

REALLY BIG GUNS: EVEN BIGGER LIES



The Violence Policy Center's Response to the Fifty Caliber Institute's Misrepresentations

The Violence Policy Center (VPC) is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce gun-related death and injury.

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- *“Officer Down”—Assault Weapons and the War on Law Enforcement* (May 2003)
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- *“Just Like Bird Hunting”—The Threat to Civil Aviation from 50 Caliber Sniper Rifles* (January 2003)
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- *Kids in the Line of Fire: Children, Handguns, and Homicide* (November 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Shot Full of Holes: Deconstructing John Ashcroft’s Second Amendment* (July 2001)
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- *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001)
- *Pocket Rockets: The Gun Industry’s Sale of Increased Killing Power* (July 2000)
- *Gunland USA: A State-by-State Ranking of Gun Shows, Gun Retailers, Machine Guns, and Gun Manufacturers* (June 2000)
- *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000)
- *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

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Executive Summary

The Fifty Caliber Institute (FCI), formerly known as the Fifty Caliber Shooters' Policy Institute (FCSPI),¹ has published recently a number of statements attacking proposals to restrict the civilian sale of 50 caliber rifles and vilifying the proponents of these public safety proposals. This report is a detailed rebuttal of FCI's misrepresentations in these attacks. It also documents the commercial interests of FCI and several members of its board of directors in promoting the widespread sale of 50 caliber rifles. (Pages 1-2)

Among FCI's attacks are two principal documents reciting misrepresentations about the Violence Policy Center and its reports. The more comprehensive is titled "The Top Ten Lies About .50cal Rifles."² The other is a general attack on the VPC, titled "VPC Attacks on .50cal Rifles Go from Unrealistic to Simply Pathetic."³ The latter is a largely redundant and rhetorically inflated repetition of the misstatements in FCI's "Top Ten Lies."

The Fifty Caliber Institute's Alleged "Top Ten Lies About .50cal Rifles"

FCI Alleged Lie #1: ".50cal rifles can shoot with deadly accuracy up to four miles away."⁴

The Truth (Pages 4-7): The VPC has never claimed any such thing.

As FCI's staff should well know, the "maximum range" of the 50 caliber rifle—i.e., the maximum distance a fired bullet will travel if it doesn't hit anything in the way—is indeed four miles. But the "maximum effective range"—the maximum distance of deliberately aimed fire—is much less. Here is what the VPC actually did write on the subject of "maximum range" and "maximum effective range" in 2001's *Voting From the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles:*

The maximum range of the 50 caliber round is between 7,000 and 8,000 yards, depending on the specific ammunition....This is the maximum distance a fired 50 caliber bullet can travel, considerably more than the distance that a round can be accurately fired. The latter, called the "maximum effective range," is....certainly at least 1,000 yards and about 2,000 yards in skilled hands.⁵

Thus, Ronnie G. Barrett—credited by many as the inventor of the 50 caliber anti-armor sniper rifle and holder of several patents—testified under oath as an expert witness in a 1999 federal criminal trial that an "average shooter" could hit a variety

of targets with the Barrett M82A1 at a range of 1,000 yards. (Page 5) In any case and at any range—whether it’s five, 10, or 20 football fields in length—the .50BMG anti-armor sniper rifle is a devastating threat to civilian infrastructure of all kinds. (Page 7)

FCI Alleged Lie #2: “.50cal rifles can shoot down commercial airliners.”⁶

The Truth (Pages 8-14): VPC stands foursquare by its careful statements on this point in its report “*Just Like Bird Hunting*”—*The Threat To Civil Aviation From 50 Caliber Sniper Rifles*.⁷ Although VPC has never argued that shooting down a jetliner in flight at altitude is possible, it has pointed out consistently the fact *widely claimed by 50 caliber manufacturers themselves along with expert snipers* that aircraft of all types—jet, piston, and helicopter—are indisputably vulnerable to 50 caliber anti-armor rifle fire at many points other than flight at altitude, including while fully loaded with fuel and passengers at a terminal, and during taxiing, take off, and landing.

FCI’s specious argument on this point is built on a combination of flatly lying about VPC’s carefully articulated position, feigning ignorance of well-established military facts, and creating straw men to divert attention from the serious threat to civil aviation of all types from the uncontrolled proliferation of 50 caliber sniper rifles. It is beyond interesting that several of these observations are directly confirmed by experts who are strongly endorsed by 50 caliber sniper rifle manufacturers and by commercial interests connected to FCI and an FCI board member.

FCI Alleged Lie #3: “.50cal rifles can shoot through seven buildings.”⁸

The Truth (Pages 15-17): FCI claims that “this one really had us stumped” and that it could not find “anybody who has ever heard of any test along these lines.”⁹ In fact, Major John L. Plaster—a leading sniping expert and author of *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers*, a widely acclaimed text on sniping techniques and equipment—wrote in his book that a Michigan loader of custom 50 caliber Match rounds reported test-firing his bullets at simulated wooden frame houses “and found they blew completely through six houses—not six walls, six houses!” (Italics in original.)¹⁰

Plaster’s work is recommended by the McMillan Sniper School^a (with which FCI works). When 50 caliber rifle magnate Ronnie G. Barrett was asked under oath about the penetrating power of his rifles when firing garden-variety M33 “ball” ammunition—i.e. not armor-piercing or other exotic ammunition—at a distance of

^a <http://www.sniper.ws/Sniper%20Books.htm>.

1,000 yards, he replied that “there is not much it wouldn’t go through.”¹¹ These and other expert opinions rebut the FCI’s feigned incredulity.

FCI Alleged Lie #4: “.50cal rifles can rip through tanks and APC’s [armored personnel carriers] from 2,000 yards away.”¹²

The Truth (Pages 18-20): VPC has never said a 50 caliber round can “rip through” a tank. It cannot, as VPC carefully pointed out in its report, *Voting from the Rooftops*: “It is not true, nor has the VPC ever claimed, that a 50 caliber round can penetrate the armor of a modern tank, despite occasional erroneous reports to that effect.”¹³ But bullets fired by the 50 caliber anti-armor rifle can penetrate more lightly armored vehicles—Barrett Firearms Manufacturing itself boasts that “armored personnel carriers...[are] vulnerable to the quick strike capability of the Barrett 82A1.”¹⁴

FCI’s misrepresentations admit of only two explanations: Either FCI’s staff never actually read the VPC reports it has chosen to attack, or it simply doesn’t care about the truth in its desperate campaign to shield the 50 caliber anti-armor rifle and its manufacturers from reasonable regulation. FCI studiously ignores the undisputed claims of experts and 50 caliber anti-armor sniper rifle makers that their products can defeat armored personnel carriers.

In any case, the point is not that terrorists are likely to be engaging main battle tanks on the streets of America, but that many sensitive civilian targets, including limousines and other vehicles transporting key government officials, business executives, guest diplomats, and other high-profile individuals, are well within the long-range destructive power of the 50 caliber anti-armor sniper rifle.

FCI Alleged Lie #5: “.50cal rifles can blow up armored limousines and helicopters.”¹⁵

The Truth (Pages 21-23): VPC has never said that the .50BMG anti-armor sniper rifle can “blow up” any vehicle. What it has reported are the statements of the 50 caliber manufacturers, the U.S. military, and other experts that 50 caliber ammunition can pierce vehicles such as armored personnel carriers—and can thus likely penetrate most armored limousines—and can ignite fuel and other volatile chemicals contained in them. These include fuel tanks and bulk storage tanks holding hazardous industrial materials.

The VPC has documented in a number of reports that .50BMG armor-piercing incendiary ammunition is easily obtainable on the civilian market in the United States. At least one 50 caliber sniper rifle manufacturer, Watson’s Weapons, sells a wide range of .50BMG ammunition through its Internet website, including armor-piercing, armor-piercing incendiary (API), and armor-piercing incendiary tracer (APIT)

ammunition.¹⁶ The company also sells reloading supplies (bullets and cases) for the same kinds of ammunition.¹⁷

FCI Alleged Lie #6: “.50cal rifles were used in Waco and Oklahoma.”¹⁸

The Truth (Pages 24-27): Barrett .50 BMG sniper rifles were indeed present and fired at federal agents by the Branch Davidians in the Waco standoff. The VPC has never claimed that any 50 caliber was used in the bombing of the Oklahoma City federal building.

The presence and use of .50BMG rifles at Waco by Branch Davidians is so thoroughly documented that FCI’s presentation of this fact as a prevarication is astounding. For but one example, two authors with impeccable pro-gun credentials—David B. Kopel, research director of the Independence Institute, and Paul H. Blackman, research coordinator for the National Rifle Association—wrote a law journal article discussing the nature of the 50 caliber rifles at the Waco compound, focusing on whether the rifles had been converted to automatic fire. They conclude the discussion with “the fact, discovered much later, that the .50 caliber rifles had not been converted.”¹⁹

This report also reproduces photographs of burned out shells of Barrett 50 caliber sniper rifles taken by the author at the Texas Ranger evidence compound during a 1995 bipartisan Congressional investigation of the events at Waco. (Pages 25-26)

FCI Alleged Lie #7: “.50cal weapons are sought-after [sic] by criminals and terrorists.”²⁰

The Truth (Pages 28-32): Terrorists including, among others, Osama bin Laden, the Irish Republican Army, and a variety of violent domestic fringe groups, have indeed sought out .50BMG anti-armor sniper rifles. Terrorists have in fact used these rifles for assassination. Common criminals have used them in common crimes.

This report repeats in detail the well-documented evidence of such terrorist and criminal use—first recounted in detail in the VPC report *Voting From the Rooftops*—and points out several basic technical errors and misrepresentations in the FCI material about 50 caliber sniper rifles.

FCI Alleged Lie #8: “.50cal rifles should be classified as ‘assault weapons.’”²¹

The Truth (Pages 33-34): The Violence Policy Center advocates ending the unrestricted sale of .50BMG anti-armor sniper rifles.

The most effective way to do that would be to amend federal law to bring .50BMG rifles under the National Firearms Act. This action would subject these weapons to the same regimen of registration, background checks, and taxation to which other weapons of war, such as pre-1986 machine guns and destructive devices, are currently subjected. There should be no “grandfathering” of existing weapons to exempt them from the law, and any grace period for registration should be very short. America must know who besides Osama bin Laden possesses these deadly tools of assassination and terror.

The President also should immediately order the Department of State to review whether export of these weapons to civilians should be allowed. It is clearly not in America’s national security interest to allow any more 50 caliber sniper rifles to end up in the hands of international terrorists, drug lords, and common criminals.

In the meantime, the VPC also supports efforts at the state and local levels to regulate .50BMG anti-armor sniper rifles. In the case of California, that regulation fits best under the state’s existing assault weapons law.

