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“BUMP STOCKS” AREN’T THE (REAL) PROBLEM

Outlawing them is a good idea. But it’s hardly the solution.

By Julius (Jay) Wachtel. On October 1 a middle-aged man with no criminal record became the most prolific mass killer in American history, [slaughtering 58 persons and wounding 489](#) as they enjoyed an outdoor concert on the Las Vegas strip. As a stunned land reels from the carnage, one thing seems certain: the willingness of “ordinary” citizens to put guns to unimaginably evil use has made a mockery of the meager legal constraints that America has imposed on the right to bear arms.

To be sure, minors, convicted felons and adjudicated mental defectives – the “who” – are prohibited from acquiring guns. But Stephen Paddock didn’t fit into any of these categories. He and his evil counterpart [James T. Hodgkinson](#), who wounded four members of Congress in June, were by all appearances law-abiding citizens who acquired their guns legally, in Paddock’s case through repeat purchases at local gun stores.

And “what” they legally got is appalling. Lying in ambush at a Virginia baseball field, Hodgkinson unleashed repeated salvos from a 7.62 mm semi-automatic rifle, a derivative of the lethally efficient AK-47. Paddock stocked his 32nd. floor Las Vegas hotel room with nearly two dozen assault-style rifles, apparently all in the 5.56 mm caliber made wildly popular by the Colt AR-15.

Why did their guns prove so lethal? [It’s largely a matter of ballistics](#). Projectiles fired by civilian versions of the AK-47 and AR-15 travel twice as fast and carry three times the energy of even the more powerful pistol cartridges. When these bullets pierce flesh they create large, undulating cavities many times their diameter, pulverizing organs, shattering nearby bones and rupturing nearby blood vessels. According to the FBI, [454 law enforcement officers were feloniously shot and killed](#) during 2006-2015. [Of the nineteen killed by rounds that penetrated their ballistic vests](#), eighteen fell to rifle fire, with the 7.62 and 5.56 mm. calibers figuring prominently.

Of course, it’s precisely that killing power that America sought when it commissioned the AR-15 and deployed it in Vietnam, and what its North Vietnamese and Viet Cong opponents sought when they armed their troops with the AK-47. What Uncle Sam may not have expected was that Colt would capitalize on the military AR-15’s devastating reputation by cranking out a civilian version. Differing only in being semi-automatic,

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meaning that the trigger must be squeezed for each shot, the near-identical twin proved an instant hit.

Concerns about the increasingly destructive quality of firearms in civilian hands led to the enactment of [the 1994 Assault Weapons Act](#), which banned the wildly popular AR-15 by name. Ignoring the Act's avowed social purpose, Colt quickly rebranded their highly profitable prodigy the "Sporter," and as the law required stripped it of external baubles such as a flash suppressor and limited its magazine capacity to ten rounds. [With the law \(cynically?\) silent about ballistics](#), the gun industry quickly went back to making the powerful and highly profitable weapons that enthusiasts like best. And when the clearly toothless statute ultimately lapsed into the Sunset, hardly anyone noticed.

"Bump" stocks use recoil to bounce weapons against the user's trigger finger. This increases the rate of fire to levels approaching that of machineguns, which can fire fully automatically, discharging a barrage with a single pull of the trigger. When the objective is to kill as many persons as possible and pinpoint accuracy is not required, a densely-packed venue such as an outdoor concert offers the ideal setting for their use. Mechanical issues and ammunition capacity preclude prolonged "fully automatic" fire, so Paddock's decision to deploy multiple bump-stock equipped rifles made (twisted) sense.

Still, as prior mass shootings demonstrate, semi-automatic assault-type rifles can easily produce deplorable body counts. (Ordinary combat troops generally leave their rifles on semi-automatic mode, whose cyclic rate usually suffices to get the job done.) Bottom line: neither a real machinegun nor a "bump stock" are required to generate a bloodbath. On December 2, 2015 a self-styled terrorist couple used two semi-automatic AR-15 type rifles [to kill fourteen and wound twenty-two at a workplace party in San Bernardino, California](#). Both died in a vicious shootout with local police, who were forced to deploy an armored car.

