM
Subject: [ATF Family News Updates] (2017 - #222 - Addendum) Greetings///ATF///Policing///Politics///General interest///Military///Terrorism///Words/history
 FW Talking Points and Letter to Elected Officials in Defense ofATFre: Bump Slides.eml
Bump Slide Issue - Talking Points[87255].docx
Bump Slide Issue - Letter to Elected Official[87254].docx

ITEM 2. ATF. I have been advised by some that the attachments to the earlier transmission of (2017 - #222) regarding 'bump stocks' or whatever the correct terminology is, these being the attachments including taling points and a draft letter that were provided by (b) (6), were, in some instances, unable to be accessed, failed to make the journey, or are hiding someplace. Couple of comments: I would like to thank (b) (6) for taking the time and having the initiative to put these documents together; these documents were initially directed to ATFA and (b) (6); they were subsequently posted on the ATFA FB site with a disclaimer that ATFA had taken no position, and with this being controversial, they likely won't; (b) (6) later emailed me and asked me to include the documents in the next newsletter, which I did; I would never suggest someone "ask a friend" if they received and could access the documents; I would never suggest someone ask to be accepted into the ATFA FB secret society, which is also having a membership drive and an ongoing and going fundraiser, and check there; and I have very little control over what happens in cyberspace once I pull the trigger (hit send), that issue probably needs to be taken up with Al Gore, the inventor of the Internet.

I am herein going to attempt to again attach the documents and I am going to provide the entire narrative below, since I have disposable time on my hands, since I wasn't doing anything anyway, except preparing not to watch NFL football tomorrow after church, and after having gotten a full, glorious, restful five hours of sleep last night. Now that I have almost nipped what could have been a caustic, debilitating, disastrous, malevolent, and offensive sarcasm buildup in the bud, have a good remainder of the night. Best wishes. (b) (6)

Common Sense and Informed Talking Points Regarding ATF Rulings on Bump Slide Style Accessories

The Las Vegas shooter had no criminal record or other condition that would prohibit him from purchasing semi-automatic firearms, ammunition, firearms accessories, or even legal machineguns from a licensed gun dealer.

The Las Vegas shooter used a "Bump Slide" accessory that attaches to the stock of a semi-automatic rifle and enhances the rate at which the shooter can pull the trigger on the firearm. This increases the rate of fire close to that of an actual machinegun. Had the shooter chosen to purchase an actual machinegun from a Federally licensed machinegun dealer instead of using a bump slide – he could have. There are more than 490,000 legally registered machineguns available to civilians in the US. The focus on the Las Vegas shooters use of the bump slide obscures the fact that this individual could have just purchased actual machineguns legally.

The National Firearms Act, 26 U.S.C. 5845(b) defines a "machine gun" to include any combination of parts designed and intended for use in converting a weapon **to shoot automatically more than one shot**, without manual reloading, **by a single function of the trigger**. ATF also holds that any item that can also cause a firearm to fire more than one shot by the single function of the trigger is also regulated as a machinegun.

The **Bump Slide**, and a number of other similar after market accessories that increase the rate at which a shooter can pull the trigger, are **purposefully engineered to avoid regulation under Federal law**. These accessories DO NOT cause the firearm to shoot more than one shot by the single function of a trigger pull.

There is a trigger pull for each shot caused by these accessories and that is why ATF does not have the legal authority to regulate them. The notion that ATF chose not to regulate an item it had the authority to regulate is completely false. The law is very clear and it does not currently allow ATF to regulate such accessories.

There are many instances in the past where ATF has reviewed accessories that DID cause a semi-automatic rifle or pistol to fire more than one shot with a single pull of the trigger and ATF ruled that those items constituted a machinegun and were regulated or illegal. Such devices include the Lightning Link and other "Drop In Sears" which cause semi-automatic rifles to function as a machinegun; the Glock Switch which causes a Glock Handgun to fire as a machine pistol; the Beretta switch that causes a Beretta handgun to fire as a machine pistol. In 2007 ATF banned the Akins Accelerator which was an after market accessory marketed like a bump slide although it did cause the firearm to fire more than one round with one trigger pull (see more at <http://www.tbo.com/news/ban-of-device-by-atf-triggers-inventors-ire-174591>). ATF makes rulings based on the statutory authority contained in law and can not change the law to add new accessories that do not fall within the scope of existing law. A link to many of these ATF rulings can be found at the following weblink; <https://www.atf.gov/firearms/docs/atf-national-firearms-act-handbook-appendix-b/download>

The NRA and some politicians are now playing politics with a serious issue by claiming the bump slide was made legal by the Obama Administration's ATF when they know full well the law did not allow ATF to regulate the bump slide. If the NRA genuinely wants to regulate Bump Slides then they need to support adding a new category to the National Firearms Act of 1934 allowing for the regulation of "multi-burst trigger activators". California and New York already regulate such items. The new category of Federal law would encompass the many other accessories on the market that make semi-automatic rifles fire like a machinegun but are engineered in a way to avoid regulation under current Federal law. The list includes; Slide Fire, TAC Combat Trigger 15, AutoBurst 2017, Hell Fire Trigger System, GAT Crank Trigger, HyperGAT Trigger, and Franklin Arms Binary Trigger System. These are commonly available for sale in firearms stores and on websites such as Rapidfiretriggers.net and Rockinlock.com.

DATE:

U.S. Senator (or) U.S. Congressman
Address
Washington, DC

Dear Sir or Madam:

I am writing to ask that you support Federal legislation to regulate multi-burst trigger activators like the bump slide recently used in the Las Vegas mass shooting as well as protect the honorable employees at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from false allegations that they chose to make this item legal when it was the law that prohibited them from regulating the item.

The Las Vegas shooter had no criminal record or other condition that would prohibit him from purchasing semi-automatic firearms, ammunition, firearms accessories, or even legal machineguns from a licensed gun dealer.

The Las Vegas shooter used a "Bump Slide" accessory that attaches to the stock of a semi-automatic rifle and enhances the rate at which the shooter can pull the trigger on the firearm. This increases the rate of fire close to

that of an actual machinegun. Had the shooter chosen to purchase an actual machinegun from a Federally licensed machinegun dealer instead of using a bump slide – he could have. There are more than 490,000 legally registered machineguns available to civilians in the US. The focus on the Las Vegas shooters use of the bump slide obscures the fact that this individual could have just purchased actual machineguns legally.

The National Firearms Act of 1934, Title 26 U.S.C. 5845(b) defines a “machine gun” as any combination of parts designed and intended for use in converting a weapon **to shoot automatically more than one shot**, without manual reloading, **by a single function of the trigger**. ATF also holds that any item that can also cause a firearm to fire more than one shot by the single function of the trigger is also regulated as a machinegun.

The **Bump Slide**, and a number of other similar after market accessories that increase the rate at which a shooter can pull the trigger, are **purposefully engineered to avoid regulation under Federal law**. These accessories DO NOT cause the firearm to shoot more than one shot by the single function of a trigger pull. There is a trigger pull for each shot caused by these accessories and that is why ATF does not have the legal authority to regulate them. The notion that ATF chose not to regulate an item it had the authority to regulate is completely false. The law is very clear and it does not currently allow ATF to regulate such accessories.

There are many instances in the past where ATF has reviewed accessories that DID cause a semi-automatic rifle or pistol to fire more than one shot with a single pull of the trigger and ATF ruled that those items constituted a machinegun and were regulated or illegal. Such devices include the Lightning Link and other “Drop In Sears” which cause semi-automatic rifles to function as a machinegun; the Glock Switch which causes a Glock Handgun to fire as a machine pistol; the Beretta switch that causes a Beretta handgun to fire as a machine pistol. In 2007 ATF banned the Akins Accelerator which was an after market accessory marketed like a bump slide although it did cause the firearm to fire more than one round with one trigger pull (see more at <http://www.tbo.com/news/ban-of-device-by-atf-triggers-inventors-ire-174591>). ATF makes rulings based on the statutory authority contained in law and can not change the law to add new accessories that do not fall within the scope of existing law. A link to many of these ATF rulings can be found at the following weblink; <https://www.atf.gov/firearms/docs/atf-national-firearms-act-handbook-appendix-b/download>

The NRA and some politicians are now playing politics with a serious issue by claiming the bump slide was made legal by the Obama Administration’s ATF when they know full well the law did not allow ATF to regulate the bump slide. If the NRA genuinely wants to regulate Bump Slides then they need to support adding a new category to the National Firearms Act of 1934 allowing for the regulation of “multi-burst trigger activators”. California and New York already regulate such items. The new category of Federal law would encompass the many other accessories on the market that make semi-automatic rifles fire like a machinegun but are engineered in a way to avoid regulation under current Federal law. The list includes; Slide Fire, TAC Combat Trigger 15, AutoBurst 2017, Hell Fire Trigger System, GAT Crank Trigger, HyperGAT Trigger, Auto Glove, and Franklin Arms Binary Trigger System. These are commonly available for sale in firearms stores and on websites such as Rapidfiretriggers.net and Rockinlock.com.

The NRA frequently states that only law abiding citizens adhere to registrations and criminals will use unregistered items. That statement is accurate and that is what makes registration of these items effective. Law abiding citizens can continue to responsibly use registered items. Criminals will seek unregistered items and this gives law enforcement the ability to arrest them for illegal possession of an unregistered item while they are seeking out the unregistered item, or caught in possession of the unregistered item – BEFORE they commit a shooting and create victims. No law can prevent all crime but the registration of items like this gives law enforcement an edge to arrest offenders for illegal possessory offenses BEFORE they commit a violent crime while still allowing law abiding citizens access to certain items.

I hope you will support legislation to regulate these multi-burst trigger activators. The National Firearms Act of 1934 works well with the items that it regulates. I also hope you will not allow the honorable employees of ATF, who followed existing law in their bump stock ruling, to be falsely accused of not doing their job by

those who seek to exploit the situation for political gain and an increase in their fund raising efforts.

Thank you for your time and attention. I look forward to your response.

Sincerely,

Sent from Mail for Windows 10

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While the following entities may ask for this forum to be another means to disseminate an item of information that it would like conveyed to this audience, this initiative does not speak for, nor does it represent, nor is its content influenced by, nor is it sanctioned by, nor is its content otherwise provided or endorsed or condoned by the Bureau of ATF, ATFAR, nor ATFA.

To unsubscribe from this group, send email to (b) (6).

You received this message because you are subscribed to the Google Groups "Updates" group.

To unsubscribe from this group and stop receiving emails from it, send an email to ATF-family+unsubscribe@googlegroups.com.

For more options, visit <https://groups.google.com/d/optout>.

to be unable to convert a weapon to shoot automatically were not classified as machineguns."

Asking the ATF to revisit this question means asking it to ignore the law. Last week House Speaker Paul Ryan (R-Wis.), following the NRA's lead, claimed "the regulatory fix is the smartest, quickest fix." But as Feinstein noted, "The ATF lacks authority under the law to ban bump-fire stocks."

Massie agrees. "It is the height of legislative malpractice to ask the executive branch to legislate," he tells me. "We're asking the ATF and the president to do our job."

That does not mean Massie supports Feinstein's proposed ban or the House version, which he thinks would have "zero effect" on mass shootings. Both bills would cover a wide, vaguely defined range of products and turn innocent people into felons if they failed to surrender retroactively banned accessories or tinkered with their guns in newly prohibited ways.

Massie nevertheless argues that consistent constitutionalists cannot support the supposed regulatory alternative. "I think it's a well-intended but ill-advised strategy to keep this out of the political realm and to save members of Congress from having to weigh in on this," he says. "But it will come back to bite us, and it erodes the system of government that the Founding Fathers intended to set up."