FCI Alleged Lie #9: “Any teenager with a driver’s license can buy a military sniper rifle.”²²

The Truth (Page 35): Although FCI does not credit VPC with this “lie,” we are happy to lay out the facts. Under existing federal law, anyone at least 18 years of age, who is not in a prohibited category, can legally buy any otherwise legal rifle, including any .50BMG anti-armor sniper rifle sold in America.

FCI claims “military sniper rifles” are “already banned by existing law.” We don’t know what “existing law” FCI is referring to. There is simply no such federal law. The VPC would like to see a citation to the law, and a list of specific “military sniper rifles” that in FCI’s expert opinion are banned under that law.

FCI Alleged Lie #10: “You can buy military high-explosive ammo on the internet.”²³

The Truth (Pages 36-40): Although FCI does not credit VPC with this putative “lie,” we are again happy to clarify the record. As VPC has explained in the past, beginning with *Voting from the Rooftops*, Raufoss MK211 armor-piercing, incendiary, explosive ammunition is rarely offered publicly. But VPC has documented public offerings and apparent sales, wholly aside from the continuing and well-known problem of leakage of all kinds of armament from military stocks worldwide. The implications of the potential uses to which a terrorist might put 50 caliber armor-piercing, incendiary, SLAP, or Raufoss ammunition can only be described as frightening. Yet all of these types of ammunition are available on the U.S. civilian market.

In addition to Internet offerings and apparent sales of military Raufoss MK211 that the VPC has documented, other evidence of the availability of Raufoss comes from within the ranks of FCI itself. This evidence includes an article by FCI director Keith Pagel posted on the Internet website of Barrett Firearms Manufacturing, Inc. (the inventor and principal manufacturer of the .50BMG anti-armor sniper rifle), an Internet interest group posting by FCI director Pagel, and another posting in the same Internet interest group apparently from .50BMG rifle manufacturer Mark Serbu. This evidence is detailed within the report.

Recommended Actions

The Violence Policy Center proposes the following strategy (detailed in pages 43-44) for dealing with the gun industry's 50 caliber anti-armor sniper rifle marketing campaign.

Add 50 Caliber Sniper Rifles to the National Firearms Act

Congress should immediately amend federal law to bring .50BMG rifles under the National Firearms Act. This action would subject these weapons to the same regimen of registration, background checks, and taxation to which other weapons of war, such as machine guns and destructive devices, are currently subjected.

Ban Export of 50 Caliber Sniper Rifles to Civilians

The President does not need to wait for Congress to take action on this point. He should immediately order the Department of State to review whether export of these weapons to civilians should be allowed under existing restrictions. Clearly it is not in the interest of America's national security to allow any more 50 caliber sniper rifles to end up in the hands of international terrorists, drug lords, or common criminals.

Improve Reporting and Record-Keeping Requirements

Under current procedures, ATF cannot state with certainty how many 50 caliber rifles have been manufactured in the United States. Moreover, the minimum reporting requirements that do apply to firearm manufacturers do not even include the reporting of model numbers. ATF should immediately revamp its reporting standards to require that the manufacturers of sniper rifles report the exact number of such weapons produced each year, including the caliber and model designation and the identity of any person to whom the weapon has been transferred by the manufacturer. It should

also enhance the collection, analysis, and dissemination of tracing data related to all sniper rifles.

Use the Civil Justice System to Hold Manufacturers Accountable

The marketing of sniper rifles presents a classic case, using ordinary “black letter” tort concepts, of an industry’s calculated decision to sell unnecessarily powerful weapons of war as “toys” without restraint—in reckless disregard of clearly foreseeable consequences stemming from the intended and advertised use of the product. Given their acknowledged design purpose, sniper rifles are clearly *qualitatively* different from any other class of firearms. Other firearms sold in the civilian market are at least nominally designed and sold for sporting or supposed self-defense purposes. Sniper rifles, on the other hand, are designed and sold for the express purpose of killing people and destroying property. Civil courts should be prepared to recognize this fact.

Introduction

The best tactical long-range shooter in the world is the Barrett M82A1 semi-auto .50 caliber BMG. While spendy at \$6,500, there is no substitute for the ability to pump out 10 half-inch rounds, as fast as you can pull the trigger, effectively at ranges out to 3,000-yards! Owning an M-82A1 changes the entire equation of security and threat analysis. The Barrett is like a hydrogen bomb at a national level.

—Lt. Colonel James “Bo” Gritz (U.S. Army, Ret.), decorated Green Beret, militia activist.²⁴

Imagine a pair of Marines with an infantry rifle that at 2000 yards or more could simply and systematically wipe out an entire airfield, or truck park, or radar installation. That is the Barrett.

—Lt. Colonel Norman A. Chandler (U.S. Marine Corps, Ret.), sniper rifle expert.²⁵

The Fifty Caliber Institute (FCI), formerly known as the Fifty Caliber Shooters’ Policy Institute (FCSPI),²⁶ has published recently a number of statements attacking proposals to restrict the civilian sale of 50 caliber rifles and vilifying the proponents of these public safety proposals.^b

At the outset, the commercial interest driving FCI’s activities should be underscored. Keith Pagel, a member of FCI’s board of directors, succinctly summed up and literally underscored the profit incentive underlying FCI and the gun manufacturers who support it in his presentation to a 2000 symposium of military and defense contractors:

Bottom line? (Or “What’s all this mean to me?”) Civilian .50 caliber sport is....resulting in more civilian, police, & military customers = more \$\$\$\$.” (Underscoring in original).²⁷

In short, FCI’s own director has given the lie to the organization’s pious pretensions about “rights” and “sport” by publicly stating that the “bottom line” simply equals more dollars. Aside from the whole business of selling more sniper rifles and ammunition to feed them, another example of the commercial interest of FCI is exemplified in FCI director and treasurer Rock McMillan. He and the FCI itself as an institution are involved in another business—a sniper school that provides 50 caliber sniper training. The McMillan Sniper School is sponsored by McMillan Bros. Rifles, which loans 50 caliber sniper rifles to the school.²⁸ Fifty Caliber Institute treasurer Rock McMillan is a designer and manufacturer who founded McMillan Brothers Rifles in 1992.²⁹ According to the McMillan Sniper School’s Internet website, the Fifty

^b The FCI describes its “expanded mission” as “to not only defend the .50 caliber sports, but to expand them.” FCI’s board of directors includes Rock McMillan, a manufacturer of the rifles in question. See, “Gearing Up for an Expanded Mission,” <http://www.fiftycal.org/fciexpandingour.html>.

Caliber Institute and the Fifty Caliber Shooters Association both “work with” the school’s staff to provide 50 caliber sniper rifle training.³⁰

This raw pursuit of “more dollars” does not alone, however, explain the language of FCI’s statements, which at best might be called intemperate. The FCI’s language contains many of the traits of extremist language that have been identified by political scientist Laird Wilcox. These traits include, among others, character assassination, name calling and labeling, irresponsible sweeping generalizations, and inadequate proof for assertions.³¹ The following examples, from among many similar, illustrate FCI’s extreme language and sophomoric tone:

- “Legislators have become increasingly rabid to villify [sic] the safest rifle in America and each year come up with new and more outrageous lies.”³²
- “The sad but simple truth is that the VPC [Violence Policy Center] is just the latest installment in a long line of snake oil salesmen and internet scam artists who will make any claim if it will sucker a few gullible souls into supporting their political agenda. They lie because lying pays and because some people never ask for proof.”³³

The tone of the FCI’s statements obscures the fact that they are shot through with occasionally cunning—but more often simply crude—misrepresentations, not only of its opponents’ statements but of the facts about the 50 caliber anti-armor sniper rifle’s destructive capabilities. In polite company, FCI’s statements may be dismissed as merely more gun industry propaganda. But if one chose to adopt FCI’s own public voice, these statements would be correctly labeled “lies.”

Three techniques for twisting the truth stand out in particular within FCI’s statements:

- ***Undocumented invention.*** In stark contrast to the Violence Policy Center’s extensive publications on 50 caliber sniper rifles, the FCI never documents the precise sources of what it calls its opponents’ “lies.” Nor—with a few minor exceptions—does it document the source of its own putative rebuttal facts. FCI’s staff seem not to have grasped the concept of the documenting footnote or endnote, and instead rely on FCI’s own adage that because “some people never ask for proof,”³⁴ it won’t bother providing any for its bald-faced inventions.
- ***Crude straw men.*** The FCI inflates a series of silly straw men irrelevant to the central points at issue, and then engages in the elaborate charade of rebutting them. For example, the FCI devotes an entire page of

“rebuttal” to the subject of the unlikelihood of explosive decompression in jet airliners,³⁵ a scenario never advanced by the VPC in any of its materials concerning 50 caliber rifles. By using this red herring, the FCI evades the real issues of the 50 caliber rifle’s threat to civil aviation. (See page 14 for a more complete discussion of the subject of this threat.)

- ***Collective innuendo.*** FCI’s rule of thumb appears to be that if anyone, anywhere said or wrote anything it doesn’t like about 50 caliber rifles, it will put the offending words in the mouths of all of its opponents. Thus, throughout its materials, FCI repeatedly attributes to the VPC statements and allegations that the VPC has never made. (Because FCI does not document its assertions, it’s impossible to tell whether someone else, somewhere on the planet, might indeed have said or written some of the statements that FCI props up and then attacks.)

These and other FCI propaganda techniques are transparent to the well-informed observer. The following sections rebut in detail FCI’s specific debating points, citing easily verifiable facts, *the most damning of which come from the gun industry itself, experts endorsed by the FCI or its principals, and U.S. military manuals.*

FCI's Misrepresentations

FCI is known to have published two principal documents reciting misrepresentations about the Violence Policy Center and its reports. The more comprehensive is titled "The Top Ten Lies About .50cal Rifles."³⁶ The other is a general screed attacking the VPC, titled "VPC Attacks on 50cal Rifles Go from Unrealistic to Simply Pathetic."³⁷ FCI's misstatements of fact in the latter are merely redundant and rhetorically inflated repetitions of the misstatements in FCI's *Top Ten Lies*.

FCI's Alleged "Top Ten Lies About .50cal Rifles"

The following list of "Top Ten Lies" is posted on the Fifty Caliber Institute's official web site:

- .50cal rifles can shoot with deadly accuracy up to four miles away.
- .50cal rifles can shoot down commercial airliners.
- .50cal rifles can shoot through seven buildings.
- .50cal rifles can rip through tanks and APCs from 2,000 yards away.
- .50cal rifles can blow up armored limousines and helicopters.
- .50 cal rifles were used in Waco and Oklahoma City.
- .50cal rifles are the ultimate terrorist and criminal weapon.
- .50cal rifles should be classified as "assault weapons."
- Any teenager with a driver's license can get a military sniper rifle.
- You can buy military high-explosive ammunition on the internet.³⁸

FCI Alleged Lie #1: ".50cal rifles can shoot with deadly accuracy up to four miles away."³⁹

The Truth: VPC has never claimed any such thing.

