

LEGAL AND LETHAL: 9 PRODUCTS THAT COULD BE THE NEXT BUMP STOCK

How the gun industry is putting public safety at risk by manufacturing extremely lethal firearms designed to skirt the federal laws established to keep us safe.

LINDSAY NICHOLS Federal Policy Director at Giffords Law Center

DAVID CHIPMAN Senior Policy Advisor at Giffords, former ATF Special Agent

On October 1, 2017, a shooter at the Mandalay Bay Casino in Las Vegas, Nevada attacked 22,000 Americans attending a concert, killing 58 and injuring hundreds more. The nation soon learned that the shooter had used a firearm accessory known as a bump stock to maximize the carnage he inflicted. Calls for stronger regulation of these devices soon followed. A year later, these devices are still legal, with neither Congress nor the Trump administration completing the process of banning them.



BUMP STOCKS

Bump stocks increase the rate of fire of semiautomatic weapons, allowing them to approach the rate of automatic firearms. Bump stocks allow a person to hold a finger steady while the recoil of the fired rifle simply “bumps” the stock of the gun against the shooter’s shoulder. There, the gun is propelled forward against the shooter’s finger, causing the trigger to be activated. As a result, the semiautomatic firearm can fire shots in rapid succession to simulate a fully automatic rate of fire.

Bump stocks continue to pose a danger to the public. As this report details, however, for a long time the gun industry has been designing other advanced weaponry and similar devices with the same goal in mind as bump stocks: to increase the lethality of firearms. These devices not only threaten the public, they also undermine the one decades-old federal law that governs how firearms are made: the National Firearms Act.

This report describes the gun industry’s ongoing efforts to undermine the National Firearms Act, both through legislation and through technological hacks. It is our hope that this report will begin a discussion about how the NFA can be updated to address modern threats to public safety, from devices like bump stocks to AR-15s and other assault weapons.

ABOUT THE NATIONAL FIREARMS ACT

The National Firearms Act (NFA), enacted in 1934, was the first federal regulation on the manufacture, transfer, and possession of firearms. In order to possess firearms that fall under the NFA, individuals must undergo a background check process that includes the submission of photo identification and fingerprints, and then must register the firearm with ATF. Individuals must also pay a \$200 transfer tax, an amount that has not changed since the NFA was established in 1934. As of February of 2018, over 5.5 million NFA firearms were registered with ATF.

Because of the NFA’s effective regulatory regime, weapons covered by the NFA are rarely used in crime. But few firearms fall within the NFA’s purview. Of the 322,078 firearms traced in the United States during 2017, less than 1% were regulated under the NFA, including 1,265 machine guns and 1004 silencers. While the gun lobby often claims that gun laws don’t work because criminals don’t follow the law, the NFA has effectively deterred violent criminals from using these weapons.

Shortly after the Las Vegas attack, bipartisan legislation was introduced in Congress to address the threat posed by the bump stock and similar devices. After President Trump claimed that he would solve the problem of bump stocks by directing the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) to ban them, the legislation in Congress stalled. **As of the publication of this report, it has been one year since the massacre in Las Vegas and bump stocks remain legally available and un-regulated.** The ATF regulation has still not been finalized and the bipartisan legislation in Congress has not advanced beyond introduction. In contrast, ten state legislatures have responded effectively to this threat, enacting new bans on bump stocks.*



A “bump stock” is attached to a semi-automatic rifle at the Gun Vault store and shooting range in South Jordan, Utah. *Image: Rick Bowmer, AP*

* CT, DE, FL, HI, MA, MD, NJ, RI, VT, WA. California and Iowa already had bump stock laws in place at the time of the Las Vegas shooting.