Washington Examiner

Oct. 19, 2017

ATF signals it won't issue new 'bump stocks' regulation after Las Vegas

The Bureau of Alcohol, Tobacco, Firearms, and Explosives has signaled to Congress that it would prefer new legislation instead of new regulation to impose restrictions on "bump stocks," which could end up being a major hurdle to any federal action on the firearms accessory.

Bump stocks were found at the site of the Las Vegas shooting. The accessory can essentially turn a semi-automatic weapon into an automatic weapon by using the recoil action of the gun to speed up the rate of fire.

In the wake of the shooting, Republicans and Democrats called for restrictions on the device, and the National Rifle Association suggested that the ATF find a way to issue a new regulation prohibiting the device.

But House aides said the ATF indicated at a lawmaker briefing last week that it's not ready to regulate bump stocks and promoted the idea of bump stock legislation.

"ATF is pushing for a legislative approach rather than going through an administrative process," a House aide told the *Washington Examiner*.

This aide said that during the meeting, the ATF didn't clarify whether they could re-regulate bump stocks, but did raise the option of new legislation.

Another House aide agreed that ATF's presentation made it clear that the agency is unlikely to push for a new regulation. This aide said the feeling at the agency is that current law is clear enough, and that it would be difficult to impose a new regulation limiting access to bump stocks in a way that's consistent with U.S. law.

The ATF told the *Washington Examiner* that it doesn't comment on "potential internal deliberations."

But the read from congressional aides appears to raise major questions about what lawmakers will do about bump stocks, if anything, if the ATF is unable or unwilling to issue a new rule.

New legislation seems highly unlikely in a Republican-led Congress, which may explain why Republicans including Speaker Paul Ryan, R-Wis., seemed much more open to a regulation.

"We think the regulatory fix is the smartest, quickest fix," Ryan said last week.

"What happened on the regulatory side," he added. "It makes sense that this is a regulation that probably shouldn't have happened in the first place."

Several Republican senators wrote the ATF on Oct. 6 to ask that it review the status of bump stocks.

The National Rifle Association has also said it prefers a regulatory review at the ATF, but didn't respond with a comment when asked Wednesday about the ATF's position.

"It is illegal to convert a semi-automatic to fully automatic," NRA Executive Director Chris Cox said this month. "The ATF needs to do their job, review these and if there is [a need for] further regulation, then we will work on further regulation."

The ATF may have run into a problem predicted by Rep. Thomas Massie, R-Ky., who leads the Congressional Second Amendment Caucus. Massie told the *Washington Examiner* this month that under current law, automatic weapons are those that discharge more than one round with a single pull of the trigger.

Bump stocks, he said, speed up the rate of fire, but still require the shooter to pull the trigger once for each round that is discharged. Massie said for that reason, there is no basis under the law to regulate bump stocks.

He also said it's unlikely that the ATF would go further to regulate bump stocks in the Trump administration, given that it had the chance to do so under the Obama administration, and didn't. Massie split with the NRA on what to do about bump stocks, and said more time should be taken to investigate the Las Vegas shooting before any step is taken, whether it's a new rule or a new bill.

To: Brandon, Thomas E. (b) (6)
From: (b) (6)
Sent: Fri 10/6/2017 4:16:04 PM
Subject: Re: Bump Stocks

Thanks Tom;

Found I often had to override experts,...Lab, ETB, Etc they get in such a technical world they can lose common sense....

"Talk Crime Anytime"

(b) (6)
NBC/msnbc Law Enforcement Analyst
ATF Special Agent in Charge (Retired)
(b) (6)

> On Oct 6, 2017, at 11:09 AM, <Thomas.E.Brandon (b) (6)> wrote:
>
> Thanks, (b) (6) At FTB now. Came to shoot it myself. I'm very concerned about public safety and share your view.
Have a nice day, Tom
>
> Sent from my iPhone
>
>> On Oct 6, 2017, at 11:24 AM, (b) (6) > wrote:
>>
>> Tom;
>>
>> Just to help you guys. Sometimes you need an outside view. Here is mine on Bump Stocks.
>>
>> The trigger is only pulled once, by human action, when the shooter pulls the barrel forward and the first round is expelled.
>>
>> After that the trigger finger never changes "GPS" position, and it is never pulled back again by human action, rather the whole receiver recoils instead of the bolt....
>>
>> Clearly it could and should come under the NFA....
>>
>> I know you know all this stuff,...I recommend an overruling of the prior decision and putting it under the NFA....
>>
>> Regardless of what Congress does or does not do...
>>
>> You can do it fast and it is the right thing to do, don't let the technical experts take you down the rabbit hole,
>>
>> When they say, "simulates full auto...". "
>> that is a distinction without a difference...
>>
>>
>> "Talk Crime Anytime"
>>
>> (b) (6)
>> NBC/msnbc Law Enforcement Analyst
>> ATF Special Agent in Charge (Retired)
>> (b) (6)
>>

To: Brandon, Thomas E. (b) (6), (b) (7)(C) Allen, Joseph J. (b) (6), (b) (7)(C)
From: Turk, Ronald B.
Sent: Mon 10/2/2017 10:25:31 PM
Subject: FW: updated SITREP
Vegas Update 04 Situation Report - Shooting Vegas October 1 2017.docx

Sir, latest SITREP attached. Our FTD firearms expert will be in Vegas soon and examining the rifles from the scene. LE reports possible "bump fire" stock devices attached to two rifles at the hotel scene – more to follow after expert analysis.. LE presser recently announced some of the items found at the residence search warrant including explosives and other items. We will verify in later reports what came from that scene.

Ron

To: (b) (6)
Cc: Allen, Joseph J (b) (6)
From: Brandon, Thomas E.
Sent: Tue 10/3/2017 1:29:41 PM
Subject: Re: FYI

Thanks for letting us know, Earl.

Sent from my iPad

On Oct 3, 2017, at 9:26 AM, Griffith, Earl L. <(b) (6)> wrote:

<https://apnews.com/e74a33083fb84b1b94c1ce3da986fd4f/Las-Vegas-gunman-used-'bump-stock'-device-to-speed-fire>

Earl Griffith
United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)
Chief, Firearms Ammunition Technology Division
Firearms Enforcement Officer
244 Needy Road
Martinsburg, WV 25405
Office (b) (6)

<image001.jpg>

To: (b) (6)
From: Turk, Ronald B.
Sent: Wed 10/18/2017 2:11:39 AM
Subject: Re: Ammo

Thanks for the confirmation. Will be good having you in HQ tomorrow - See you in the am. FBI should have asked for our technical support that we have been pressing for for over a week....

Ron

On Oct 17, 2017, at 10:09 PM, Griffith, Earl L. <(b) (6)> wrote:

Sir,

We have not seen any reports or ammo analysis from the FBI. I have my most knowledgeable FEO (b) (6) headed out to Phoenix in the morning to assist our FD. I will be in HQ in the morning for several meetings. Joe wanted the bump stock and other devices for a briefing with the DAG.

(b) (6)

Sent from my iPhone

On Oct 17, 2017, at 10:00 PM, Turk, Ronald B. (b) (6) wrote:

H (b) (6) Hate to go direct but figured confirmation straight from your shop would be helpful. Sounds like we are now supporting Phoenix FBI on an ammo warrant. Catch is we apparently have never seen a report or had access the the Vegas shooting ammo for analysis. Is that still correct? If so, it seems problematic that the FBI classified the ammo without our involvement, conducted interviews at places like Lake City, and now asks us to join at the end.....we will be discussing with FBI nationally and / or with DOJ tomorrow. Wanted to confirm we have not seem reports or been involved with ammo analysis.

Thanks,

Ron

To: Turk, Ronald B. (b) (6)
From: (b) (6)
Sent: Wed 10/18/2017 2:09:32 AM
Subject: Re: Ammo

Sir,

We have not seen any reports or ammo analysis from the FBI. I have my most knowledgeable FEO (b) (6) headed out to Phoenix in the morning to assist our FD. I will be in HQ in the morning for several meetings. Joe wanted the bump stock and other devices for a briefing with the DAG.

(b) (6)

Sent from my iPhone

> On Oct 17, 2017, at 10:00 PM, Turk, Ronald B. <(b) (6)> wrote:

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>

> Thanks,

> Ron

3200

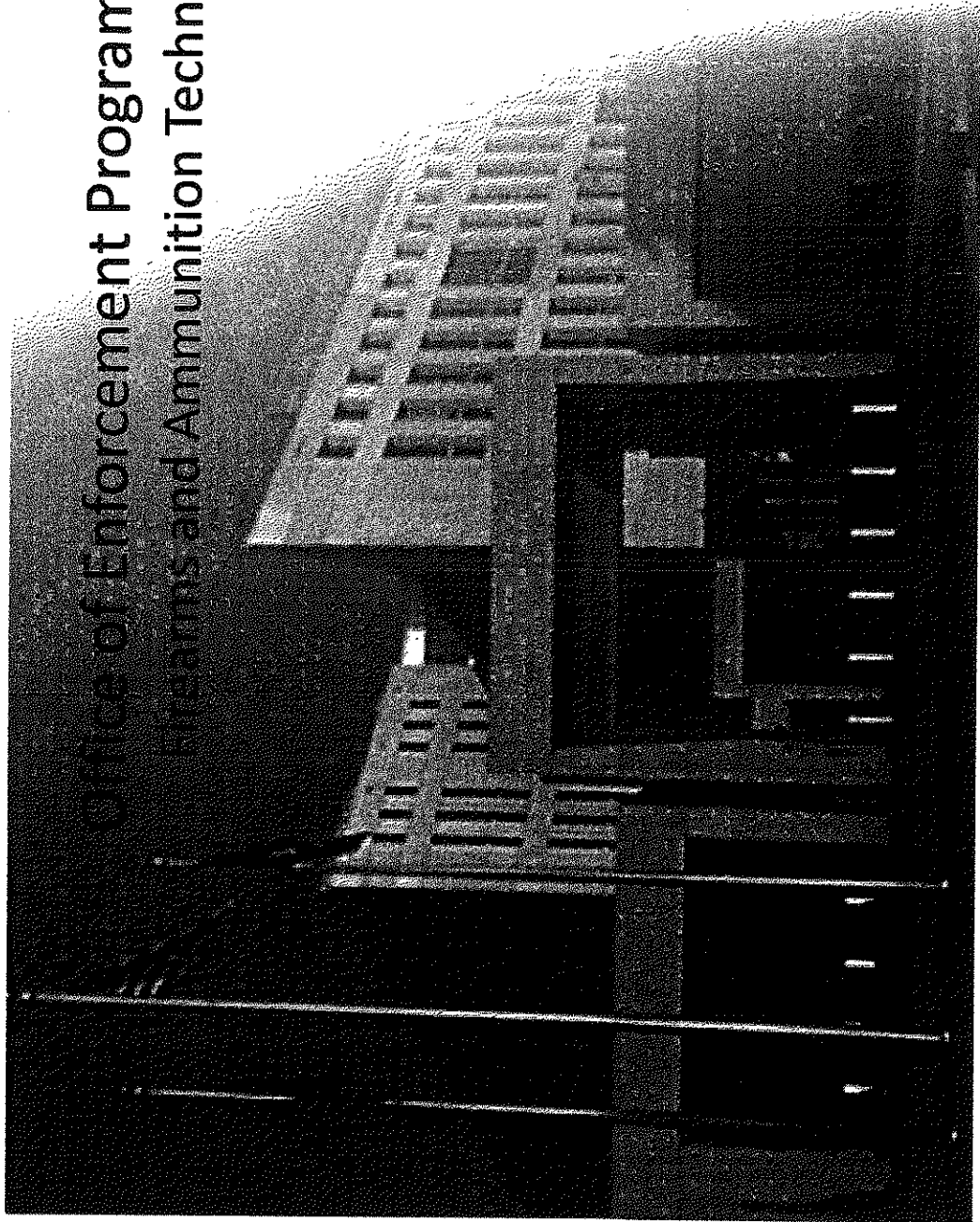


Las Vegas Recovered Weapons and Ammunition



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Office of Enforcement Programs and Services Firearms and Ammunition Technology Division