As FCI's staff should well know, the "maximum range" of the 50 caliber rifle—i.e., the maximum distance a fired bullet will travel if it doesn't hit anything in the way—is indeed four miles. But the "maximum effective range"—the maximum distance of deliberately aimed fire—is much less. Here is what the VPC actually did write on the subject of "maximum range" and "maximum effective range" in *Voting From the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles*:

The maximum range of the 50 caliber round is between 7,000 and 8,000 yards, depending on the specific ammunition. John L. Plaster, *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers* (Boulder: Paladin Press, 1993), p. 217. This is the maximum distance a fired 50 caliber bullet can travel, considerably more than the distance that a round can be accurately fired. The latter, called the "maximum effective range," is discussed in detail in Section One. It is certainly at least 1,000 yards and about 2,000 yards in skilled hands.⁴⁰

The VPC noted in the same report that terrorists could use the maximum range capability of the 50 caliber sniper rifle in indiscriminate attacks from long range on crowds, such as during professional sporting events, "since they would be less interested in any single target, and more interested in the shock effect such an attack would have on the nation even if only random victims were struck."⁴¹

The VPC has consistently stated elsewhere in its reports that the effective or practical range of the 50 caliber rifle is somewhere between 1,000 and 2,000 yards, depending on the operator's skill and training:

In short, the evidence is clear that the power of the 50 caliber sniper rifle in trained hands reaches from at least 1,000 to as far as 2,000 yards.

*Voting From the Rooftops*⁴²

Advertising, military manuals, expert writing, and civilian-owner comments all demonstrate that 50 caliber sniper rifles are accurate at ranges of at least 1,000 yards, and in the hands of a trained marksman, nearly 2,000 yards. "With confirmed hits out to 1800 meters, the Barrett model 82A1 is battle proven," Barrett Firearms states in its promotional brochure.

*Sitting Ducks: The Threat to the Chemical and Refinery Industry
From 50 Caliber Sniper Rifles*⁴³

In fact, U.S. forces using Barrett M82A1s routinely engaged Iraqi forces out to a range of 1,600 meters (1,750 yards) during the 1991 Gulf War. Another manufacturer, Aurora Tactical, says that its Model 650 Special Light Anti-Materiel Rifle (SLAMR) "enables a skilled marksman to deliver exceptionally accurate fire on targets in excess of 1500 yards."

*"Just Like Bird Hunting"—The Threat To Civil Aviation
From 50 Caliber Sniper Rifles*⁴⁴

Lurking throughout FCI's apologetic is the implication that a long-range shot is beyond the reach of the average shooter (not to mention the highly motivated and

trained terrorist). But here is what Ronnie G. Barrett—credited by many as the inventor of the 50 caliber anti-armor sniper rifle and holder of several patents—testified under oath as an expert witness in a 1999 federal criminal trial about the capability of the “average shooter” to hit a variety of targets with the Barrett M82A1 at a range of 1,000 yards:

Q. And if you wanted to hit an object that was approximately five or six feet in vertical height and you were using the magazine that had the ten rounds, approximately how many of those rounds, for an average shooter, would hit the target?

A. At what distance?

Q. Say a thousand yards.

...[Defense objection and court’s overruling omitted.]

THE WITNESS: An average shooter, or someone that is at least a rifleman or a shooter, would probably be able to put eight out of ten rounds on a five-foot by 30-inch at a thousand meters.

BY MR. GLICK:

Q. Eight out of ten. What if the object was much larger? Say it was a car. How many of those?

A. You could put them all on there.

Q. What about if it was the size of an airplane?

A. All.⁴⁵

In short, according to the sworn testimony of expert witness Barrett, at 1,000 meters (1,094 yards) an “average shooter” can put eight out of 10 rounds into a human-sized (five-foot by 30 inch) target, and all 10 rounds into an automobile or airplane.

FCI has also raised an obscurant quibble regarding the statement of fact in *“Just Like Bird Hunting”* that “a Canadian sniper claimed a world record hit on a Taliban fighter at a range of “2,430 meters (2,657 yards)—over a mile and a half.” According to FCI: That shot “involved a team of elite military snipers who had access to laser rangefinders, GPS satellite systems and precision military-grade telescopes.”⁴⁶ Two answers dispose of this simplistic quibble.

First, laser rangefinders,⁴⁷ GPS position-finding devices,⁴⁸ and precision military-grade telescopes are widely available to the general public (quite aside from what international terrorists might acquire by theft or other clandestine means from military stocks). Some of these civilian products—such as global-positioning-system units—outperform Army-issue equipment, according to a U.S. Army report on American soldiers who spent their own money for better civilian products when ordered to combat in Iraq.⁴⁹

Other products are exactly the same as their military issued counterparts—for example, the U.S. Marine Corps mounted Unertl 10X scopes on its Barrett M82A1 50 caliber sniper rifles.⁵⁰ According to the manufacturer, Unertl Optical Company, it “is currently offering for sale to the shooting public the highly sought after Genuine Original Unertl 10X Tactical scope that Unertl made for the USMC, FBI, and other government agencies.”⁵¹ The only difference is that the company will not stamp the Marine Corps name on the civilian scopes. Barrett Firearms Manufacturing, Inc. also offers to the general public two models of the same Swarovski 10X scopes that it recommends to its military customers.⁵²

Second, and in any event, the FCI’s obsession with the difficulty of world record sniper shots is clearly a straw man, intended to obscure the fact—as pointed out in several VPC reports—that the 50 caliber threat is not merely one of long range, but of a combination of long range and power:

It must always be kept in mind that the 50 caliber sniper rifle’s threat is not only a function of the long ranges described above, but a devil’s blend of long range and massive power. The operator will balance these two depending on the nature of the target.

*Voting from the Rooftops*⁵³

The 50 caliber sniper rifle’s threat is a blend of long range and massive power.

*“Just Like Bird Hunting”*⁵⁴

In other words, at any range—whether it’s five, 10, or 20 football fields in length—the .50BMG anti-armor sniper rifle is a devastating threat to civilian infrastructure of all kinds.

FCI Alleged Lie #2: “.50cal rifles can shoot down commercial airliners.”⁵⁵

The Truth: VPC stands foursquare by its careful statements on this point in *“Just Like Bird Hunting”* —

Equally disturbing as a ground attack is the question of whether a sniper with a 50 caliber anti-armor sniper rifle can down an aircraft while it is in flight. The answer depends on both the type of aircraft and the moment of its flight, i.e., whether it is hovering, taking off or landing, or fully airborne. Nevertheless, it can be done, and it can surely be done under the right circumstances by a sniper or team of snipers with 50 caliber anti-armor rifles.

....

Nevertheless, it is obvious that striking an aircraft in flight is a matter of time and place, and therefore the risk is one of degree.

....

The 50 caliber anti-armor sniper rifle represents a serious threat to helicopters.

....

The vulnerability to 50 caliber sniper fire of other aircraft in flight depends on a number of factors, including altitude, speed, and angle with respect to the sniper. Aircraft landing are particularly vulnerable, as illustrated by the testimony of Ronnie G. Barrett as a government expert witness during a 1999 criminal trial.

*"Just Like Bird Hunting"*⁵⁶

FCI's specious argument on this point is built on a combination of flatly lying about VPC's carefully articulated position, feigning ignorance of well-established military facts, and creating straw men to divert attention from the serious threat to civil aviation of all types from the uncontrolled proliferation of 50 caliber sniper rifles. It is beyond interesting that several of these observations are directly confirmed by experts who are strongly endorsed by 50 caliber sniper rifle manufacturers and by commercial interests connected to FCI and an FCI board member.

FCI protests that "no one in history" has ever "hit an aircraft that is 35,000 feet overhead and travelling [sic] at over 350 mph,"⁵⁷ *as if the VPC has ever made such a preposterous claim*. In fact, VPC has never argued that such a feat—shooting down a jetliner in flight at altitude—is possible. But by raising this straw man (in effect, deliberately lying about VPC's position) FCI apparently hopes to divert attention from an unpleasant fact *widely claimed by 50 caliber manufacturers themselves*. Aircraft of all types—jet, piston, and helicopter—are indisputably vulnerable to 50 caliber anti-armor rifle fire at many points other than flight at altitude, including while fully loaded with fuel and passengers at a terminal, and during taxiing, take off, and landing.

A Barrett Firearms Manufacturing, Inc. brochure, quoted in *"Just Like Bird Hunting,"* made precisely this point in boasting about the Barrett M82A1 50 caliber anti-armor sniping rifle:

The Model 82A1 is designed to provide extreme accuracy at extended ranges with standard military ammunition....The accuracy of the Model 82A1 makes possible the placement of the shot in the most vulnerable area of the target. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multi-million dollar aircraft with a single hit delivered to a vital area. The cost-effectiveness of the Model 82A1 cannot be overemphasized when a round of ammunition purchased for less than 10 USD can be used to destroy or disable a modern jet aircraft.

*"Just Like Bird Hunting"*⁵⁸

Airman, the official U.S. Air Force magazine, also quoted in *"Just Like Bird Hunting,"* described the likely effects of a 50 caliber sniper attack on a jet aircraft on the ground:

Peering through scopes atop rifles that can hit a target from better than a mile away, these silent hunters stare at you and your aircraft....As they watch, one of them slips a .50 caliber bullet into the chamber of a long-barreled rifle pointed at the side of the E-3 Sentry aircraft 500 meters away....The fire from the muzzle ignites the evening air as the projectile whistles down range. It punches through the side of the aircraft, ripping through delicate components onboard the plane. A second sniper 100 yards away fires, as does a third, launching rounds into the cockpit and the wing fuel tanks. As the white-hot bullets hit, the wing tanks explode, ripping the plane apart....

*"Just Like Bird Hunting"*⁵⁹

In addition to its own advertising materials, like that quoted above, the Barrett Firearms Internet website also includes in its "Testimonials and Articles" section several excerpts testifying specifically to the Barrett anti-armor rifle's capability to destroy aircraft.