Weapons regulated under the NFA include:

- Short-barreled rifles (SBRs) and sawed-off shotguns. These guns are particularly lethal because they can be easily concealed and also fire large-caliber rounds.
- Firearm silencers. These devices make it difficult to recognize the sound of gunfire and mask muzzle flash. They also make it difficult for people who are nearby, including law enforcement, to identify the sound of gunshots and locate an active shooter.
- Fully automatic firearms, known as machine guns. In 1986, the Firearms Owners' Protection Act (FOPA) built on the NFA by banning the possession and transfer of new machine guns by a private citizen. Such weapons are particularly lethal because of their high rate of fire.
- "Destructive devices," including most large-caliber firearms. The provision adding these particularly lethal, large-caliber guns to the NFA was added in the 1960s.
- Devices that can convert a gun into a machine gun or destructive device, and any combinations of parts that can be used to build a machine gun or a destructive device. ATF is in the process of reclassifying bump stocks to fit within this category.
- AOWs. AOW stands for "any other weapon," a catchall phrase used by the NFA that was intended to cover certain technologically unique weapons, including firearms that can be easily concealed but are not typical handguns.

Elected leaders in the 1930s made their best effort to identify and describe all categories of particularly dangerous weapons that posed a danger to public safety. Unfortunately, this effective regulatory structure is under fire, both through modern technological hacks by the gun industry and through legislation pushed by the industry's key ally: the gun lobby.

LEGISLATIVE EFFORTS BY THE GUN LOBBY TO WEAKEN THE NFA

One of the devices explicitly regulated by the NFA is a gun silencer. Gun silencers—also called suppressors by the gun industry—give shooters a strategic advantage by disguising the sound of gunfire and masking the muzzle flash. They make it more difficult for anyone, including law enforcement officers, to recognize the sound of gunfire and locate an active shooter. For this reason, Congress chose to impose the NFA's tax and registration requirements on gun silencers in 1934.

In 2017, NRA-backed Republicans in the House of Representatives introduced the *Hearing Protection Act*, which would have removed gun silencers from regulation under the NFA. This gun lobby priority was supported by President Trump's son, Don Jr., who advocated for Silencer Co., one of the largest silencer manufacturers, during his father's 2016 presidential campaign.

When initial efforts to pass the bill stalled, the bill was incorporated as part of the *SHARE Act* to be considered by the House Natural Resources Committee with a public hearing scheduled for June 14, 2017. The hearing was canceled as a result of an armed attack on Republican members of Congress at baseball practice in Alexandria, Virginia where Congressman Steve Scalise was badly injured. The hearing was eventually held on September 12, 2017, but further advancement of the bill failed due to serious opposition from gun safety groups, law enforcement organizations and veterans' groups, among others.

GUN INDUSTRY EFFORTS TO CIRCUMVENT THE NFA

The gun industry has been aggressively developing new weaponry since the NFA was first enacted. Through innovative and unconventional methods, they've also been able to develop extremely lethal weaponry designed to avoid the law's requirements.

The remainder of this report details specific firearms and devices currently sold that avoid classification as regulated NFA weapons, yet are similarly dangerous. Because these weapons are not subject to this additional regulation and oversight, which includes a mandatory background check, they can easily end up in the hands of criminals and endanger the public.

1. TRIGGER CRANK

The NFA defines machine guns as firearms that discharge more than one bullet with a “single function of the trigger.” The gun industry has exploited this language through the developments of rotating trigger cranks. Like bump stocks, these devices can be attached to a gun and increase its rate of fire significantly. Turning the crank activates a gear whose teeth depress the trigger—allowing a shooter to discharge several shots per revolution.

In 1955, before the creation of the modern ATF, the Internal Revenue Service issued a ruling stating that the “Gatling Gun” was not a machine gun. While the Gatling Gun differed from modern guns in many other respects, it used a crank similar to modern trigger cranks. In 2004, ATF issued a ruling finding that the “Minigun,” which uses a crank to operate an electric switch, rather than a traditional trigger, does qualify as a machine gun, because the crank itself operates as the trigger. Nevertheless, because of the 1955 Gatling Gun ruling, **many cranks that can be attached to modern firearms with traditional triggers are still considered legal.** Since the Vegas shooting, seven states have enacted bans on trigger cranks.*

* CT, DE, HI, MA, MD, NJ, RI. California and Iowa already had bump stock laws in place at the time of the Las Vegas shooting.