10201



Daniel Defense DD5 – Standard Stock, Bipod, and Scope

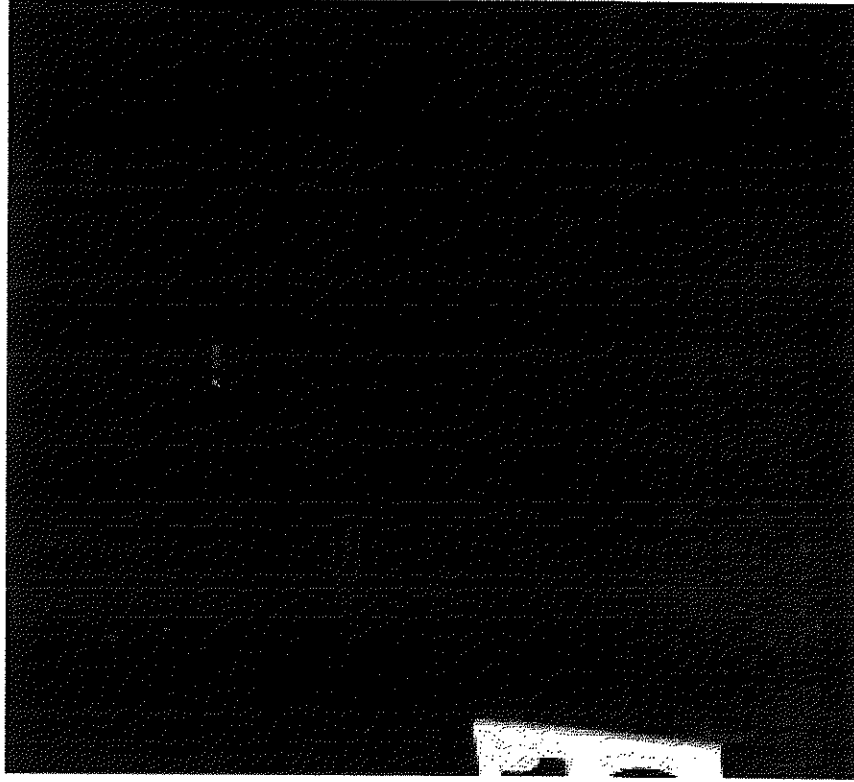
3202

3



Description: Daniel Defense
upper receiver (7.62x51 /
.308)

Can't read markings on
receiver



3203



Patriot Ordnance Factory (POF) rifle with what appears to be
Slide Fire SSAR-15 OGR Bump Fire AR-15 Stock