The following excerpt, for example, is from *Death from Afar*, a treatise written by brothers Norman A. and Roy F. Chandler^c and hailed by *Precision Shooting*

^c With respect to credentials, the authors' blurb at amazon.com states: "Lt. Col. N. A. Chandler, U.S.M.C. (retired) was an active duty Marine for twenty-four years. He has been both a Rifle and a Weapons Company Commander. Distinguished with rifle and pistol, he is the creator of the Chandler Sniper Rifle, arguably the finest sniper rifle in the world. Col. Chandler lives with his family in Jacksonville, N.C. Roy F. Chandler, MSgt. U.S. Army (retired) was an active duty soldier for twenty years. A veteran of WWII and Korea, he operated a sniper school, and during the 1950s he was a test

magazine as “the definitive five volume work on the history of USMC sniping.”⁶⁰

The Barrett is a success story. Some of its accomplishment is shown herein. But—imagine a pair of Marines with an infantry rifle that at 2000 yards or more could simply and systematically wipe out an entire airfield, or truck park, or radar installation. That is the Barrett.⁶¹

Barrett has posted a similar claim in an article by Nick Steadman from “Fighting Firearms” —

The .50 caliber rifle also gels nicely with today's emphasis on maximizing cost-effectiveness and minimizing casualties. An SASR [special application scoped rifle] team can destroy any amount of enemy vehicles, aircraft, communications equipment and fuel storage from a couple of thousand meters away, using a pocketful of Browning ammo costing a hundred bucks. This is serious force multiplication.⁶²

The question still remains. Can an aircraft, especially a jet aircraft, be shot down with small arms fire?^d In contrast to FTI's hysterical exaggerations, VPC has always carefully qualified its discussion of whether an aircraft can be shot down with small arms fire. But the record is clear that aircraft in flight—including jet aircraft and especially including helicopters—can and have been shot down by small arms fire.

Hitting an aircraft in flight with a small arm is not, as FCI pretends to believe, an impossible feat. For example, in March 2003 a Georgia man, Gary Randall Jones, was sentenced to five years in prison for an attack in which he downed an airborne crop duster with a 9mm pistol. According to the United States Attorney, bullets Jones fired from the ground pierced the rear tail section, the canopy, and the forward section of the aircraft, grazing the pilot and destroying aircraft components.⁶³ The pilot was able to safely land the plane, despite damage to critical parts of the aircraft.⁶⁴

This aircraft was downed in spite of the fact that a 9mm pistol is a mere peashooter compared to the 50 caliber sniper rifle. The maximum effective range of the M9 9mm Beretta pistol worn as the standard U.S. Army sidearm is 50 meters (152.5

NCO at the arctic Test Board in Alaska. Roy Chandler has been a nationally recognized big game hunter and writer for forty-five years. He has authored 57 published books.”

^d Ronnie G. Barrett, designer of the 50 caliber anti-armor sniper rifle, testified under oath in a federal criminal trial that the 50 caliber rifle is the highest caliber rifle that is commercially available and still considered a small arm. Testimony of Ronnie G. Barrett, *United States v. Angel Manuel Alfonso et al.*, November 30, 1999 (U.S. District Court, P.R.), transcript in files of VPC, p. 8.

feet),⁶⁵ compared to the 1,600 meter range at which Barrett claims (see the quote prior) that its rifles routinely hit targets in the first Gulf War. The typical 9mm bullet weighs 115 grains and leaves the barrel with 431 ft/lbs of energy, compared to the 662 grain .50BMG bullet with 12,488 ft/lbs of energy at the muzzle.⁶⁶

More serious injury resulted from small arms fire in Serbia recently. Guests celebrating a wedding fired handguns and other weapons into the air. Some of the rounds fired hit a small plane and set a wing on fire. The plane crashed into a high voltage power line, and the plane's pilot and a passenger were seriously injured.⁶⁷

Granted, shooting down a crop-duster over a field and accidentally downing a small plane flying over a Serbian wedding during a moment of armed celebration are different cases than shooting down a jetliner landing or taking off. Yet, a number of U.S. military manuals and combat evaluations testify to the fact that small arms fire from the ground can and has regularly brought down even high performance jet aircraft. One U.S. Army field manual, which was among several similar sources quoted in *"Just Like Bird Hunting,"* states:

Small arms fire against aerial platforms can be effective. A quick review of the record shows this to be true. In the Korean War, our Air Force lost 259 jet aircraft and 285 other aircraft to combined small arms and air defense fire, which is nearly five times as many aircraft that [sic] were lost in air-to-air combat. In South Vietnam, we lost 410 fixed-wing aircraft and 2,100 helicopters.

*"Just Like Bird Hunting"*⁶⁸

A newsletter published by the U.S. Army's Center for Army Lessons Learned states, for example, that during the Falklands war, "British ground forces were credited with downing three Argentine jet aircraft with small arms."⁶⁹

But jet airliners are not the only potential civil aviation targets threatened by the .50BMG anti-armor rifle. Propeller-driven aircraft and helicopters are at perhaps even greater risk, as was noted in *"Just Like Bird Hunting"* —

Helicopters are certainly vulnerable to 50 caliber sniper rifle fire. The U.S. Army, for example, notes that as of 1984 the Afghan Mujahideen resistance fighters "were credited with shooting down close to 300 Soviet helicopters using small arms and anti-tank weapons." It should be noted that this record was achieved against military helicopters, many of which are armored, and before the United States began supplying the thoroughly effective Stinger ground-to-air missile to the Mujahideen.

*"Just Like Bird Hunting"*⁷⁰

Major John L. Plaster—a leading sniping expert—directly addressed the vulnerability of helicopters to sniper fire in his text on sniping techniques and equipment, *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers*.^e “A military sniper employs armor piercing bullets when engaging helicopters and other thin-skinned materiel targets.”⁷¹ A British military senior sniper, Mark Spicer, wrote about the vulnerability of helicopters in more detail in his book entitled *Sniper: The techniques and equipment of the deadly marksman*.^f The book is strongly endorsed by FCI principals:

Helicopters are notoriously easy to disable or destroy. With armor-piercing incendiary ammunition, the sniper is more than capable of bringing down a hovering helicopter. Even with normal sniper ball ammunition, a helicopter can be disabled with a well-placed shot into its engine or rotor area....

Support helicopters at the hover or while slow moving are also very easily engaged by snipers. Again the placing of an AP [armor-piercing] or API [armor-piercing incendiary] round, or even a standard ball round, into the fuel area of one of these aircraft is going to really ruin the crew’s day.⁷²

In fact, Spicer’s book—“highly recommended” by the McMillan Sniper School—includes a photograph of the author “‘engaging’ low flying helicopters” as a sniper in a military training exercise.⁷³

^e See the following section for a discussion of Plaster’s wide acclaim as a sniping expert within the firearm community.

^f Sergeant-Major Spicer’s book is one of two “highly recommended” sniper training and reference books listed on the Internet website of the McMillan Sniper School (<http://www.sniper.ws/Sniper%20Books.htm>). The McMillan Sniper School is sponsored by McMillan Bros. Rifles, which loans 50 caliber sniper rifles to the school (<http://www.sniperschool.org/Staff%20Bios.htm>). Fifty Caliber Institute treasurer Rock McMillan is a designer and manufacturer who founded McMillan Brothers Rifles in 1992 (<http://www.shootingsports.com/mcmillan/rifle.htm>). The Fifty Caliber Institute and the Fifty Caliber Shooters Association work with the McMillan Sniper School staff to provide 50 caliber sniper rifle training (<http://www.sniperschool.org>).

the product of FCI's imagination, as the VPC has never suggested that "explosive decompression" is the problem at the core of a .50BMG attack on an aircraft. What is to be expected, as the U.S. Air Force described in *Airman* magazine, is the explosive combustion of tens of thousands of gallons of aviation fuel and the consequent immolation of scores of innocent passengers. This is how VPC actually described the problem of a long range attack on a fully loaded jetliner in "*Just Like Bird Hunting*" –

In light of the September 11 attacks, the concept of jetliners being turned into bombs is no longer a foreign idea. As the publisher of a jet-fuel industry newsletter recently observed, if a commercial jet can be turned into a bomb in the air, "It's also a bomb sitting on the runway and...at the terminal." A Boeing 747-400 has a maximum fuel capacity of 57,285 gallons.

*"Just Like Bird Hunting"*⁷⁷

In this regard, it is worth noting the observation of British expert Spicer that "with targets as big as aircraft most competent shooters could cope."⁷⁸ Given FCI's methods, it is no wonder it decided to ignore this very real threat in favor of its fantastic invention of explosive decompression.

FCI Alleged Lie #3: Advocates in favor of regulating the 50 caliber sniper rifle claim that the ".50cal rifles can shoot through seven buildings."⁷⁹

The Truth: FCI claims that "this one really had us stumped" and that it could not find "anybody who has ever heard of any test along these lines."⁸⁰ This is a telling commentary on FCI's lack of familiarity with the principal literature relating to 50 caliber anti-armor sniper rifles.

For example, FCI could have gone to its bookshelf and read what Major John L. Plaster—a leading sniping expert and author of *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers*, a widely acclaimed text on sniping techniques and equipment—reported "along these lines," i.e. regarding the ability of the 50 caliber anti-armor sniper rifle to shoot through buildings:

How can anyone exaggerate .50-caliber performance? Here's a bullet that even at 1 ½ miles crashes into a target with more energy than Dirty Harry's famous .44 Magnum at point-blank. But tremendous energy can hardly be surprising for a cartridge that's five times larger than a .30-06—indeed, its 750-grain projectile is almost twice that of many elephant gun cartridges.

Overpenetration concerns? Dave Bush, an Indiana City, Michigan, loader

of custom .50-caliber Match rounds, reports he test-fired his bullets at simulated wooden frame houses and found they blew completely through six houses—not six walls, six *houses!* (Italics in original)⁸¹

Since Plaster’s work is recommended by the McMillan Sniper School^g (with which FCI works) and is widely acclaimed within the pro-gun community, VPC is more than a little surprised that FCI had such a hard time finding this source.^h In addition, Plaster’s “six house” description was repeated in several articles in the news media.⁸²

In the event that FCI wants to quibble about the difference between “six” and “seven” houses, it might want to consult the book *Jarhead*, by Anthony Swofford, a U.S. Marine Corps sniper who served in the first Gulf War. Swofford has upped the ante, writing that the Barrett “can fire rounds through your living room and on through the living rooms of the next ten houses down your block.”⁸³

Finally, before mocking the penetrating power of the 50 caliber anti-armor sniper rifle, FCI should review the sworn testimony that 50 caliber rifle magnate Ronnie G. Barrett gave in a 1999 federal criminal trial. When the prosecutor asked Barrett about the power of Barrett’s rifle when firing garden-variety M33 “ball” ammunition—i.e. not armor-piercing or other exotic ammunition—“at an approximate distance of, say, a thousand yards—which would be ten football fields,” Barrett replied under oath that “there is not much it wouldn’t go through.”⁸⁴ The federal prosecutor then asked Barrett to describe the effect of ball ammunition at 1,000 yards on a number of specific targets:

Q. All right, there is not much it wouldn’t go through. How about concrete, cinder block?

^g <http://www.sniper.ws/Sniper%20Books.htm>.