Trigger Cranks.
Images: *Everyday No Days Off*

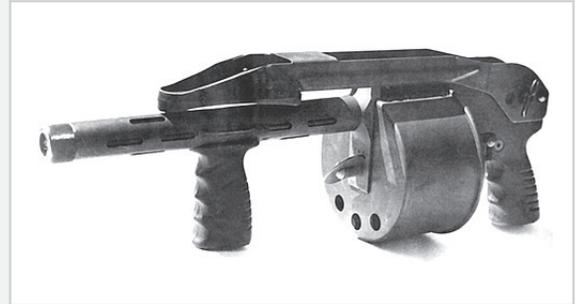
2. HIGH CAPACITY SHOTGUNS

In the 1960s, the NFA was amended to limit the availability of large-caliber firearms that were becoming an increasing threat to law enforcement. These firearms became known as “destructive devices” and were regulated under the NFA’s tax and registration provisions. However, because many shotguns that fire large-caliber shells are traditionally used for hunting, ATF is able to exempt models of shotguns that they deem suitable for “sporting purposes” from regulation under the NFA. The gun lobby has exploited this exemption for a long time.

During the late 1980s, the firearms industry attempted to penetrate the American market with enhanced semi-automatic shotguns originally used for riot control by foreign law enforcement. The **Armsel Striker**, popular in South Africa, was marketed in the United States as the Street Sweeper. With a folding stock, the Street Sweeper measured only 16.5” long—slightly longer than a sawed-off shotgun—and combined concealability with firepower. It also included a revolving cylinder that could hold 12 rounds—significantly more than traditional hunting shotguns. **According to ATF**, “All 12 rounds can be fired from the shotgun in three seconds or less.”

In response to increased use of the Street Sweeper in gang-related crime, in 1994 ATF declared the firearm a “destructive device” under the NFA. As a result of this decision, today such firearms must be registered with ATF. Features like the gun’s revolving cylinder, two pistol grips, and weight were cited as indications the Street Sweeper was not designed for sporting purposes.

Since then, the firearms industry has designed weapons that are lighter than the Street Sweeper and do not share its two pistol grips. These design modifications have enabled the firearms industry to argue that these newer weapons are not “destructive devices,” although **ATF has still questioned** whether they are suitable for sporting purposes. These newer high capacity shotguns share the Street Sweeper’s firepower and ability to hold a dozen rounds or more. The firearms industry has marketed these anti-personnel firearms as tactical shotguns. **Today, semi-automatic and pump shotguns capable of holding 15 rounds or more, previously marketed to law enforcement, are being sold to civilians.**



Armsel Striker shotgun.
Image: Modern Firearms.



Kalashnikov KS-12T 12 gauge semi-automatic shotgun.
Image: DeGuns



UTAS UTS-15 pump action tactical shotgun.
Image: Impact Guns

3. ARMOR-PIERCING PISTOLS

Short-barreled rifles are unusually dangerous because of their concealability, accuracy, and ability to penetrate body armor. They are regulated under the NFA for these reasons. Certain newer model pistols are designed to be just as dangerous but manage to avoid NFA regulation. They can fire rifle rounds capable of penetrating body armor, but are concealable like handguns. **Armor-piercing pistols escape the NFA's definition of short-barreled rifles because they are not designed to be fired from the shoulder; nevertheless, their short length paired with the number of rounds they fire mean they present a similar, if not identical, threat to public safety.**



AR Style Pistols.
 Top Image: Charleston Gazette-Mail
 Bottom Image: Tactical-Life

4. AR PISTOL ARM BRACE

The AR Pistol Arm Brace is an attachment that allows a shooter to fire a pistol with rifle-like accuracy. The AR Pistol Brace can be quickly attached and detached, meaning that the pistol can be concealed and then swiftly converted into a weapon with the accuracy of a rifle. **In 2015, ATF determined** that AR pistols with arm braces are short-barreled rifles since they can be fired from the shoulder and have a barrel that is shorter than 16 inches in length. However, **in March 2017**, ATF clarified that a pistol with an arm brace attached is not a short-barreled rifle unless the arm brace is being used with the intent to fire the weapon from the shoulder. ATF's decision clearly fails to address the significant public safety threat posed by these pistol arm braces.