3204

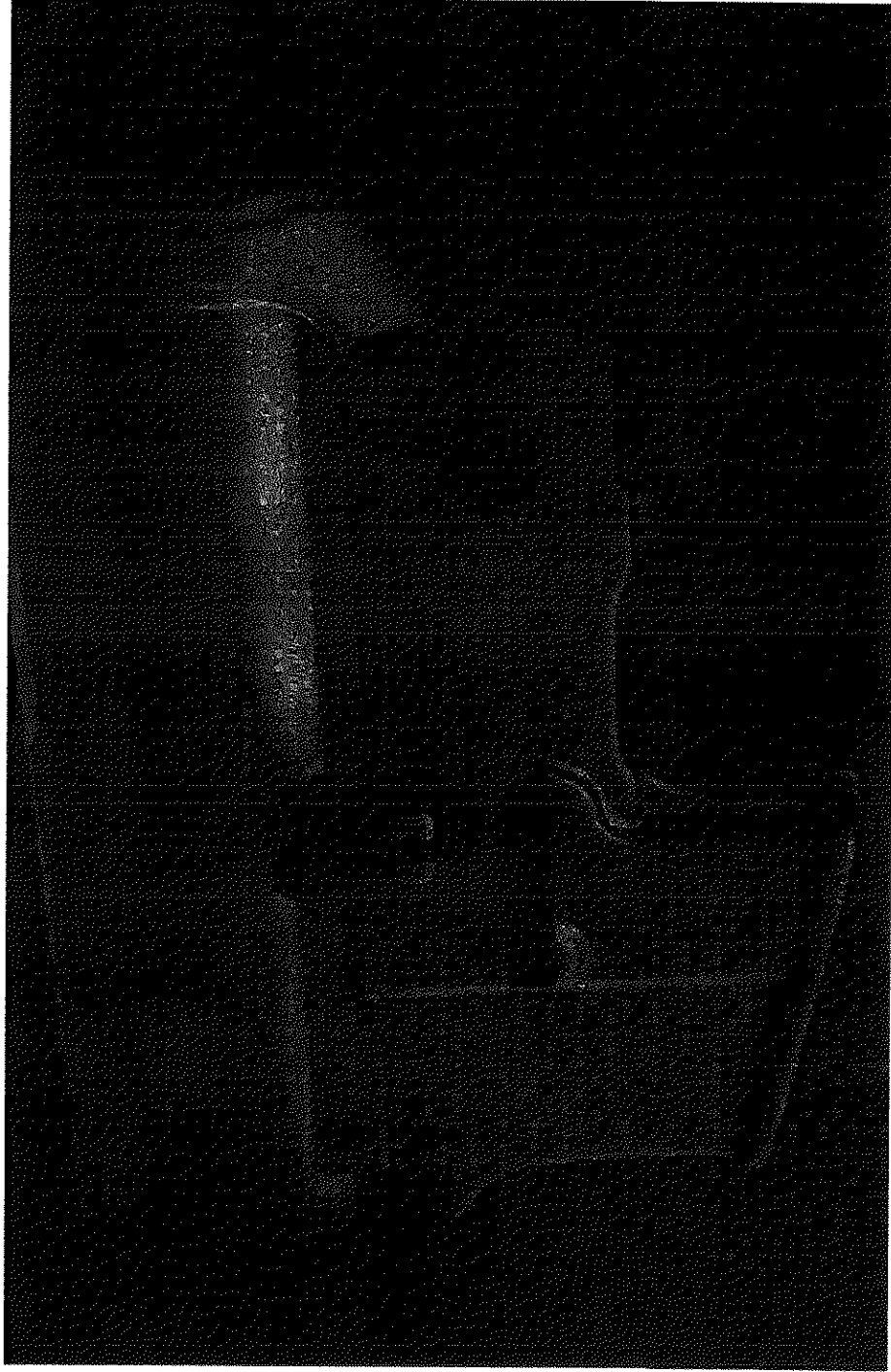
5



Las Vegas Recovered Weapons and Ammunition

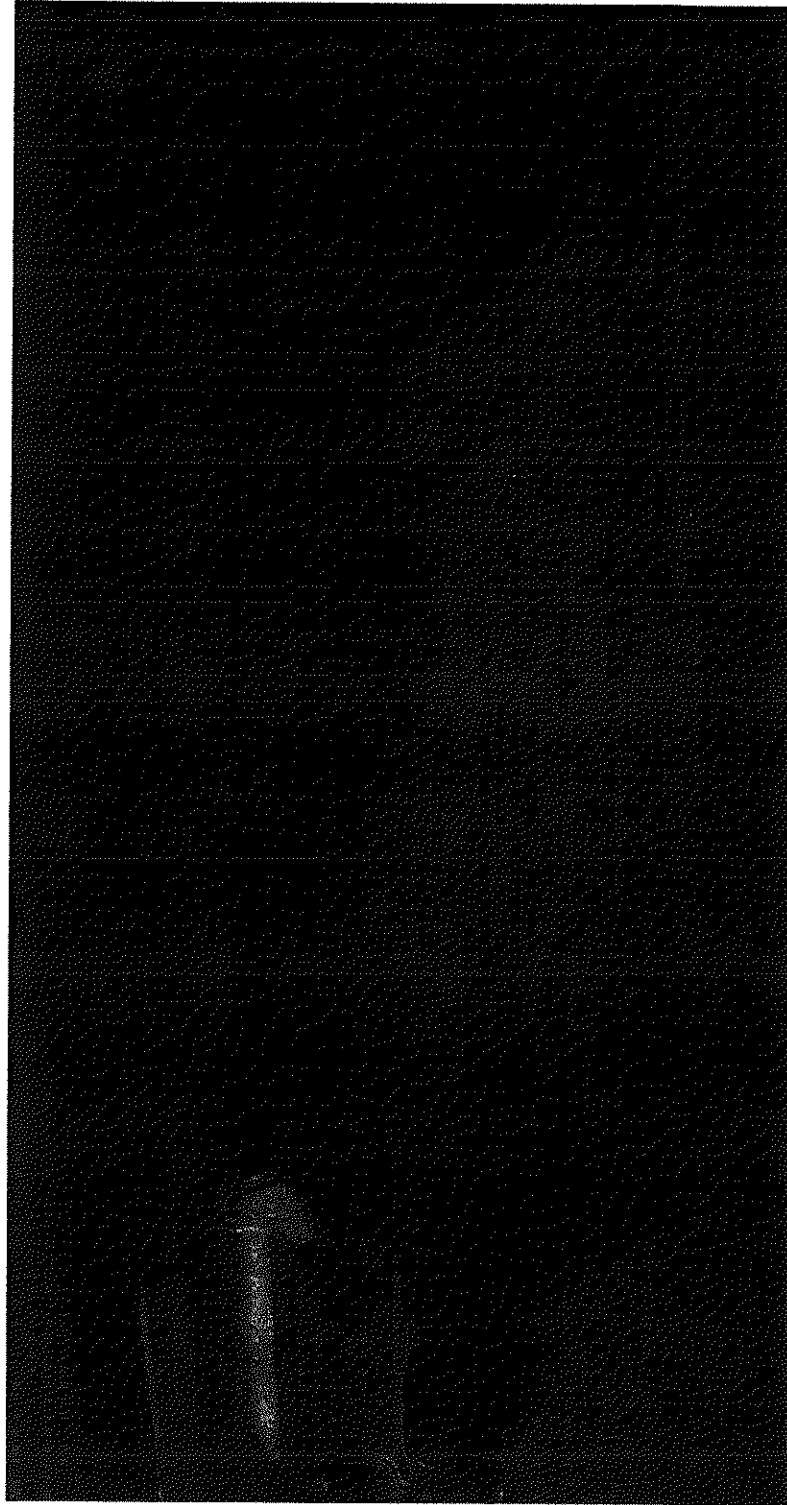


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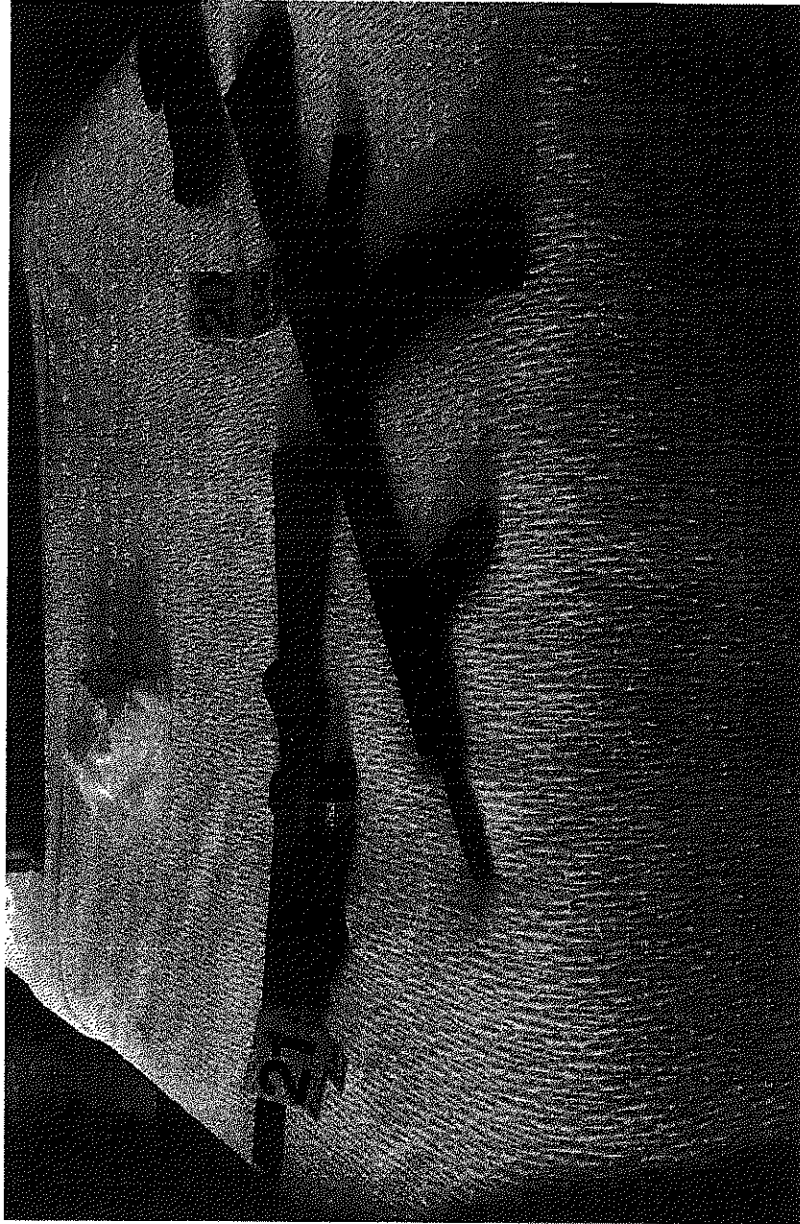
Patriot Ordnance Factory (POF) rifle

3205



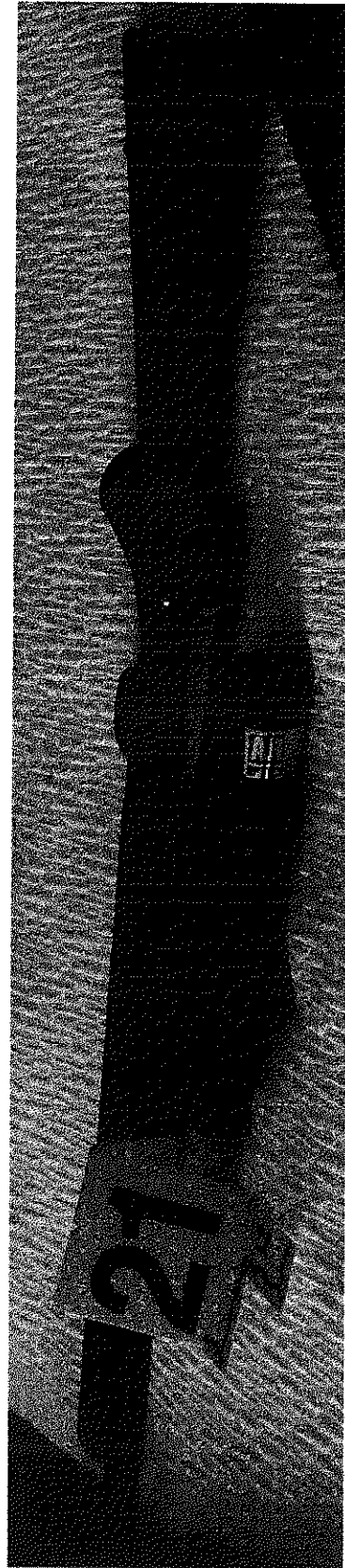
Appears to be Slide Fire SSAR-15 OGR Bump Fire AR-15 Stock

9076



Description #20: Appears to be an AR-type with what appears to be a Slide Fire SBS bump stock for AR-15
Description #21: Bolt action rifle with scope

3207



Bolt action rifle with scope

3208



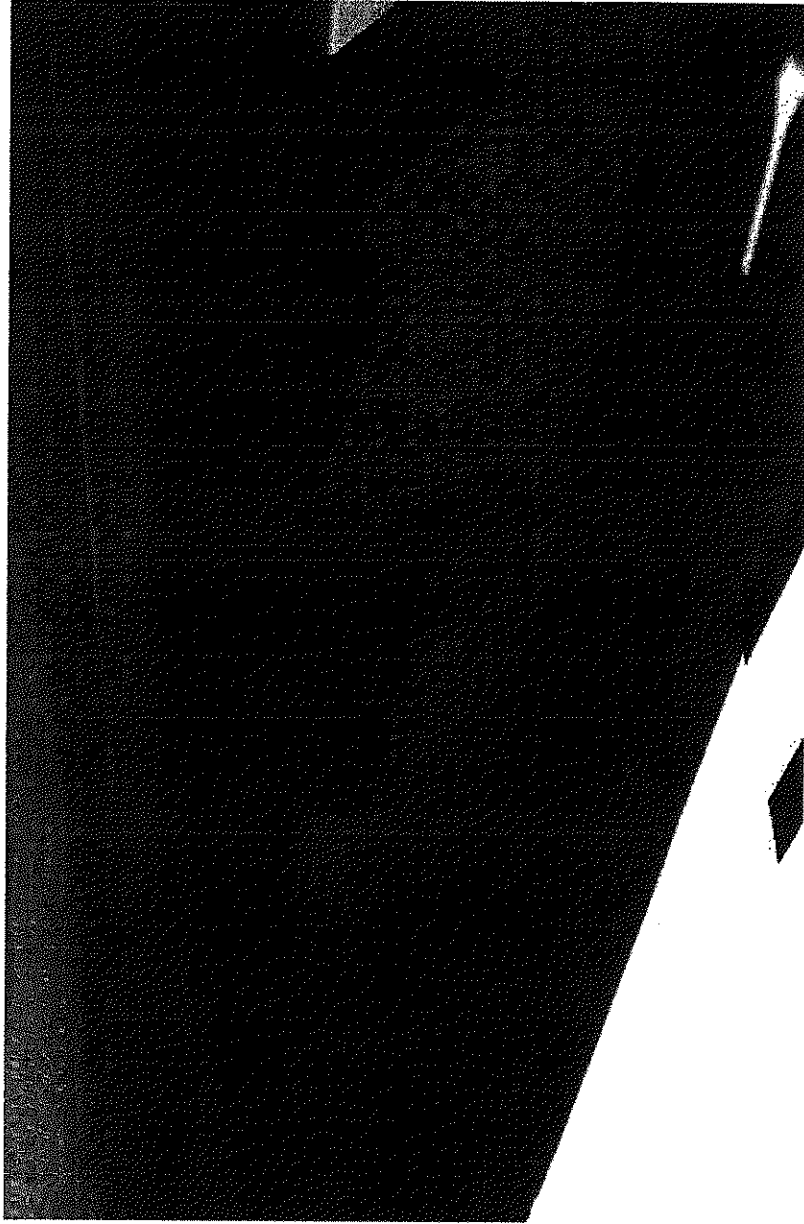
AR-type rifle with what appears to Slide Fire SBS bump stock for AR-15

6026



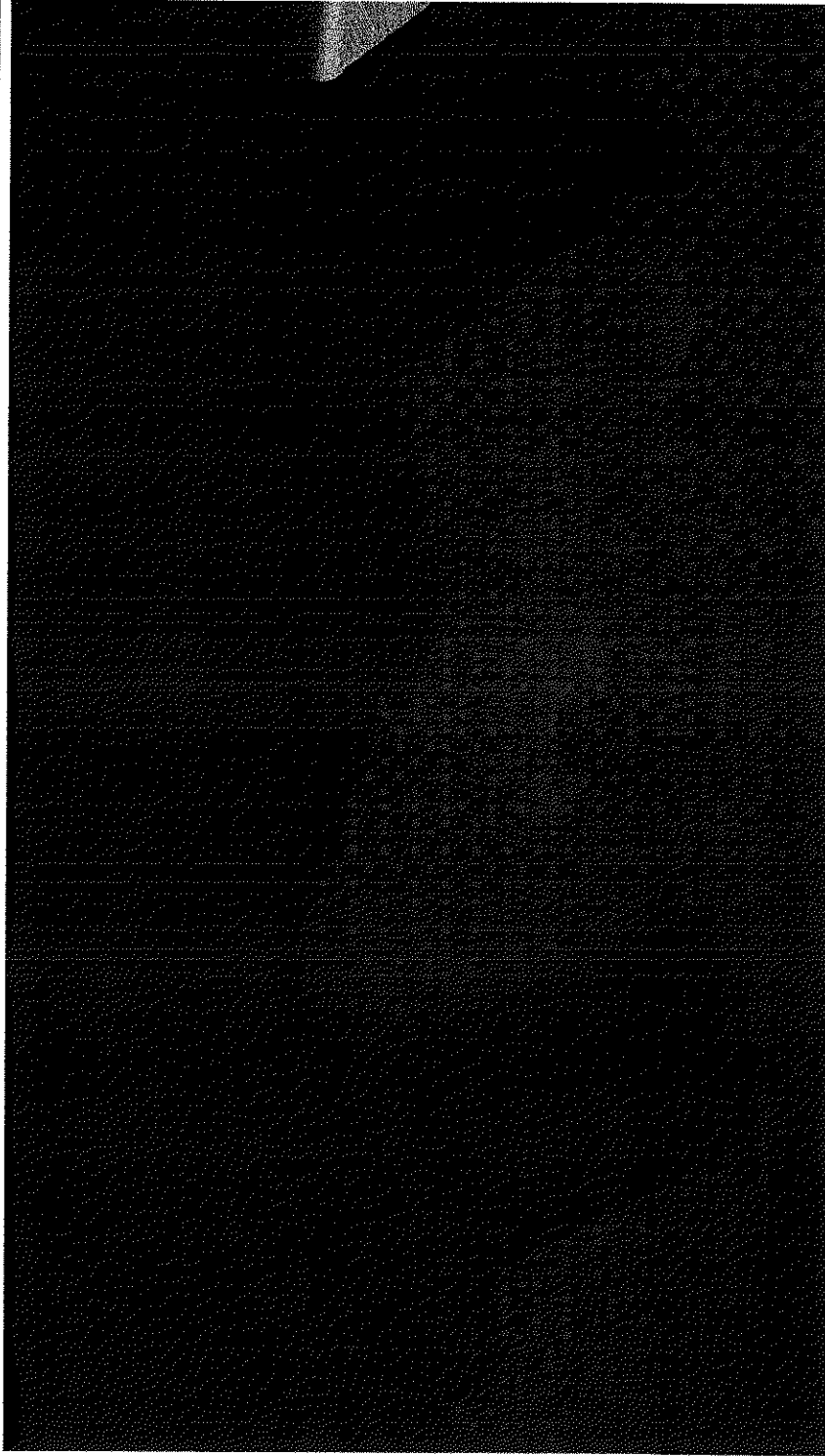
Appears to be a Slide Fire SBS bump stock for AR-15

3210



AR-type rifle with what appears to be a Slide Fire SSAR-15 OGR
Bump Fire stock

3211



Appears to be a Slide Fire SSAR-15 OGR Bump Fire Stock



Description #16 (right): AR-type with what appears to be a Slide Fire SSAR-15 OGR Bump Fire AR-15 stock