^h According to the back page of *The Ultimate Sniper*, Major John L. Plaster, USAR (Ret.) was decorated four times for heroism in Vietnam, where he served with the top secret special operations unit known as the Studies and Observation Group (SOG). He established a U.S. Army National Guard sniper school in Minnesota and has taught sniping to law enforcement officers from more than 50 departments and agencies. An Internet website run by Navy SEAL Team One veteran Brian Curle says Plaster “is acknowledged as the country’s premier authority on the subject of sniper fieldcraft, tactics, and training for both police and military snipers” (<http://www.navysealteams.com/dvduultimate.htm>). *The Ultimate Sniper* has received uniformly warm reviews. Minnesota pro-gun activist David M. Gross called the book “scholarly and detailed.” [Http://www.wmsa.net/People/david_gross/dg-021011.htm](http://www.wmsa.net/People/david_gross/dg-021011.htm). A book review by Scott Powers on the Internet website [snipercountry.com](http://www.snipercountry.com) enthused, “This book is written by a man who is intimately familiar with the art of sniping and the training of snipers. If you buy only one book on the subject, THIS IS IT. Period. End of discussion.” (Capitals in original). [Http://www.snipercountry.com/TUS.htm](http://www.snipercountry.com/TUS.htm).

A. Cinder block. It would probably—it would shatter a cinder block.

Q. So it would shatter the cinder block of a cinder block wall?

A. Yes.

Q. How about one round through a wooden building?

A. Yes.

Q. How about one round through an automobile?

A. As long as it did not impact the engine. It would break the engine, but, yes, it would pass an automobile.

Q. What about a commercial aircraft? Would it penetrate the fuselage of a commercial aircraft?

A. Like most other rifles, yes, it would.

Q. How about the wing or engine block?

A. Yes, it would.

Q. Cockpit windows?

A. I think it will.⁸⁵

FCI engages in a page full of sophomoric sophistry comparing the relative power of the 105mm cannon on a main battle tank and the .50 caliber bullet, a comparison that contributes less than nothing to a serious discussion of the threat to civilian infrastructure from the unregulated sale of 50 caliber anti-armor sniper rifles.

FCI Alleged Lie #4: VPC said “.50cal rifles can rip through tanks and APC’s [armored personnel carriers] from 2,000 yards away.”⁸⁶

The Truth: VPC has never said a 50 caliber round can “rip through” a tank. It cannot. But bullets fired by the 50 caliber anti-armor rifle can penetrate more lightly armored vehicles—Barrett Firearms Manufacturing itself boasts that “armored personnel carriers...[are] vulnerable to the quick strike capability of the Barrett 82A1.”⁸⁷

In fact, the Barrett 50 caliber anti-armor sniping rifle disabled at least one Iraqi

armored vehicle during the first Gulf War from a distance of 1,800 meters. Although this fact is reported in several sources, gunsmith Mike Lau wrote in his book, *The Military and Police Sniper*—one of two texts “highly recommended” by the McMillan Sniper School affiliated with FCI and its treasurerⁱ—“During Desert Storm, the Marines used Barretts against Iraqi armored vehicles and heavy equipment.”⁸⁸ It seems odd, to say the least, that FCI would dispute a fact contained in a book so strongly endorsed by a sniper school with which it is so intimately involved—unless FCI’s interest is merely disseminating propaganda.

In any case, contrary to FCI’s misleading misrepresentation, here is what VPC actually wrote about the capabilities of the .50BMG anti-armor rifle, modern tanks, and other armored vehicles:

The ammunition that 50 caliber sniper rifles fire today was originally developed during the First World War as both an anti-tank and machine gun round. Developments in tank armor soon made tanks generally impervious to 50 caliber rounds, but according to the Marine Corps and other authorities, the 50 caliber can still blast through more lightly armored vehicles, such as armored personnel carriers, and thus clearly through armored limousines....

It is not true, nor has the VPC ever claimed, that a 50 caliber round can penetrate the armor of a modern tank, despite occasional erroneous reports to that effect. What is true is that the 50 caliber can force tank crews to “button up,” and well-placed shots could destroy or degrade certain external equipment and vision blocks on some tanks. See, e.g., undated article “How to ‘Tickle a Tank,’” *Soldier of Fortune*, posted on Barrett Firearms Internet web site, downloaded from <http://www.clickstudio.com/barrettmilitary/sof.htm> on September 29, 2001. These, however, are generally military matters beyond the range of this report and the VPC’s interest.

*Voting from the Rooftops*⁸⁹

FCI’s misrepresentations admit of only two explanations: Either FCI’s staff never actually read the VPC reports it has chosen to attack, or it simply doesn’t care about the truth in its desperate campaign to shield the 50 caliber anti-armor rifle and its manufacturers from reasonable regulation. FCI studiously ignores the undisputed claims of expert Lau and 50 caliber anti-armor sniper rifle makers that their products can defeat armored personnel carriers. Here, for example, is Barrett’s description of the power of its Model M82A1:

This revolutionary .50 caliber semi-automatic rifle allows sophisticated

ⁱ [Http://www.sniper.ws/Sniper%20Books.htm](http://www.sniper.ws/Sniper%20Books.htm).

targets to be destroyed or disabled by a single soldier. Armored personnel carriers, radar dishes, communications vehicles, aircraft and area denial submunitions are all vulnerable to the quick strike capability of the Barrett 82A1. With decisive force and without the need for the manpower and expense of mortar or rocket crews, forces can engage the opposition at distances far beyond the range of small arms fire....The advantages are obvious when you consider that many of the same targets for rocket and mortar fire can be neutralized with M33 ball, API M8 or Multipurpose ammunition.⁹⁰

Another manufacturer, Watson's Weapons, posted on its Internet web site the following photographs, graphically illustrating the armor-piercing power of the 50 caliber anti-armor sniper rifle.



This image from the Internet web site of Watson's Weapons depicts one-inch steel plate shot with a .50BMG armor-piercing round.

Unfortunately, FCI's vicious campaign of distortion is aided by the tendency of lay persons and some news outlets to use the generic term "tank" for any armored vehicle. By seizing on such inadvertent misuse of military jargon, FCI and its ilk seek to obscure the real problem—while the 50 caliber anti-armor's power is a good thing in the hands of the U.S. military on the battlefield, it is dangerously irresponsible to allow the unrestricted sale of the same power on the civilian market.

Moreover, the point is not that terrorists are likely to be engaging main battle tanks on the streets of America, but that many sensitive civilian targets, including limousines and other vehicles transporting key government officials, business

executives, guest diplomats, and other high-profile individuals are well within the long-range destructive power of the 50 caliber anti-armor sniper rifle.

FCI Alleged Lie #5: VPC said “.50cal rifles can blow up armored limousines and helicopters.”⁹¹

The Truth: VPC has never said that the .50BMG anti-armor sniper rifle can “blow up” any vehicle. What it has reported are the statements of the 50 caliber manufacturers, the U.S. military, and other experts that 50 caliber ammunition can pierce vehicles such as armored personnel carriers, and can thus likely penetrate most armored limousines. (A preceding section documents the vulnerability of helicopters, well-established by experts highly endorsed by an FCI director and a commercial sniper school with which FCI is intimately involved.)

FCI has simply here again invented a misrepresentation of the position of VPC and other advocates of reasonable regulation of 50 caliber anti-armor rifles through its signature tactic of creating a diversion through an exaggerated straw man: “Ah, the old ‘blow up the car’ trick. We’ve all seen it in the movies. Our hero, out-gunned and out-numbered, pulls out his trusty snub-nosed revolver and shoots at the gas tank. The resulting fireball lights up the night sky. Cut!”⁹²

Snub-nosed revolvers do not fire armor-piercing, incendiary ammunition.^j However, 50 caliber anti-armor sniper rifles do fire a wide variety of armor-piercing, incendiary, and tracer ammunition freely available on the civilian market. VPC has also reported statements from 50 caliber manufacturers, the U.S. military, and other experts that such ammunition fired by the 50 caliber anti-armor sniper rifle can pierce fuel tanks and storage tanks, and can ignite fuel and other volatile chemicals contained in them.

For example, internationally “acclaimed” gun expert Ian Hogg^k has described the

^j The manufacture, import, and sale to civilians of armor-piercing ammunition suitable for handgun use is banned under federal law. 18 U.S. Code Sections 922(a)(7)-(8), 923 (e). However, federal law does not regulate armor-piercing ammunition for rifles, and it is widely available.

^k Hogg served 27 years in the British Army’s Royal Artillery, the final six as Regimental Sergeant Major and instructor in ammunition and ordnance at the Royal Military College. Retiring as a Master Gunner, he was subsequently editor of *Jane’s Infantry Weapons* for 22 years, and has authored or edited more than 140 books. Ian V. Hogg and John S. Weeks, *Military Small Arms of the 20th Century (7th Edition)* (Krause Publications, Wisconsin, 2000), back cover. The National Rifle Association describes him as “acclaimed” in its promotion of *Military Small Arms* on its Internet web site. [Http://store.nrahq.org](http://store.nrahq.org), downloaded July 31, 2002.

effect of .50 BMG armor-piercing incendiary (API) ammunition on fuel tanks:

The object here is to defeat lightly armoured vehicles, such as armoured cars and light personnel carriers and, by penetrating the fuel tanks or engine compartment with the armour-piercing-incendiary bullet, set the vehicle on fire....The usual design holds a small quantity of an incendiary composition in the tip, beneath the jacket and in front of the armour-piercing steel core. The bullet strikes, the jacket crumples and the intense heat generated by the impact ignites the incendiary mixture while the core continues its path through the target, sucking the burning incendiary mixture in behind it.⁹³

A manufacturer who sells incendiary ammunition to the civilian market through the Internet advises, "When the projectile strikes a relatively solid object it detonates with a bright flash at approximately 3,000 degrees Fahrenheit to ignite combustible material."⁹⁴ This is the "old blow up the car trick" with a vengeance, blowing up FCI's limp attempt at evading the facts of the matter. The VPC has documented in a number of reports that .50BMG armor-piercing incendiary ammunition is easily obtainable on the civilian market in the United States. Here, for example, is an advertisement from a mail order catalog received at the VPC in October 2003.⁹⁵

.50 CALIBER ARMOR PIERCING AMMO

ARMOR PIERCING INCENDIARY ROUNDS

Designed to replace the M1 incendiary & M2 armor piercing, this cartridge is 5.45 inches long and can be identified by a silver colored tip. The bullet contains the same core as the M2 armor piercing bullet but the point filler is replaced by an incendiary composition and contains a lead antimony base filler. Bullet length 2.31 inches long, 1764 grain with a muzzle velocity of 2910 fps. It will penetrate 7/8 of an inch thick armor plate at 100 yards. Approximate range is 7,117 yards. Cannot be shipped to California.