Top: AR Pistol Arm Brace.
 Image: The Firearm Blog
 Bottom: AR Pistol Blade Stabilizer.
 Image: Primary Arms

5. .50 CALIBER RIFLE AND .50 CALIBER AMMUNITION

The NFA requires the registration of “destructive devices,” generally including any firearm of more than .50 caliber. The semi-automatic .50 caliber rifle is therefore the largest caliber firearm that does not fall under the NFA. The sniper rifle is deadly at distances of a mile or more and considered a national security threat due to its ability to shoot down a helicopter. Designed for use in military situations and utilized by military units across the world, these weapons can penetrate structures and destroy or disable light armored vehicles, radar dishes, stationary and taxiing airplanes, and other high-value military targets. In the hands of terrorists or other dangerous individuals, .50 caliber rifles could easily cause a mass casualty incident. **The gun industry actively markets these weapons, which are legal in every state but California.**



Above: .50 Caliber Rifle.
Image: Wikimedia Commons



Right: .50 Caliber Ammunition.
Image: Sportsman's Guide

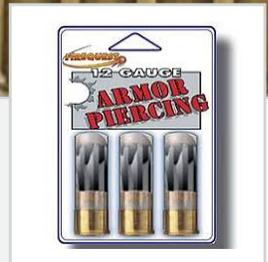
6. INCENDIARY ROUNDS AND TRACER ROUNDS

Armor-piercing ammunition, rounds composed of heavy metals that can defeat heavy military equipment such as tanks, has been regulated by ATF since 1986, as long as it can be fired from a handgun. However, since the 1980s, the gun industry has developed and sold many other kinds of highly dangerous ammunition. Specialized ammunition such as incendiary rounds are able to spread fire on impact. Tracer rounds allow a shooter to see where rounds are tracking at night. These kinds of ammunition are sometimes regulated by states but not the federal government.

Since 1986, ATF no longer requires ammunition sellers to maintain records of sales even though it is a federal crime for prohibited persons to purchase any ammunition.



Armor-Piercing Ammunition.
Image Above: Military Wikia. Image Right: Delta Force



7. THE SHOCKWAVE OR SCATTERGUN

One category of weapons that poses a serious threat to public safety is a short-barreled shotgun. These weapons combine the power of a shotgun with the concealability of a handgun. Because of these concerns, shotguns are governed by the NFA if they have a barrel fewer than 18 inches in length. However, this restriction only applies to firearms that are designed to be fired from the shoulder. Other firearms that fire shotgun shot may be subject to the NFA as AOWs (“any other weapons”).

ATF has interpreted the AOW restriction to apply only to weapons “capable of being concealed” and **claims** that only firearms that have an overall length of fewer than 26 inches are capable of being concealed. This claim has **allowed** the gun industry to design firearms that skirt these restrictions by creating firearms that discharge shotgun shot, have a barrel that is fewer than 18 inches in length, and an overall length of over 26 inches. (The AOW restriction also applies to smooth-bore pistols or revolvers. It is not clear why the guns described here have evaded AOW classification by ATF as smooth-bore pistols.)

The “**Shockwave**” or “**Scattergun**” developed by O.F. Mossberg & Sons, Inc. is a such a weapon. Firearms like these are not practical for legitimate target shooting, hunting, or self-defense, and they have received **harshly negative reviews** from some members of the firearms community. Their only real goal is to circumvent the NFA. Yet a person with a large coat could easily conceal this particularly lethal gun.

Mossberg obtained approval for their new weapon from ATF, but came into conflict with Texas law, which used language more straightforward than the NFA. However, by September of 2017, Mossberg had lobbied for, and the Texas legislature enacted, **a new law** legalizing these weapons in Texas.

The **Remington Model 870 Tac-14** is a similar gun. It has a 14-inch barrel and 26.3-inch overall length and fires shotgun shells. Pew Pew Tactical, a popular gun enthusiast blogger, **confirms** Remington’s strategy to aid and abet people who want to work around the NFA.