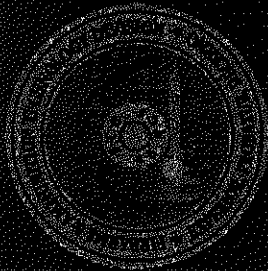
Description #9 (left): AR-type with what appears to be a Slide Fire SBS bump stock for AR-15



3212

3213

14

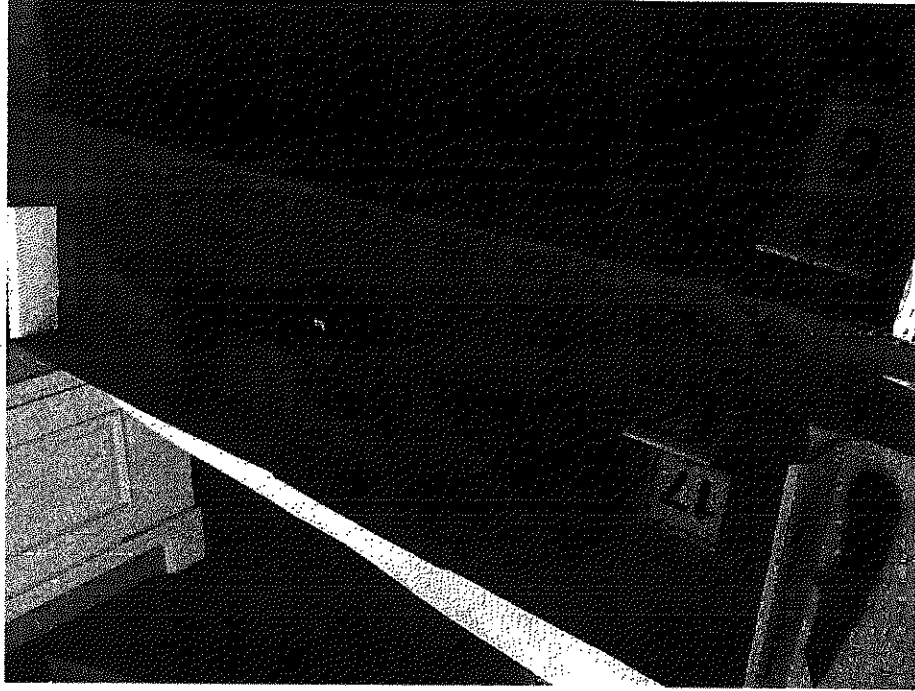


Las Vegas Recovered Weapons and Ammunition



Description #17 (left): AR-type with what appears to be a Slide Fire SBS bump stock for AR-15

Description #9 (right): AR-type with what appears to be a Slide Fire SBS bump stock for AR-15

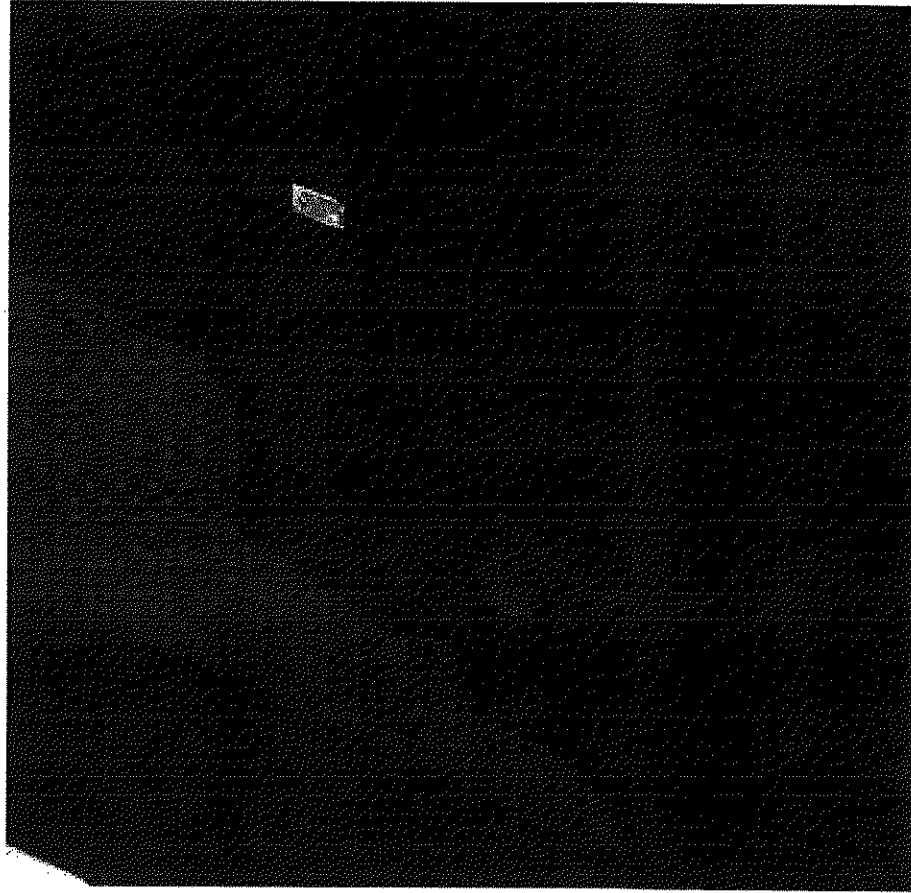


14

3214



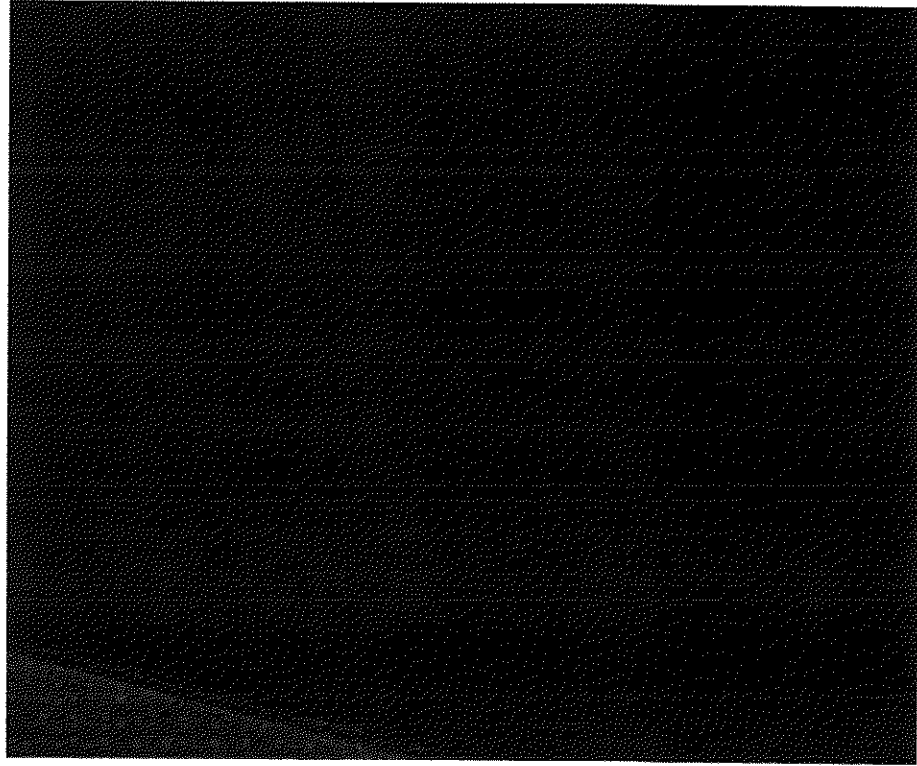
Description: AR-type rifle with
Daniel Defense upper receiver.
Rifle has bump fire stock



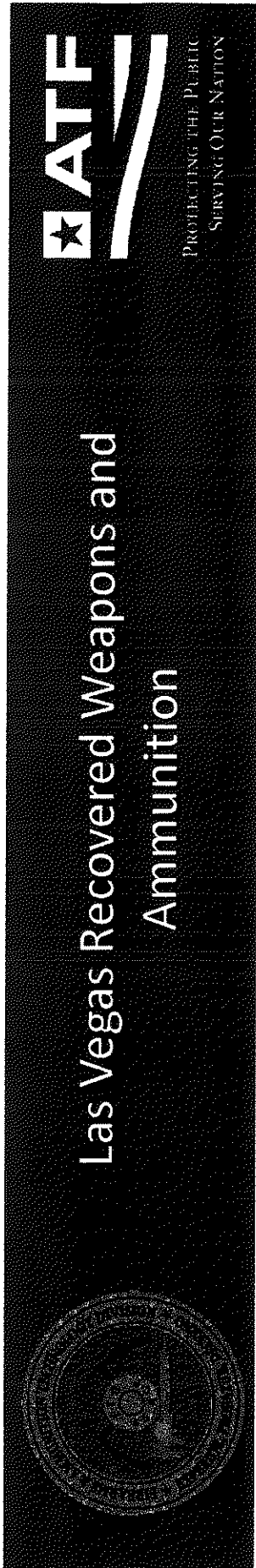
3215



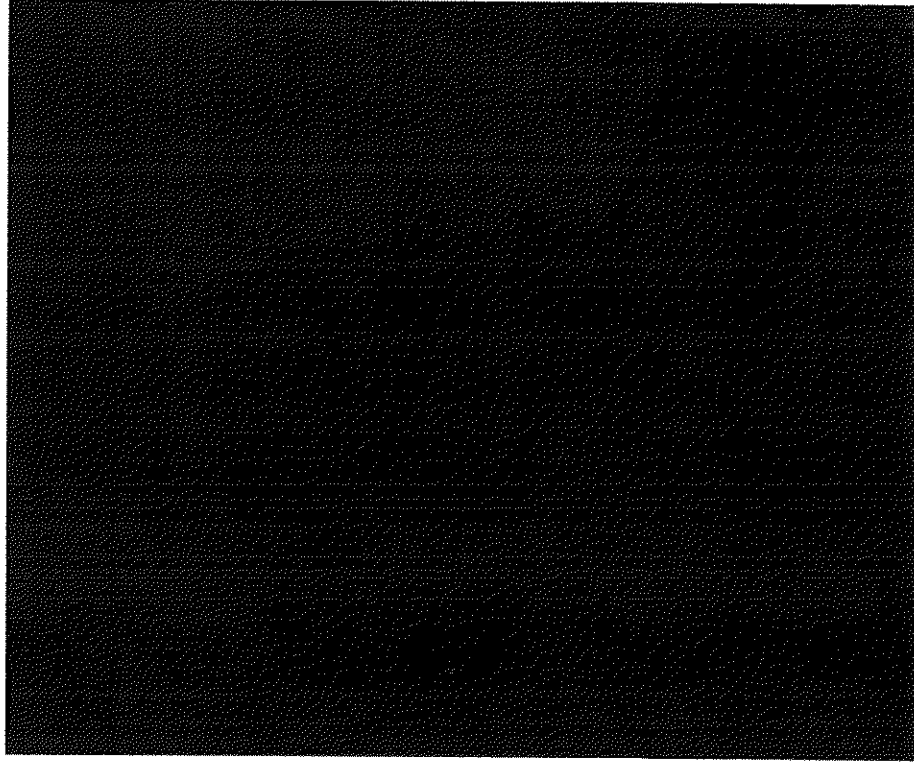
Description: AR-type with
bump fire stock