ORDER # AM5005 (5 rounds) ~~\$29.99~~ \$24.99
ORDER # AM5050 (50 rounds) ~~\$199.99~~ \$179.99

ORDERS 1-870-881-8688 FIREQUEST ~ 03

FCI has implied—but not really argued (see "FCI Lie #10" below for more detail)—that destructive ammunition is not widely available, and when publicly sold may be bogus. This peculiar argument flies in the face of at least one 50 caliber sniper rifle manufacturer, Watson's Weapons, whose interests FCI ostensibly represents. The company sells a wide range of .50BMG ammunition through its Internet website, including armor-piercing, armor-piercing incendiary (API), and armor-piercing incendiary tracer (APIT) ammunition.⁹⁶ The company also sells reloading supplies (bullets and cases) for the same kinds of ammunition.⁹⁷

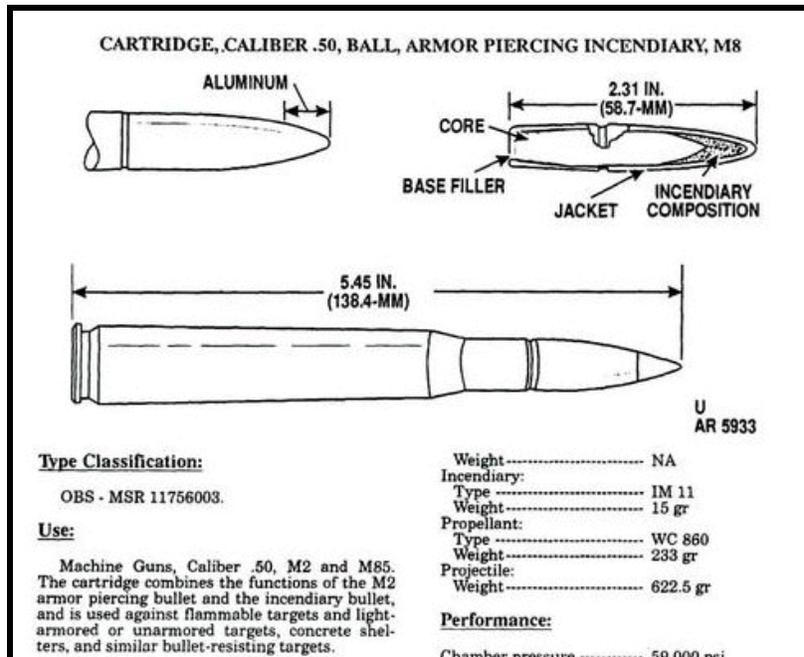
What's more, the man credited with inventing the .50BMG anti-armor sniper

rifle, Ronnie G. Barrett, when asked about the capabilities of his rifle firing ordinary “ball” ammunition, testified under oath as an expert witness in a federal criminal trial that ball ammunition creates a spark on impact capable of setting off an explosion:

Q. Does this rifle have the ability, if there is an explosive on a roadway or in a certain area, and you are, say, a thousand yards away, does this rifle have the ability, by firing a shot, to set off that explosive?

A. Depending on the explosive. It would produce—the impacting round will produce a spark when it hits.⁹⁸

It is not much of an extrapolation to understand that the .50BMG anti-armor sniper rifle—especially but not only when firing freely available armor-piercing-incendiary ammunition—is capable of igniting a wide variety of civilian targets containing or explosive. These tanks and tanks holding industrial flammable materials. include fuel bulk storage hazardous materials.



50 caliber sniper rifle manufacturer Watson’s Weapons posts this description of the .50BMG armor-piercing incendiary ammunition it sells though its Internet web site. The ammunition is “used against flammable targets and light-armored or unarmored targets, concrete shelters, and similar bullet-resisting targets.”

FCI Alleged Lie #6: VPC said “.50cal rifles were used in Waco and Oklahoma.”⁹⁹

The Truth: Barrett .50 BMG sniper rifles were indeed present and fired at federal agents by the Branch Davidians in the Waco standoff. The VPC has never claimed that any 50 caliber was used in the bombing of the Oklahoma City federal building.

The presence and use of .50BMG rifles at Waco by Branch Davidians is so thoroughly documented that FCI’s prevarication is astounding. VPC detailed relevant parts of this evidence in its report on 50 caliber sniper rifles, *Voting From the Rooftops: How the Gun Industry Armed Osama bin Laden, other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles*. The original endnotes citing specific documentation are included in the following excerpt:

Perhaps the most well known of the growing list of documented criminal incidents in the United States is the criminal use of Barrett 50 caliber sniper rifles by members of David Koresh’s Branch Davidian cult at their compound near Waco, Texas in 1993. The Davidians’ arsenal included two Barrett 50 caliber sniper rifles¹⁰⁰ as well as armor-piercing ammunition.¹⁰¹ The weapons’ ability to penetrate “any tactical vehicle in the FBI’s inventory” prompted the agency to request military armored vehicles “to give FBI personnel adequate protection from the .50 caliber rifles” and other more powerful weapons the Branch Davidians might have had.¹⁰²

Cult members did in fact fire the 50 caliber sniper rifles at federal agents during the initial gun battle on February 28, 1993.¹⁰³ The VPC has not been able to document whether the guns also were fired later during the final assault.

*Voting from the Rooftops*¹⁰⁴

Even though no amount of evidence may convince persons intent on creating their own reality about the tragic events at Waco, one place to start might be a law journal article written by two authors with impeccable pro-gun credentials—David B. Kopel, research director of the Independence Institute, and Paul H. Blackman, research coordinator for the National Rifle Association—especially because the two also wrote a book about the events at Waco.¹⁰⁵ In their law review article, Kopel and Blackman discuss the nature of the 50 caliber rifles at the Waco compound, focusing on whether the rifles had been converted to automatic fire. They conclude the discussion with “the fact, discovered much later, that the .50 caliber rifles had not been converted.”¹⁰⁶ It is doubtful that two such aggressively pro-gun authors would devote such scrutiny to non-existent firearms. This is especially so since Kopel and Blackman themselves

state, "At the 1994 trial of the Davidians, the prosecution introduced evidence showing that the Davidians owned two .50 caliber rifles,"¹⁰⁷ and "Koresh's .50 caliber rifles were Barretts."¹⁰⁸

If the statements of the NRA's research coordinator and a prolific pro-gun writer like Kopel are not enough, perhaps seeing the actual guns themselves will help the FCI frame a more informed opinion. The following are two photographs taken by the author of this report with his own camera in 1995 at the Texas Ranger compound at which evidence taken from the Branch Davidian ranch was stored pending legal action. The author was present as part of a bi-partisan investigative team consisting of staff from the Judiciary and Government Reform Committees of the U.S. House of Representatives, preparing for hearings on the Waco disaster. Two burned out shells of what are clearly Barrett rifles appear in these photographs, the original negatives of which are in the author's possession.



***Burned-Out Barrett M82A1 .50BMG Sniper Rifle Photographed in 1995 at Texas Ranger Compound Holding Evidence From Branch Davidian Ranch.
Photo by Author During Bi-Partisan Congressional Investigation.***



***Two Burned-Out Barrett M82A1 .50BMG
Sniper Rifles (foreground and upper left)
Photographed in 1995 at Texas Ranger
Compound Holding Evidence From Branch
Davidian Ranch.***

*Photo by Author During Bi-Partisan Congressional
Investigation.*

Finally, in 1993, *The Dallas Morning News* reported in detail the chain of transfers that put at least one of the Barrett 50 caliber sniper rifles into the hands of David Koresh, and quoted a Barrett spokesman discussing the difficulty of converting the rifle to automatic fire.¹⁰⁹

No doubt FCI could construct a theory of a conspiracy so vast that it has extended over a decade and includes such improbable joint actors as *The Dallas Morning News*, the Violence Policy Center, the Independence Institute's David Kopel, the National Rifle Association's Paul Blackman, the Texas Rangers, the U.S. Department of Justice, the U.S. Department of the Treasury, the U.S. Congress, and a host of supporting players, all conspiring in common to invent the presence of the Barrett .50BMG anti-armor sniper rifles at the Branch Davidian compound. That theory would be no more credible than the rest of FCI's desperate inventions.

FCI Alleged Lie #7: VPC said “.50cal weapons are sought-after [sic] by criminals and terrorists.”¹¹⁰

The Truth: Terrorists including, among others, Osama bin Laden, the Irish Republican Army, and a variety of violent domestic fringe groups have indeed sought out .50BMG anti-armor sniper rifles. Terrorists have in fact used these rifles for assassination. Common criminals have used them in common crimes.

FCI invents a clever bit of sophistry to avoid these truths, weaving half-truths in three carefully phrased sentences into one enormously misleading misstatement:

Fifty caliber rifles have been commercially available to law-abiding citizens since the end of World War I, a span of over eighty years. In all that time, there has never been a terrorist attack on the United States involving a .50cal rifle. Nobody has ever been killed by a criminal firing a .50cal rifle.¹¹¹

Characteristically, FCI does not specify which fifty caliber rifles it claims to have been “commercially available” since the end of World War I. It may be referring to old-fashioned black powder firearms, which are not relevant to the issue, being relatively low-powered curiosities. Or, FCI may be referring to a few relatively rare surplus center-fire rifles—such as the German 13mm T-Gewehr (tank gun) and the Boys Mark I and Mark II rifles. It is simply impossible to tell what FCI pretends to mean. In any case, the mass marketing of the modern designed .50BMG anti-armor sniper rifle did not begin until July 7, 1987, when Ronnie G. Barrett won U.S. Patent Number 4,677,897 for his .50 BMG “Anti-Armor Gun” and began to market it to civilians.¹¹² Thus, according to prolific pro-gun author Duncan Long’s *Modern Sniper Rifles*, “Large-caliber rifles are a ‘new breed’ that has emerged during the last few decades.”¹¹³

In any case, the short answer to FCI is “so what?” The U.S. mainland has not been the target of well-organized international terrorists until recently. It is now and the very dangerous future that count, not some quaint early 20th-century nostalgia-laden past in which tow-headed boys shot at tin cans from off the back porch.

This leads to another short answer, the answer to FCI’s claim that “there has never been a terrorist attack on the United States involving a .50cal rifle.” Again, so what? Until September 11, 2001, no one had ever hijacked simultaneously four commercial jetliners and succeeded in crashing three of them into two skyscrapers and the headquarters of the U.S. military. The real point is that the unrestricted civilian sale of the .50BMG anti-armor rifle makes freely available to terrorists “an infantry rifle that at 2000 yards or more could simply and systematically wipe out an entire airfield, or truck park, or radar installation,” as sniper rifle expert Lt. Colonel Norman A.