Remington Model 870 Tac-14.
Image: MilMag



Ithaca Auto & Burglar Gun, classified as AOW by ATF.
Image: ATF National Firearms Act Handbook

8. PISTOL CONVERSION KITS

The NFA regulates devices for converting firearms into machine guns, but does not regulate devices for converting pistols into short-barreled rifles and shotguns. A person who wants to cause harm would prefer such a weapon because the longer barrel length makes it more accurate, and the ability to grip it with in two places makes it is easier to fire multiple shots quickly. Consequently, pistol conversion kits that effortlessly transform a handgun into a weapon that mimics a short barreled rifle are the latest craze of a gun industry intent on prioritizing profits over public safety. These kits aren't cheap, but are likely worth the money to street criminals whose aim is to intimidate victims and terrorize neighborhoods.

A gun manufacturer called IMI Defense markets two models of their Kidon pistol conversion kit: Option A for customers willing to register a short-barreled NFA weapon with ATF, and Option B for customers looking to avoid ATF scrutiny. This second option replaces the shoulder stock with an arm brace or blade that allows the shooter to fire the gun with their arm extended.

Sellers of the kits are not regulated by ATF, since the kits themselves do not fall within the definition of a firearm. They are, however, marketed with **videos that tout the lethality** of these weapons and demonstrate how to evade the law. These videos also often caution watchers to be careful not to get run afoul of **the ATF** by improperly using these kits.



Kidon Pistol Conversion.
Image: *The Firearm Blog*

9. LARGE CAPACITY AND DETACHABLE MAGAZINES

A firearm’s feeding device (also known as a magazine) is the part of the firearm that holds the ammunition, and a “large capacity” feeding device is one that contains a large amount of ammunition. Some feeding devices are detachable, allowing a shooter to interchange one loaded with fresh ammunition with one that has been “spent.” The size of the feeding device, along with whether it can be detached and replaced, determines when a shooter has to stop and reload. For this reason, the primary feature of an assault weapon today is a detachable, large capacity feeding device. Large capacity magazines enable shooters to continue firing at high speed for an extended period of time. Firearms equipped with large capacity magazines were used in the tragedies at Las Vegas (in addition to bump stocks), the **Orlando nightclub shooting** in which 49 people were killed, and at Sandy Hook Elementary School in **Newtown**, Connecticut. Mass shooters overwhelmingly choose these weapons because they increase casualties.

The danger posed by firearms that enable shooters to continue firing in this manner is the same reason Congress chose to include machine guns in the NFA when it was originally enacted: these weapons enable a shooter to fire many bullets very quickly. Semi-automatic firearms equipped with large capacity magazines do not, however, fall under the NFA. The NFA refers to machine guns as those firearms that discharge more than one shot “without manual reloading, by a single function of the trigger.” Firearms developed since the NFA and equipped with large capacity magazines rarely require manual reloading, but they can expel a lot of ammunition in a brief period of time. They do so by allowing a trigger to be pulled many times very easily and ensuring that there is almost always another bullet ready to go. Despite this, large capacity magazines and semiautomatic firearms equipped with them (sometimes called “assault weapons”) are not regulated under the NFA, even though they pose incredible danger to our communities.



Collection of large capacity magazines.
Image: Ammoland



100-round Drum Magazine.
Image: The Truth About Guns



Semi-Automatic rifle and large capacity magazine.
Image: The Washington Times

CONCLUSION

Bump stocks are but a chapter in the story of gun technology. Even before bump stocks, the gun industry worked fervently to increase the lethality of weapons, primarily through the development of assault weapons. These efforts display a remarkable disregard for both the intent of the NFA and for public safety. Americans have already suffered the devastating consequences of unacceptable amounts of gun violence because of the unrestrained proliferation of these weapons.

To meaningfully address gun violence in this country, Congress must expand and update the NFA to cover new, dangerous technology that includes, but is not limited to, the types of weapons described in this report.