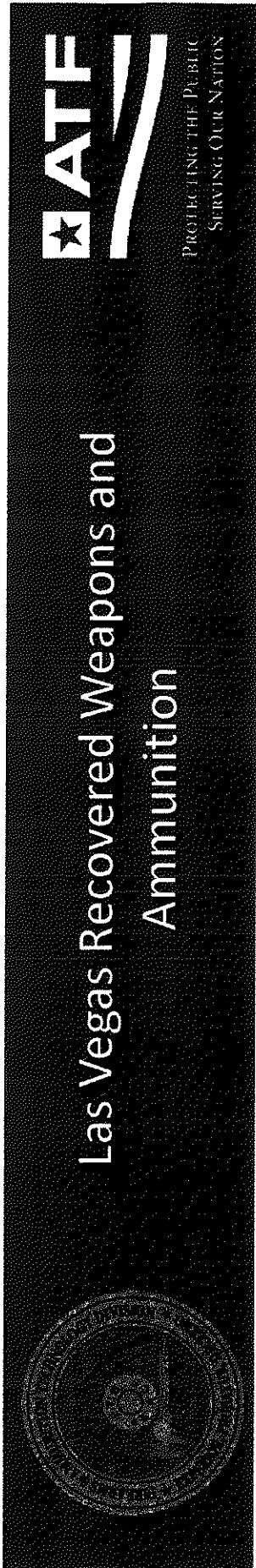
3216



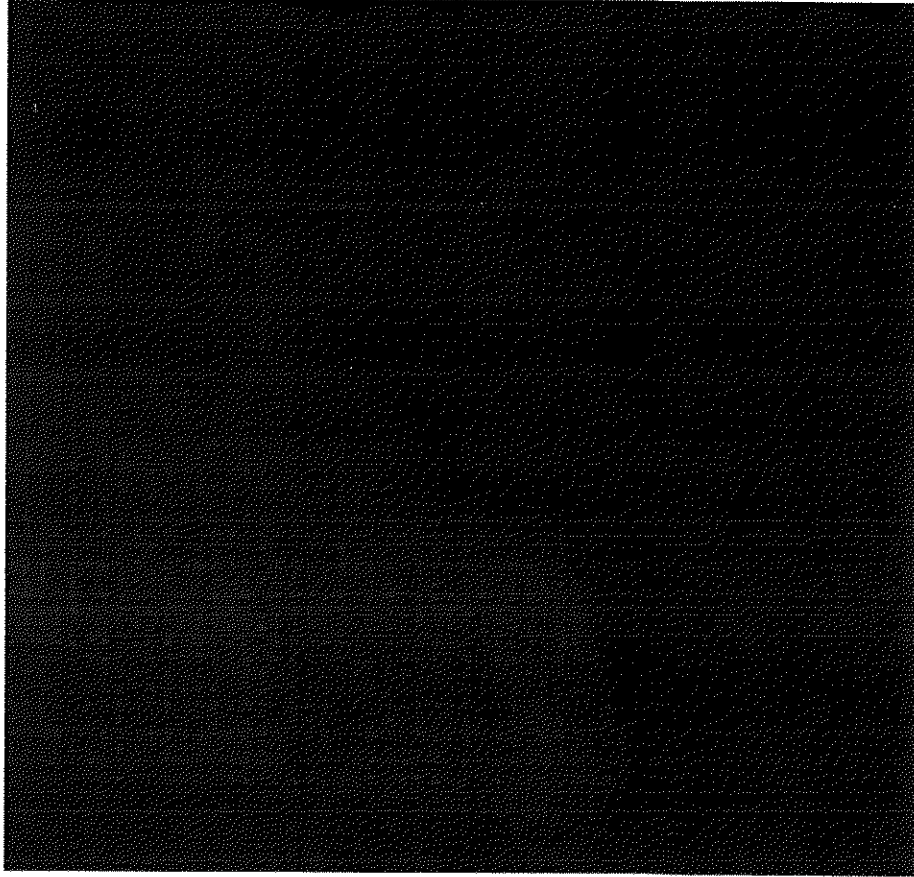
Description: AR-type with
bump fire stock



3217



Description: AR-type with
bump fire stock

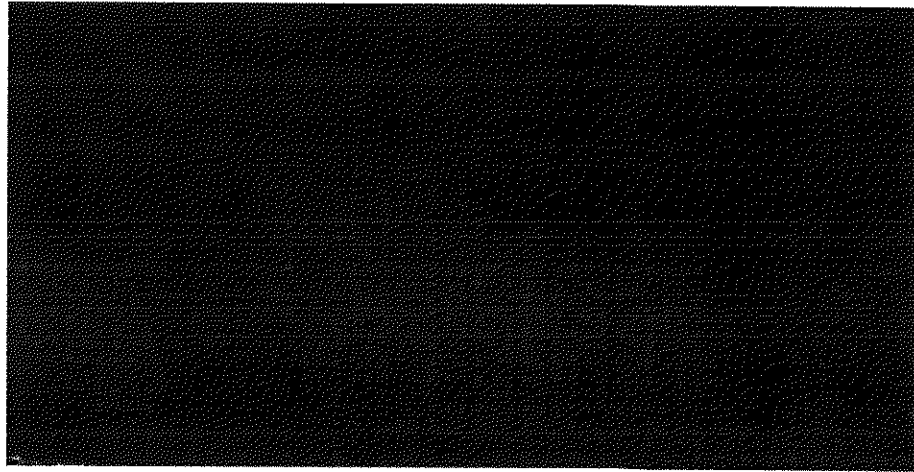


3218

19



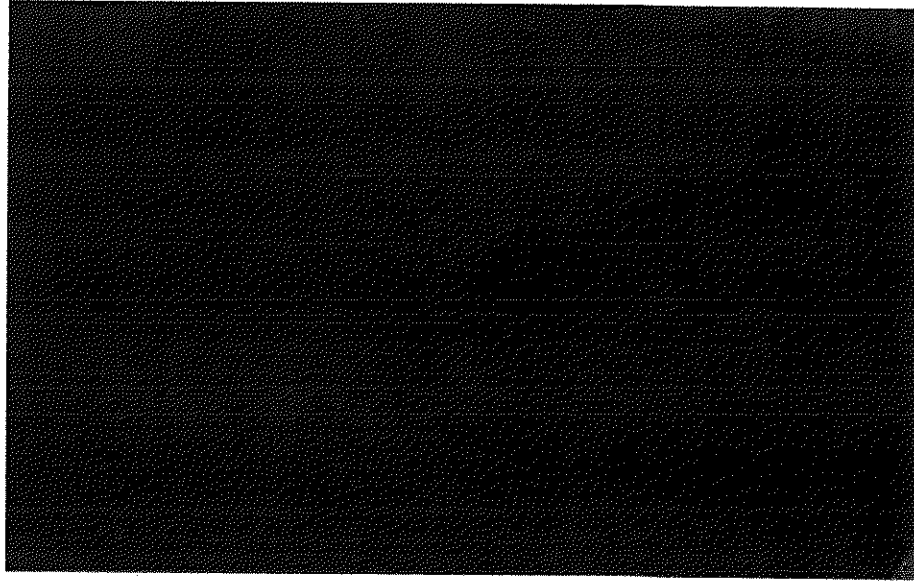
Description: AR-type rifle and
what appears to be Slide Fire
SSAR-15 OGR Bump Fire stock



3219

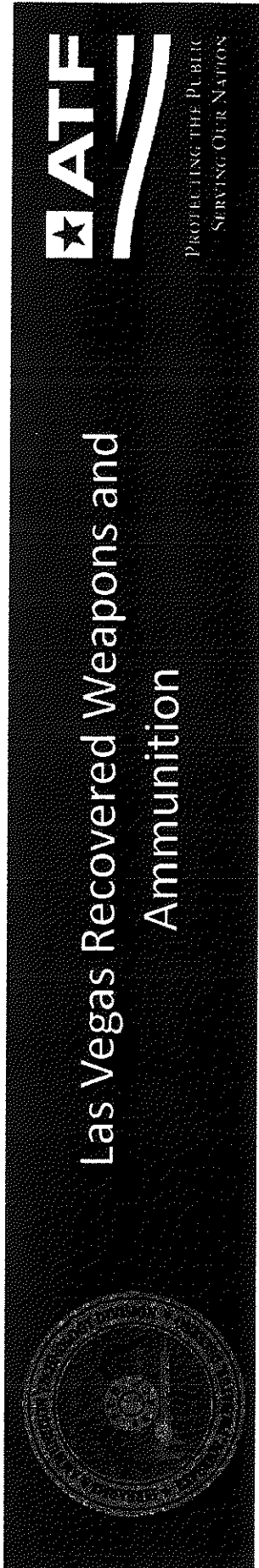


Description: AR-type rifle with
what appears to be a Slide Fire
SBS bump stock



0223

21



Federal .223



Las Vegas Recovered Weapons and
Ammunition



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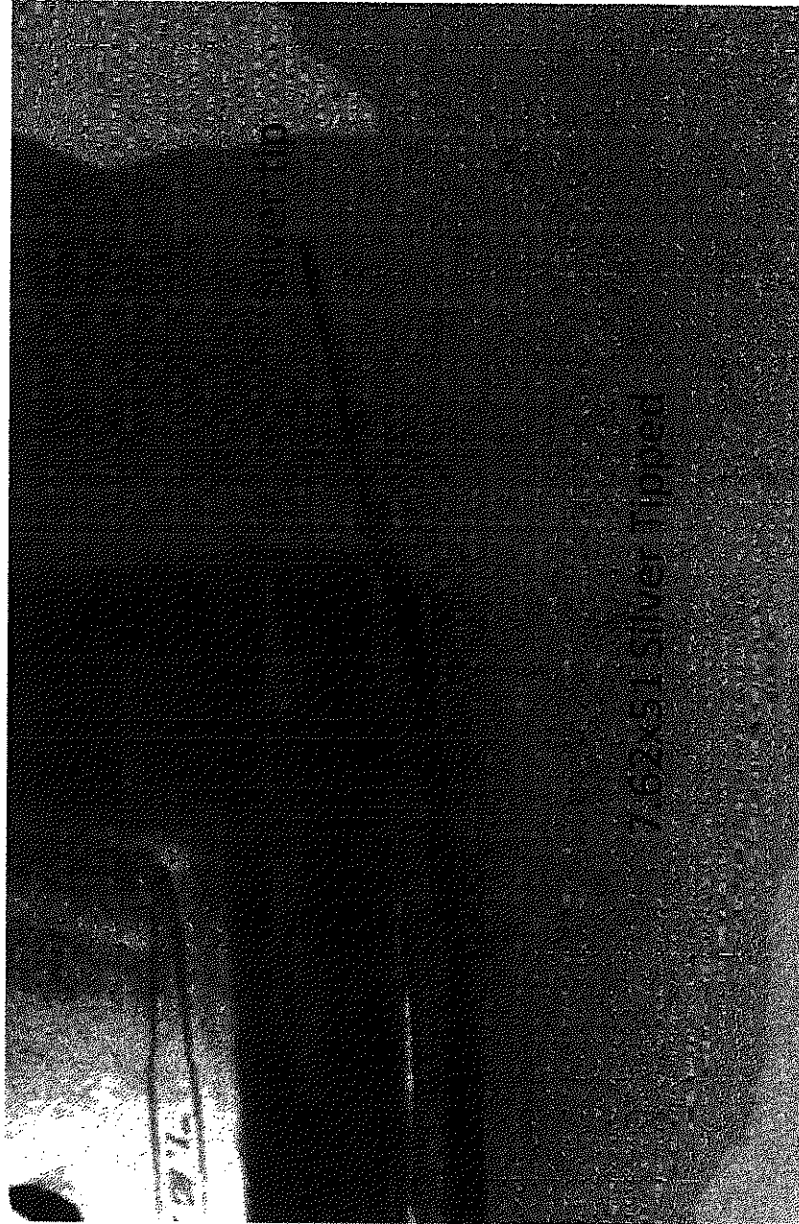
Black tip