Chandler (U.S. Marine Corps, Ret.), described the Barrett.¹¹⁴

Moreover, as detailed in the following quote from *Voting from the Rooftops*, terrorists within the United States plotting serious attacks on state and federal government targets have in fact obtained 50 caliber sniper rifles:

On March 19, 1998, following an undercover investigation, federal law enforcement officers arrested three members of a radical Michigan group known as the North American Militia. The men were charged with plotting to bomb federal office buildings, destroy highways, utilities and public roads, and assassinate the state's governor, senior U.S. Senator, federal judges and other federal officials. All three were ultimately convicted.

The judge who sentenced these conspirators noted, among other things, that they were "obsessed with guns" and remarked upon the "immaturity" of the ring leader. This immature obsession led the plotters to include a 50 caliber sniper rifle among the two dozen weapons—including three illegal machine guns—found in their possession....

In a similar case in West Virginia, officials found a 50 caliber sniper rifle in the home of a member of the Mountaineer Militia charged in a conspiracy to bomb an FBI office.

*Voting from the Rooftops*¹¹⁵

The fact that these plots were interdicted does not at all diminish the threat, since no one knows who is buying these guns, in what quantities, or for what purposes. The same report details acquisition of .50BMG anti-armor sniper rifles by other unsavory groups. The real problem is aptly illustrated by the following testimony of expert witness Ronnie G. Barrett in a federal criminal trial, when asked about potential uses to which his .50BMG anti-armor sniper rifles might be put:

Q. They are sold legally to civilians to use legally in the United States or in other locations?

A. Yes.

Q. And you know the nature and capabilities of your weapon that you sell and that you design; is that correct?

A. Yes.

Q. You don't necessarily know where someone was going use [sic] this weapon.

A. No.

Q. You don't know whether they were going to shoot at a plane, shoot at a car, a person coming out of an airplane waving hello, standing at a podium at a press conference, whether they were going to detonate an explosive or shoot at a car in a motorcade. That's not just something you know about, do you?

A. No manufacturer knows that.¹¹⁶

FCI also conveniently overlooks the fact that Osama bin Laden's al Qaeda organization obtained 25 of its own Barrett M82A1 .50BMG anti-armor sniper rifles in the late 1980s, a fact that alone demonstrates the sinister attraction of these rifles to those who wish to do harm to America. The story of bin Laden's acquisition of these rifles is set out in detail in the VPC's *Voting from the Rooftops*.¹¹⁷ A detailed rebuttal to the industry's weak and self-serving claim that these rifles were part of the American effort to support Afghan "freedom fighters" is set forth in the VPC's *The U.S. Gun Industry and Others Unknown: Evidence Debunking the Gun Industry's Claim that Osama Bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program*.¹¹⁸

FCI's final bit of sophistry is the false claim that "Nobody has ever been killed by a criminal firing a .50cal rifle." The truth is that the IRA, a notorious terrorist organization, acquired at least two Barrett .50 BMG rifles in the United States, and then used them (and other sniper rifles) to murder 11 British soldiers and Irish constables.

Does FCI seriously argue that such murderous acts of terror are not criminal? The FCI may wish to discuss this point with the parents of British Lance Bombardier Stephen Restorick—the last of the IRA sniping victims—who was killed instantly at a traffic checkpoint by a single shot fired by a sniper, firing the Barrett from a Mazda 626 hatchback. The round, fired from 120 yards, smashed into Restorick's rifle, broke into three pieces, and perforated blood vessels, causing massive internal bleeding.¹¹⁹ (The Restorick's have written to Barrett Firearms about the tragedy of their son's criminal murder at the hands of terrorists, but have not received a satisfactory reply.)

By means of this transparent sophism FCI apparently seeks also to evade the plain fact that common criminals have indeed fired 50 caliber sniper rifles in the course of criminal acts, as reported in *Voting From the Rooftops*:

On February 27, 1992, a Wells Fargo armored delivery truck was attacked in a “military style operation” in Chamblee, Georgia by several men using a smoke grenade and a Barrett 50 caliber sniper rifle. Two employees were wounded. Although the perpetrators have not yet been successfully prosecuted, authorities have publicly named as suspect Mike Chapel, a former Gwinnett County, Georgia SWAT team leader—now serving a life term for murder. The former officer is also suspected of killing another participant in the robbery....

On April 28, 1995, Albert Petrosky walked into an Albertson’s Grocery Store in suburban Denver, Colorado and gunned down his estranged wife and the store manager. Armed with an L.A.R. Grizzly 50 caliber sniper rifle, an SKS Chinese semi-automatic assault rifle, a .32 revolver, and a 9mm semi-automatic pistol, Petrosky then walked out into the shopping center parking lot, where he exchanged fire with a federal IRS agent passing by and killed Sgt. Timothy Mossbrucker of the Jefferson County Sheriff’s Department.

Petrosky, who was known to his friends as “50-cal Al,” fired all four weapons, including the 50 caliber rifle, during this murderous rampage.¹²⁰

These are in addition to the criminal firing of .50BMG anti-armor sniper rifles at federal agents during the first Waco raid, documented in a previous section. The fact that none of these criminal incidents resulted in a person being murdered by the gun in no way diminishes their importance as examples of criminal use.

Finally, FCI argues that .50BMG anti-armor sniper rifles are not suitable for criminal use: “Given the lack of all-star athletes in the criminal world, it’s no wonder that no criminal has chosen to make a running get-away lugging a 37lb rifle.”¹²¹ This unlikely scenario is best dismissed as yet another of FCI’s tortuous straw men. When criminals choose to use .50BMG anti-armor sniper rifles, it is not likely to be for a corner hold-up, but—as in the Chamblee, Georgia case—to attack a hard target such as an armored car (or, for that matter, a police squad car). Moreover, the most serious threat is from terrorists attacking critical infrastructure in catastrophic ways.

Incredibly, FCI cannot even get its facts straight in this pathetic example of a straw man. It cites a “37lb” rifle. Yet 37 pounds is much more than the six models currently marketed by four of the more notorious manufacturers. Here are the weights of .50BMG anti-armor sniper rifles as reported by the manufacturers’ own Internet websites. None exceeds 34 pounds, and most are much less than the “37 pounds” claimed by FCI:

- ArmaLite AR-50: 34 pounds.¹²²
- E.D.M. Arms Windrunner M96: 34 pounds.¹²³
- Barrett M82A1: 28.5 pounds.¹²⁴
- Serbu BFG-50: 22 pounds.¹²⁵
- Barrett M95: 22 pounds.¹²⁶
- Barrett M99 (Big Shot): 21 pounds.¹²⁷

Independent observers may find it difficult to accept FCI's hyperventilated arguments in light of the fact that its research "experts" either cannot get basic facts right or deliberately inflate them to suit their arguments.^l

FCI Alleged Lie #8: VPC said ".50cal rifles should be classified as 'assault weapons.'"¹²⁸

The Truth: The Violence Policy Center advocates ending the unrestricted sale of .50BMG anti-armor sniper rifles.^m

The best way to do that would be to amend federal law to bring .50BMG rifles under the National Firearms Act. This action would subject these weapons to the

^l This is not the first time the FCSA complex has been caught out in a technical "misstatement." Former FCSA vice-president Jim Schmidt testified before a May 3, 1999, Congressional forum chaired by Rep. Henry Waxman, saying with respect to SLAP and incendiary rounds, "They're hard on the guns....Why would you want to shoot something that's on fire going down the barrel of a gun you just paid \$6,000 for...." This testimony ignited intense criticism from Schmidt's fellow 50 caliber rifle owners on a popular 50 caliber Internet bulletin board. The critics pointed out that Schmidt's "expert" testimony was incorrect, since incendiary bullets ignite only upon striking a target, and tracer rounds do not ignite until after they leave the gun's barrel. In a posted reply, Schmidt wrote that his "fire down the barrel" statement was an effort to "dramatize what the bullet does when fired. At what point it 'catches on fire' was of little value at the time." *Postings in files of Violence Policy Center.*

^m The vituperation with which FCI treats this purported "lie" is a good example of the extremist style. Whether .50BMG anti-armor sniper rifles "should" be regulated as assault weapons is a policy question, not a statement of fact. Reasonable people may disagree about what should be done, but advocacy of a position with which one disagrees does not make it a "lie," except in the rather odd world of FCI.

same regimen of registration, background checks, and taxation to which other weapons of war, such as machine guns and destructive devices, are currently subjected. There should be no “grandfathering” of existing weapons to exempt them from the law, and any grace period for registration should be very short. America must know who besides Osama bin Laden possesses these deadly tools of assassination and terror.

The President also should immediately order the Department of State to review whether export of these weapons to civilians should be allowed. It is clearly not in America’s national security interest to allow any more 50 caliber sniper rifles to end up in the hands of international terrorists, drug lords, and common criminals.

In the meantime, the VPC also supports efforts at the state and local levels to regulate .50BMG anti-armor sniper rifles. In the case of California, that regulation fits best under the state’s existing assault weapons law. FCI’s quibble about the definition of an assault weapon is merely the latest example of the gun lobby’s attempt to appropriate to itself the right to redefine terms like “assault weapon” to fit its own purposes. As documented in detail in several VPC studies,ⁿ the gun industry happily marketed all sorts of firearms under the label “assault weapon,” “assault rifle,” and “assault pistol” until the public relations aspects of crime, violence, and terrorism persuaded it to adopt semantic arguments like FCI’s.

FCI drags out the old pro-gun saw that reasonable regulation of anti-armor sniper rifles is just the first step to a secret plan to ban all firearms. The truth is that this argument is just plain silly. It has been almost 70 years since the National Firearms Act of 1934 went into effect, regulating machine guns, sawed-off shotguns and rifles, and similar weapons. Yet Americans still have the broadest range of choice among firearms in the world, and tens of millions of firearms of many different varieties have poured into the civilian market since then. The facts are clear: reasonable gun regulation has not and will not be the dreaded “camel’s nose under the tent,” “the slippery slope,” or any other such boogeyman so putatively feared by FCI and its ilk.

FCI Alleged Lie #9: “Any teenager with a driver’s license can buy a military sniper rifle.”¹²⁹

ⁿ See, e.g., Violence Policy Center, *Bullet Hoses—Semiautomatic Assault Weapons* (May 2003), pp. 14-16; Violence Policy Center, *That Was Then, This is Now: The NRA and the Gun Industry Talk About Assault Weapons—From Both Sides of Their Mouths* (December 1997).

The Truth: Although FCI does not credit VPC with this “lie,” we are happy to lay out the facts. Under existing federal law, anyone at least 18 years of age who is not in a prohibited category can legally buy any otherwise legal rifle, including any .50BMG anti-armor sniper rifle sold in America.