Military-style weapons place cops at grave risk every day. On July 7, 2016 a deeply troubled 25-year old reservist [opened fire on officers monitoring a protest march](#). His imported semi-automatic variant of the AK-47 proved highly lethal, and soon five Dallas officers lay dead (seven others were wounded.) Police eventually killed the assailant with an improvised bomb delivered by a robot.

Three months later two police officers stood outside a residence in easy-going Palm Springs, California. Gunfire from inside the home suddenly pierced the front door, [fatally wounding officers Lesley Zerebny and Jose "Gil" Vega](#), who had arrived in response to a "simple family disturbance." (Another officer was wounded but recovered). Their assailant, a deeply troubled twenty-six year old ex-con, used a semi-

automatic AR-15 type rifle and readily available “armor piercing ammunition,” which can supposedly defeat the armor plate in ballistic vests.

Decades ago, before citizens were armed with what amounts to weapons of war, few incidents called for anything more than a patrol car or two. But the proliferation of lethal firearms [has forced the police to militarize](#) with SWAT teams, armored vehicles and robots that can deliver as well as retrieve bombs. And now we have to worry about “bump” stocks as well.

What’s to be done? Would banishing these newfangled gadgets, as even Republicans seem ready to do, be enough? Hardly. Any effective response has to address the factors that brought gun lethality to such unthinkable levels. Perhaps [a scoring system could be devised](#) that takes key variables such as ballistics, rapid-fire capability, lack of recoil, accuracy and portability into account.

Then an even greater difficulty becomes apparent. One year after a British subject massacred sixteen persons with a handgun and two semi-automatic rifles, Great Britain enacted the “[Firearms \(Amendment\) Act 1988](#).” Among other things, it prohibits semi-automatic rifles chambered for ammunition more powerful than .22 rimfire. A decade later Great Britain [responded to a school massacre by essentially banning handguns](#). And yes, people actually gave them up.

But we’re not Great Britain, where (at least until Brexit) the social contract has apparently prevailed. In our commercialized, ideologically polarized culture any proposal to effectively reduce gun lethality would provoke a vicious struggle between unyielding interests. And should reason overcome egoism and self-indulgence, and a product not hopelessly watered down by commercial, enthusiast and ideological interests is actually produced, how would one implement it? Could millions of murderous weapons be peacefully removed from circulation?

But we’re probably ahead of ourselves. Perhaps the best place to start isn’t with lawmaking but with [\(as we previously suggested\)](#) a national conversation about guns and the meanings we attach to their possession and use. What needs do firearms fulfill? How would massively “thinning the herd” affect everyday life? Our values? Our relationships? Our sense of self? Perhaps once we understand and acknowledge the “why’s,” devising and implementing the “how’s” can come more easily.

Hopefully it’s not too late to start.

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UPDATES

[12/16/24](#) Consumer protection laws are the basis of a lawsuit filed by New Jersey and Minnesota that accuses Glock of knowingly (purposefully?) manufacturing pistols that can be quickly converted to full-auto fire with simple, readily available “Glock switches.” According to the plaintiffs, Glock has long known that “anyone with a screwdriver and a YouTube video” can quickly turn their pistols into machineguns. But it allegedly profits from this vulnerability, so it’s done nothing. A handgun converted to full-auto fire [was recently used to murder Chicago police officer Enrique Martinez.](#)

[12/11/24](#) The Supreme Court's *Garland* decision (see below update) placed another ATF rule, that weapons with forced-reset triggers are also machineguns, in jeopardy. And in July [a Texas Federal judge ruled](#) that, as with bump stocks, firearms so equipped do not meet the legal definition of a machinegun. Federal lawyers have appealed the ruling to the Fifth Circuit, but its justices seem skeptical.

[6/14/24](#) Two years after the 2017 Las Vegas massacre, in which bump stock-equipped rifles were used to murder sixty, ATF ruled that the devices, which it previously permitted, were illegal machinegun conversion parts. But [Federal law](#) defines machineguns as firing repeatedly with a *single* trigger pull. Bump stocks use recoil to repeatedly pull the trigger while it’s depressed. That difference [led the 5th. Circuit to strike down ATF’s ruling](#) as inconsistent with the law. And in a 6-3 decision that aligns with its ideological split, the Supreme Court just agreed. To outlaw bump stocks, the law itself must change. States, though, appear free to outlaw bump stocks if they wish. [Garland v. Cargill](#)