7.62x51 Black Tipped

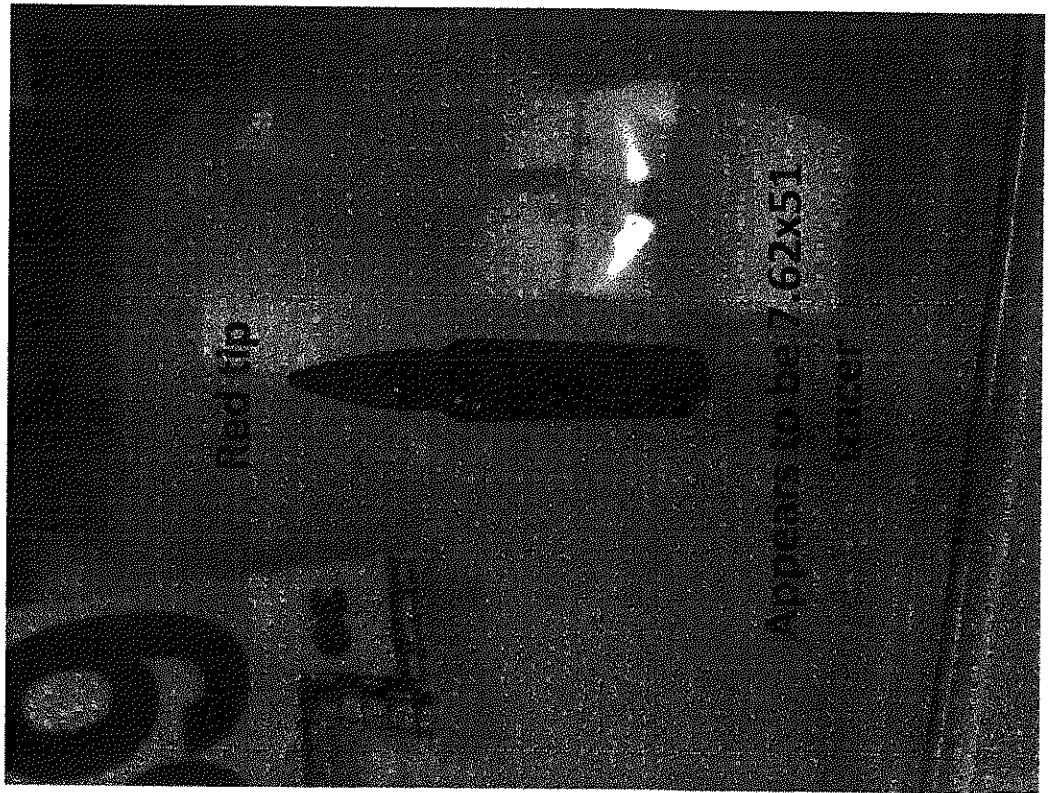
3221

3222

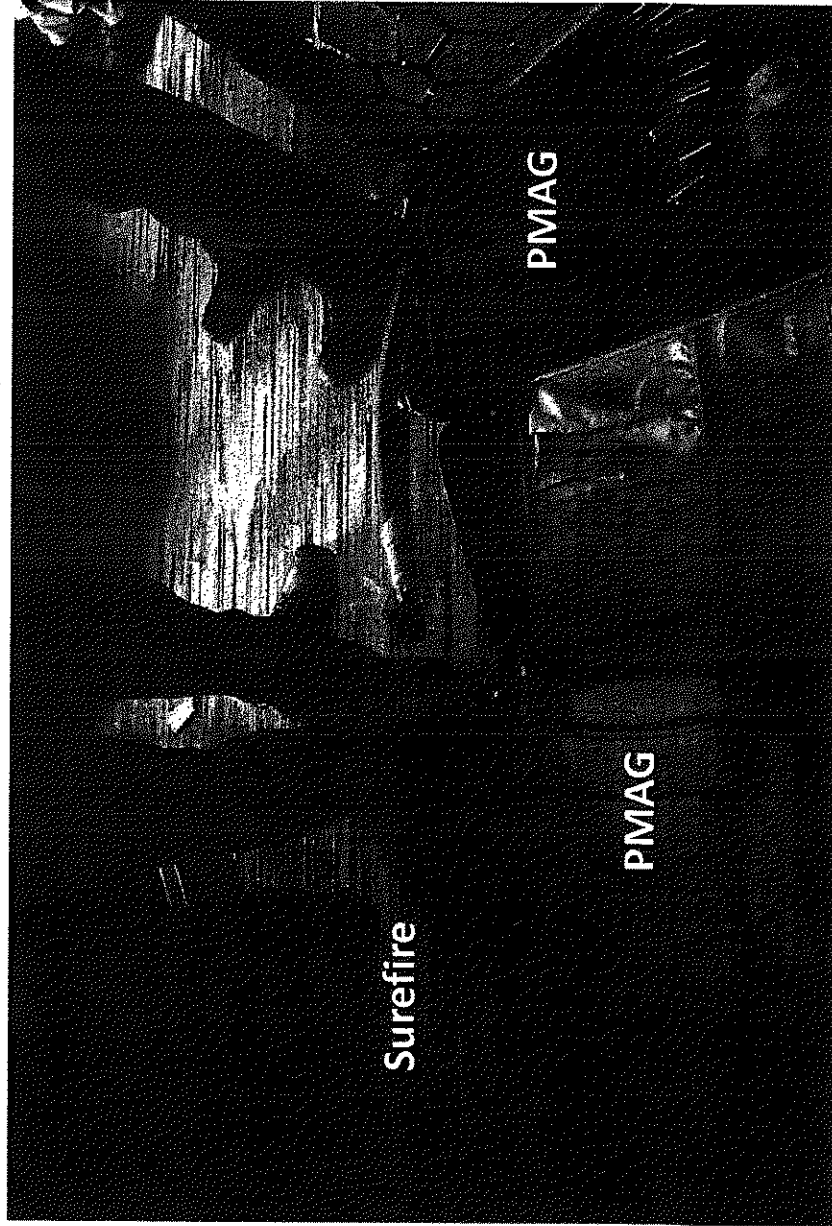
23



3223



3224



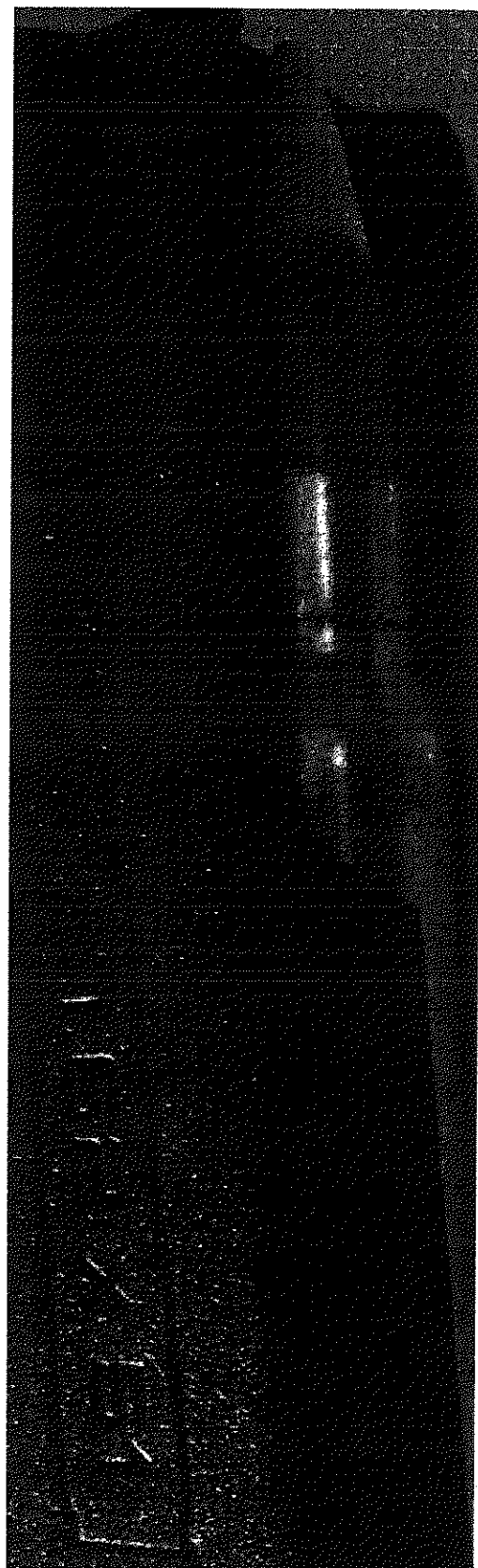
Firearm magazines, 30-round PMAG (Magpul) in the foreground. Appears to be 100-round (Surefire) capacity firearm magazines in the background.

3225



Green Tip over White, appears to be 7.62 x 51 "Dim Tracer"

3226

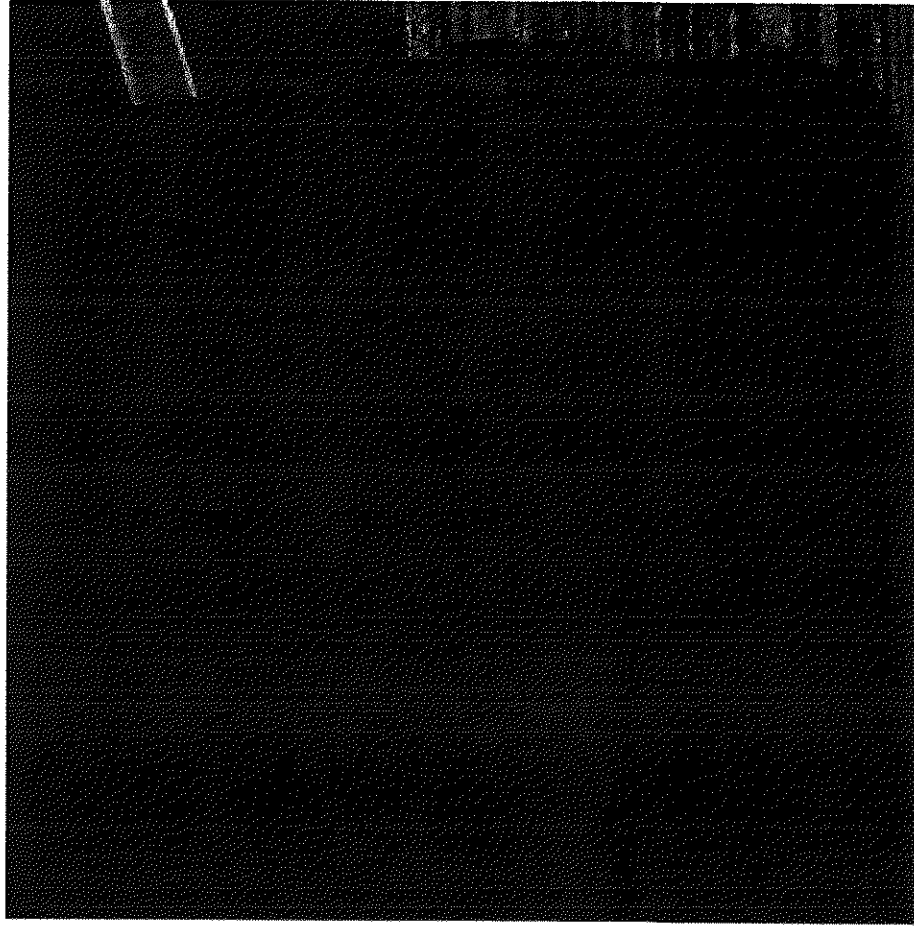


Green over White Tip
Appears to be 7.62x51 "Dim Tracer"