[2/29/24](#) Arguing before the Supreme Court, gun-rights advocates insist that bump stocks, which enable a form of automatic fire, are legal accessories. ATF once agreed. But the 2017 Las Vegas massacre, in which two shooters used bump-stock equipped rifles to murder sixty persons, led ATF to issue a ruling that bump stocks are illegal. Fifteen States and D.C. have outlawed them. But lower Federal courts have clashed over their status. And today, the Justices seemed split. [Garland v. Cargill](#) (See above update)

[11/6/23](#) ATF’s 2019 rule that bans accessories known as “bump stocks” because they effectively transform semi-automatic rifles into machineguns was set aside last year by the Fifth Circuit, which held that a change in law would be required. That ruling was appealed to the Supreme Court, and it recently agreed to decide whether a regulation would suffice.

[8/21/23](#) As long as finger pressure is maintained, “forced-reset” triggers (FRT’s) have a

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spring that resets the trigger after every round, allowing shooters to mimic a machine gun. In March 2022 [ATF declared these devices illegal](#) and barred Florida's Rare Breed Triggers from making and selling them. But they persisted, and a Federal fraud case against Rare Breed is being heard in New York. Meanwhile a pro-gun organization filed a Federal lawsuit to the opposite effect in Texas' gun-friendly Fifth Circuit.

1/7/23 Several Federal appeals court have upheld [ATF's 2019 rule that banned bump stocks as machineguns](#). But the Fifth Circuit just disagreed. Bump stocks use recoil to repeatedly pull the trigger on behalf of gun users. And it's that fact - that the trigger actually moves when succeeding rounds are discharged - which underlies the new ruling. As defined by law, "real" machineguns fire repeatedly with a single squeeze of the trigger. So it will likely be up for the Supremes to decide.

11/19/22 A search of the dorm room assigned to University of Virginia shooter Christopher Darnell Jones Jr. turned up both guns that he (legally) purchased: a Ruger .223 caliber semi-auto rifle and a Smith and Wesson 9mm. pistol. Police also found a [Franklin Armory "binary trigger,"](#) which doubles a rifle's rate of fire by discharging a round when the trigger is released. (It's Federally legal but has been outlawed by a number of States, not including Illinois.) UVA regulations prohibit guns in residence halls.

9/14/22 "Bump stocks" are aftermarket accessories that convert recoil from each gunshot into a trigger pull for the next without user intervention. Ordinary guns become, in effect, "machineguns." And the toll from their rapid fire can be enormous, such as the sixty dead and more than 400 wounded in the [2017 Las Vegas massacre](#). ATF subsequently ruled the devices illegal. But gun boosters have mounted a series of challenges; the most recent will soon be heard by the full Fifth Circuit in New Orleans.

4/9/22 "Auto sears," small devices that modify semi-automatic pistols and rifles so that a single trigger squeeze discharges multiple rounds, essentially converts weapons into machineguns. So they're illegal under Federal law. But they're simple to fit, and like bump stocks and "ghost guns" are becoming common. One of the twelve persons wounded during [a recent Sacramento gang shootout](#) that also killed six had a handgun with an auto sear; that a machinegun was used seemed evident from the audio.

2/28/22 Fourteen persons were shot, one fatally, as an argument erupted between patrons at a Las Vegas hookah lounge two days ago. At least two shooters were involved. Their motives and identities are as yet unknown. It's the worst shooting in the city since the 2017 massacre, when Stephen Paddock opened fire from a hotel room on the Strip, killing fifty-eight, the most in American history.

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[7/27/21](#) In Wasco, a town near Bakersfield, Calif., a 41-year old man armed with an AK-47 style rifle and a handgun opened fire inside his home. Neighbors called deputies and said occupants had been shot. Responding officers were fired on and took cover. Two SWAT members soon approached on foot. The shooter opened fire, reportedly through the windows, fatally wounding Deputy Phillip Campas, 35 and wounding his partner. Two other deputies sustained shrapnel injuries. Deputies shot and killed the assailant as he exited the home. His 42-year old wife and their 17 and 24-year old sons were found inside, all shot dead. A restraining order prohibiting the shooter from having guns was in effect.

[7/15/21](#) On July 4th., an alert from a cleaning crew led Chicago police to arrest an Iowa man who propped up a .308 rifle with a laser scope in his hotel room overlooking the beach. Keegan Casteel, 32, also had “several rifle magazines and a .45-caliber handgun.” He was released on \$10,000 bail. Several days later, just before the Major League All-Star game, Denver police arrested four men who stocked a nearby hotel room with “more than a dozen weapons, including several rifles, and hundreds of rounds of ammunition.” Neither episode evidenced a terrorist intent, but authorities are nonetheless worried.

[4/14/20](#) A Federal judge allowed a lawsuit to proceed against Colt Firearms and other manufacturers and retailers of the AR-15 rifles used in the Las Vegas massacre. He found that the defendants continued making and distributing AR-15’s “with a stock that can be easily removed and replaced” even though they knew that bump stocks could readily turn AR-15 into a machinegun.

[3/3/20](#) On March 2 the Supreme Court rejected without comment an appeal of [ATF’s December, 2018 decision](#) to classify bump stocks as machineguns. Its ruling, which effectively bans the devices, was protested by gun rights groups that pointed to ATF’s former position allowing their use. In a [stinging but unsuccessful dissent](#), Justice Gorsuch echoed the appellants’ objections.

[10/10/19](#) MGM, the owner of the hotel that was the site of the October 2017 Las Vegas massacre, has agreed to pay up to \$800 million to settle lawsuits alleging that it negligently failed to keep the shooter, Stephen Paddock, from stocking his room full of weapons and ammunition.

[8/12/19](#) Police say that, as manufactured, the .223 caliber weapon used in the Dayton massacre lacked a stock and was classified as a handgun. Connor Betts, the gunman, added a “shoulder brace” to help steady the weapon, transforming it into an illegal short-barreled rifle. He had purchased the weapon and brace separately, and legally.

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8/4/19 Early this morning an unidentified man wearing body armor and carrying a .223 rifle and multiple magazines opened fire in a Dayton (OH) nightclub area, killing nine and wounding more than two dozen. Police shot him dead. This was reportedly America's 22nd. mass shooting this year (at least four dead excluding the gunman.)

8/3/19 Forty-six persons were shot in an El Paso (TX) shopping center by a twenty-one year old man wielding an assault-type rifle. Twenty have died. Police arrested the shooter, Patrick Crusius. He was dressed in a black t-shirt and was wearing earmuffs and dark glasses. Crusius' online posts depicted him with a rifle, praised the New Zealand massacre and criticized America's "invasion" by Latinos.

3/28/19 The Supreme Court let stay [a new Federal regulation](#) that essentially outlaws bump stocks, defining them as mechanisms that convert firearms to fully automatic fire. [It supersedes ATF's prior ruling](#), which said they did not. Plaintiffs must now pursue relief through Federal courts.

9/30/18 Three years before Stephen Paddock's rampage, a housekeeper in the same hotel found six guns in the room of Kyle Aaron Dunbar. Among them was a tactical rifle pointed out a window. Dunbar, a convicted felon, was convicted for having guns and got forty months. Plaintiffs in current litigation against the hotel are citing that incident as prior evidence of its lax security.

3/11/18 In the [New York Times](#) and [Washington Post](#), illustrated features about the grievous damage inflicted on the human body by ultra high-velocity projectiles such as those fired by AR-15 style rifles.

2/12/18 With no Federal action in sight, Massachusetts, New Jersey and a handful of localities have moved to ban bump stocks. Meanwhile the NRA, which opposes an outright Federal ban on bump stocks, has called on ATF to incorporate rules about such devices into firearms regulations.

2/3/18 FBI agents arrested Douglas Haig, an Arizona resident who admitted he makes armor-piercing ammunition and resells it by mail order and at gun shows, for supplying armor-piercing ammo to the Las Vegas shooter. Haig is not licensed, [as the law requires](#), to manufacture ammunition, and the manufacture and sale of armor-piercing rounds are generally prohibited. [Criminal complaint](#)

10/26/17 The L.A.P.D. union announced its support for banning bump stocks, silencers and armor-piercing ammunition because they can inflict "devastating" wounds on citizens and cops.

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10/10/17 A civil lawsuit filed in Las Vegas accuses [Slide Fire Solutions](#), the bump-stock manufacturer, of knowingly marketing an unreasonably dangerous product.