3227



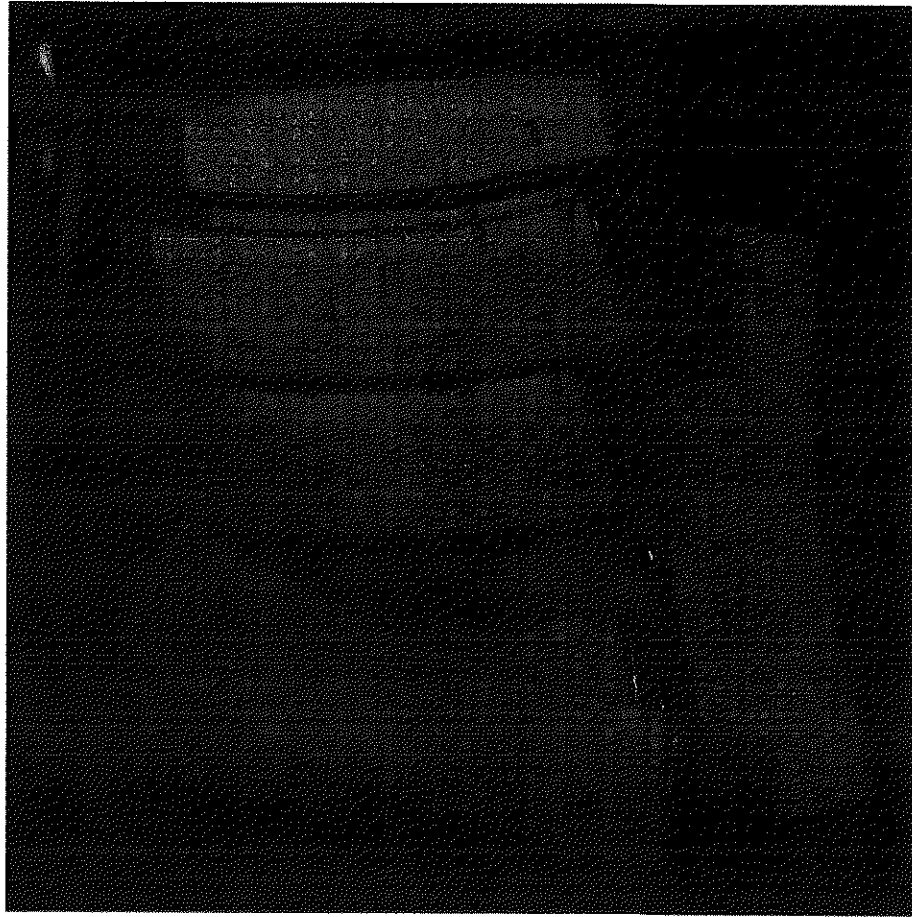
Surefire Magazines, appears to be 100-round capacity.



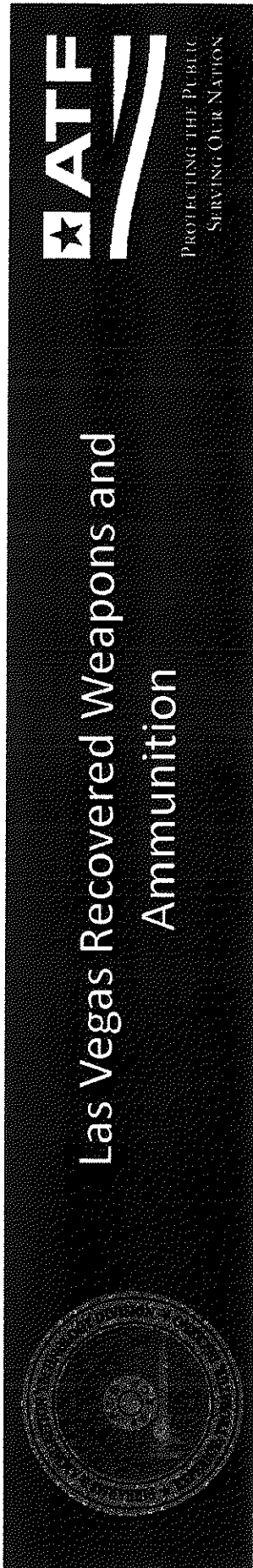
3228



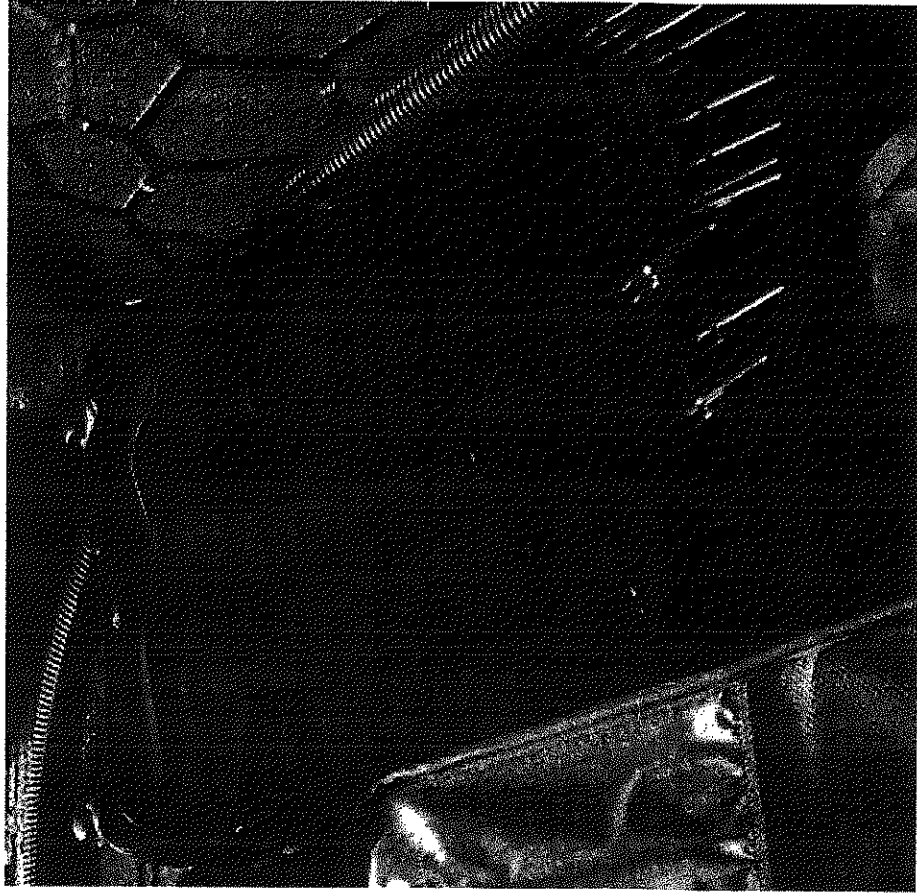
PMAG magazines, appears to be
30-round capacity



3229



Appears to be 30-round capacity
PMAG firearm AR magazines.





There are no external visual indications (i.e. automatic sear pin hole) that the weapons have been converted into machineguns.

However, on-scene ATF personnel were **not** allowed to physically examine the interior of the weapons for machinegun fire-control components or known machinegun conversion devices such as Drop-In Auto Sears, Lightning Links, etc.

3230

3231

32

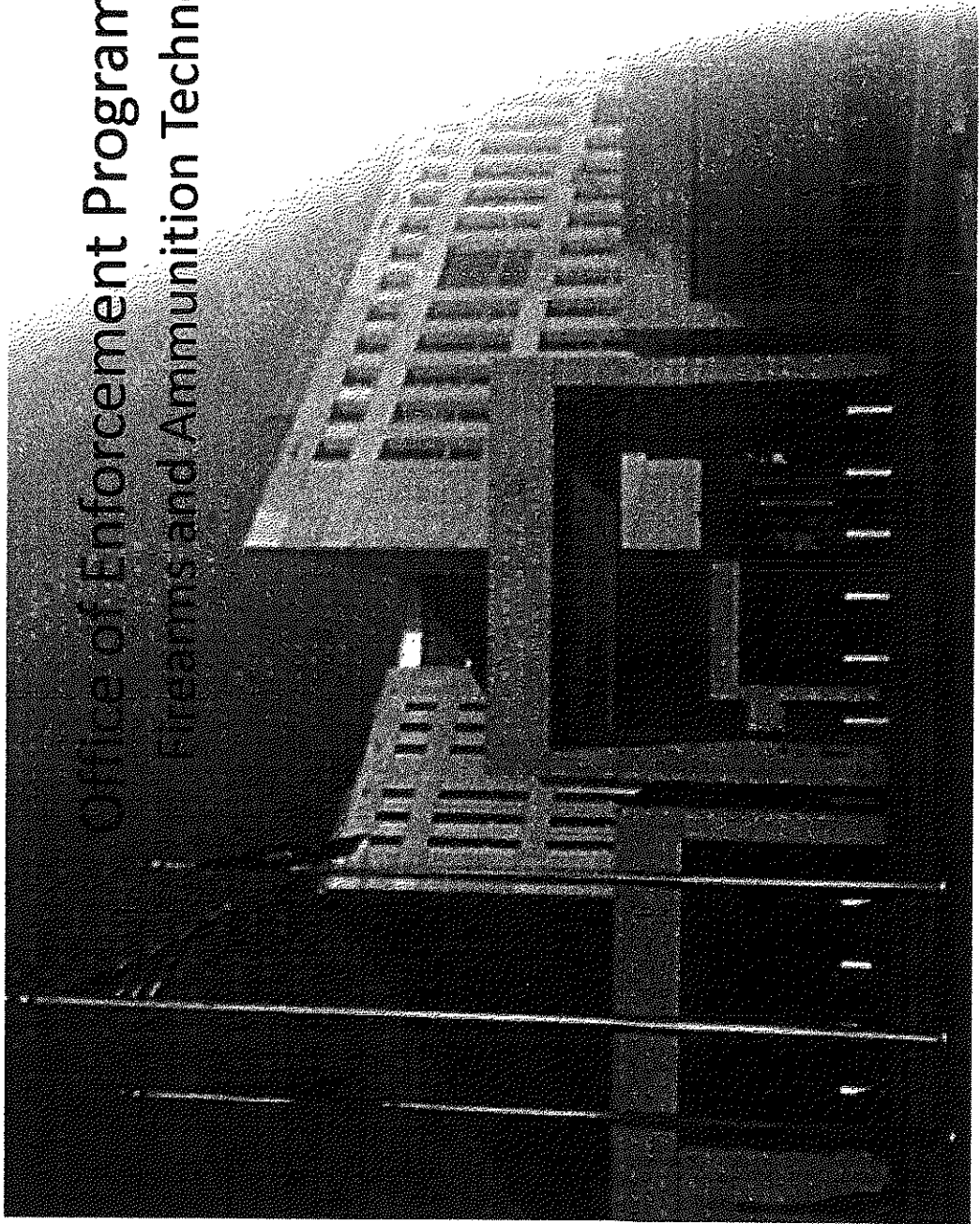


Las Vegas Recovered Weapons and Ammunition



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Office of Enforcement Programs and Services Firearms and Ammunition Technology Division



To: Brandon, Thomas E. (b) (6)
From: (b) (6)
Sent: Sat 10/28/2017 3:31:05 PM
Subject: Re: What Is a Bump Stock and How Does It Work? - The New York Times

Thanks Tom. I hadn't seen this. Hope all is good.

On Oct 28, 2017, at 10:11 AM, "[Thomas.E.Brandon](#)" (b) (6) wrote:

(b) (6), great animation for understanding bump stocks. Have a nice weekend, Tom

<https://www.nytimes.com/interactive/2017/10/04/us/bump-stock-las-vegas-gun.html>

Sent from my iPad