FCI claims “military sniper rifles” are “already banned by existing law.” We don’t know what “existing law” FCI is referring to. There is simply no such federal law. We would like to see a citation to the law, and a list of specific “military sniper rifles” that in FCI’s expert opinion are banned under that law.

FCI also raises the Brady Law background check, arguing that it is “designed to screen out criminals and those with psychological conditions that would make them unfit to own a gun.” VPC is happy to see the admission by FCI that there are indeed people with psychological conditions that make them unfit to own firearms. Unfortunately, the perfunctory Brady background check is woefully inadequate to screen such people out (if, indeed, any test could do so), as witnessed by the thousands of murders and suicides by firearms committed by persons who presumably have passed the Brady check. In fact, the Brady check looks only for records of persons who have actually been committed involuntarily to an institution. These records are poorly kept, rarely automated, and often shielded by privacy laws, thus they are inaccessible in far too many cases. But even in the best of record-keeping states, it is impossible to identify the vast number of walking time bombs who have never been committed to an institution.

Furthermore, Brady background checks can be, and are, routinely evaded simply by attending gun shows and buying from so-called “hobbyists” — unlicensed individuals who are not required to conduct the Brady check.

Finally, the point is not whether a teenager can or cannot literally afford any specific firearm, although it is easily demonstrable that many teenagers would be well able to, this being merely a question of relative affluence. The real point, which FCI studiously ignores, is the ease with which anyone, including terrorists, can buy such clearly dangerous weapons, with only the minimal background check afforded by the Brady Law.

FCI Alleged Lie #10: “You can buy military high-explosive ammo on the internet.”¹³⁰

The Truth: Although FCI does not credit VPC with this putative “lie,” we are again happy to clarify the record. Here is what VPC has written in the past about the availability of Raufoss MK211 armor-piercing, incendiary, explosive ammunition:

The implications of the potential uses to which a terrorist might put 50 caliber armor-piercing, incendiary, SLAP, or Raufoss ammunition can only be described as frightening. Yet all of these types of ammunition are available on the U.S. civilian market. SLAP is less frequently offered than ball, armor-piercing, and incendiary variants, and Raufoss is rarely offered publicly. Yet the VPC has documented public offerings and apparent sales of all the varieties discussed above in the civilian market (again, aside from leakage from military stocks worldwide).

Ball, armor-piercing, and armor-piercing incendiary are routinely sold through a variety of Internet web sites and mail order catalogs, and at least one site has also offered SLAP. In addition to these commercial outlets, armor-piercing and SLAP rounds have been offered for sale through at least one Internet gun auction site.

Finally, SLAP and Raufoss have been offered for sale through postings on a popular 50 caliber Internet bulletin board. One correspondent on the board claimed to have "acquired some Winchester manufactured (real) SLAP ammo which was acquired from a Winchester rep for free." If this is true, that incident marked a source of leakage that cut out the military middle man.

Voting from the Rooftops

FCI apparently disputes this statement, and maintains, "The simple truth is that genuine Mk2-11 [sic] military ammunition is strictly controlled by the U.S. Armed Forces and not available for commercial sale. You can believe that authorities watch the internet as well, and when somebody advertises stolen military property for sale, you can bet that one of the first responders will have a badge in his pocket."¹³¹

In fact, however, there is substantial evidence that MK211 Raufoss does indeed find its way into civilian hands. In addition to Internet offerings and apparent sales that the VPC has documented, other evidence of the availability of Raufoss comes from an article by FCI director Keith Pagel posted on the Internet website of Barrett Firearms Manufacturing, Inc., the inventor and principal manufacturer of the .50BMG anti-armor sniper rifle, an Internet interest group posting by FCI director Pagel, and another posting in the same Internet interest group apparently from .50BMG rifle manufacturer Mark Serbu. This evidence is detailed below:

FCI director Pagel discusses Raufoss high-explosive ammunition cost and availability in FCSA article posted on Barrett Firearms Manufacturing, Inc. Internet website. The "Testimonials and Articles" section of the Barrett Firearms Manufacturing web site reproduces an article attributed to an "Elmer Pagel," writing

in the 1993 #4 issue of *Very High Power* magazine, the journal of the Fifty Caliber Shooter's Association.¹³² A check of the back issues content listing on the association's official website, however, reveals that the article in question—"Some Notes on the Development of the Hi Explosive Fifty Caliber Cartridge"—was in fact written by FCI board member Keith Pagel.¹³³ The listing commends the piece as a "good article on the MK-211 Raufoss Round."¹³⁴ Whether the odd substitution of "Elmer" for "Keith" on the Barrett website was inadvertent and innocent or deliberate and intended to mislead is unknown.^o

In any event, Pagel's article discusses in a matter-of-fact fashion the cost and limited availability of MK211 Raufoss "on the open market," and even describes in detail its use at the Knob Creek Shoot, a civilian venue popular with mavens of fully automatic weapons:

From a shooter's standpoint the HE [high explosive] series might seem to be a desirable loading. But considering even the cheapest Raufoss green tipped fifty cartridges run \$35 and up in price on the open market (when you can find them!!), their appeal is limited. Also, keep in mind that they were designed to function against a hard target. There would be nothing to see when shooting them against a dirt backstop. When fired at automobile targets during the Knob Creek Shoot, for instance, the Raufoss round detonates inside the door skin. The only visible effect is a small puff of smoke coming from somewhere inside the door.¹³⁵

FCI director Pagel's description of the market is entirely consistent with VPC's description—"Raufoss is rarely offered publicly"—but totally contrary to FCI's claim that it is "not available for commercial sale."

FCI director Pagel confirms in posting on Internet interest group site that member possesses high explosive Raufoss round. Further evidence of the availability of Raufoss is found from a series of postings on an interest group site, the Yahoo 50BMG group.

The January 2002 exchange begins with a group member's inquiry:

Have a .50 cal round that I would like to identify:
Green tip with a silver/gray band just below the green tip. Head stamp is:
50 FNB 91.

^o Using Internet searches for "Elmer Pagel" on Google and Nexis, VPC staff found three genealogies listing deceased Elmer Pagels, but no reference to a living Elmer Pagel. The searches also revealed another article or publication written by or attributed to "Elmer Pagel." In addition, the article posted on the Barrett site includes an illustration of ammunition rounds "from the Keith Pagel collection."

Thought at first it was a MK 211 but that is supposed to have just a green tip as I remember.¹³⁶

The reply posted on January 15, 2002, from a person who identifies himself as “Keith Pagel, FCSA/VHP Magazine”^p confirms that the round is indeed Raufoss:

Raufoss production, in Norway, Mk211 Mod 0 Multipurpose, for US DOD contract, using Belgian manufactured (Fabrique Nationale’) brass.

The plain green tip is Raufoss NM140 Multipurpose. US liked the idea, but wanted some changes in the design. Norway obliged with their NM140A1 Multipurpose, which the US adopted as Mk211 Mod 0. US requested Green/Silver as the tip color code for Mk211.

(Before anyone asks, you’ll also see Mk211 in Green/White tip. That’s US, rather than Norwegian production. It’ll be WCC or LC headstamps. New EPA approved paint looks more like dirty white or light gray rather than silver. Norwegians don’t have to bow to the EPA.)

Come by one of the Atterbury shoots this year, Steve, and introduce yourself.

Keith Pagel
FCSA/VHP Magazine¹³⁷

Several points stand out about director Pagel’s response to this inquiry. First, the tone is matter of fact—even though he does not know the correspondent personally (as evidence by the invitation to introduce himself)—rather than concern that the original poster may have his hands on contraband ammunition. Second, Pagel advises readers of other varieties of Raufoss MK211 that they’ll also see, contradicting the FCI’s argument that MK211 is not available. In sum, this posting is again consistent with VPC’s original description of the Raufoss market, but inconsistent with FCI’s makeweight claim that Raufoss is not available.

Raufoss offered on Internet group posting, and in response a prominent .50BMG manufacturer describes his own purchase of, and experience with, MK211. In January 2000 another exchange posted on the Yahoo 50BMG group offered Raufoss ammunition for sale. A prominent .50BMG rifle manufacturer, Mark Serbu, responded to the posting with a description of his own purchase:

^p A search of listings in the Yahoo 50BMG group resulted in numerous posting by the same Keith Pagel, some also including the attribution to FCSA/VHP.

Hello,

I have about 21 rounds of green/silver tip raufoss ammo for sale. The headstamps HXP '89 and LC 86. The price is \$25 per round not including shipping. Any question please e-mail me.

Thanks,
Craig¹³⁸

Another poster asks, "Somebody please explain to me what this is that I'd want to spend \$25 for it."¹³⁹

Here is a response from a person who identifies himself as "Mark Serbu." (Mark Serbu is the manufacturer of a .50BMG rifle known as the Serbu BFG50. In other postings using the same name and email address of "Gunfreak," this poster describes the manufacturing status of specific Serbu models and refers readers to the Internet website of Serbu Firearms, Inc.¹⁴⁰ It therefore seems reasonable to conclude that the poster identifying himself as "Mark Serbu" is the same "Mark Serbu" who is the manufacturer of the BFG50.):

They're exploding bullets. Last one I had I paid \$15 for, and it wasn't very impressive. I like the aircraft incendiary (blue tip) better, and it's less than \$2/round.
Mark Serbu¹⁴¹

In short, a prominent .50BMG anti-armor rifle manufacturer attested to the existence of civilian traffic in Raufoss rounds through the description of his own purchase.

Other Internet offers of Raufoss ammunition. In addition to these descriptions of the civilian Raufoss market in action, VPC has documented several other offers and at least one apparent sale of Raufoss over the Internet:

- Offer through "GunsAmerica" auction site of .50 cal. MK211 at \$35 per round.
- Offer and apparent sale of two rounds of Raufoss through "Barrett and 50 Cal Discussion Forum" at Biggerhammer.net Internet website.
- Offer of indeterminate number of "rounds" of Raufoss through "Barrett and 50 Cal Discussion Forum" at Biggerhammer.net Internet website.

In summary, objective evidence from manufacturers of .50BMG anti-armor sniper rifles, an FCI board member's writings and Internet postings, and other Internet postings indicate clearly that there is a modest but dangerous civilian traffic in the Raufoss MK211 armor-piercing, high explosive, incendiary .50BMG round.

Recommended Actions

The Violence Policy Center proposes the following strategy for dealing with the deadly consequences that are certain to follow from the gun industry's cynical 50 caliber anti-armor sniper rifle marketing campaign.

Add 50 Caliber Sniper Rifles to the National Firearms Act

Congress should immediately amend federal law to bring .50BMG rifles under the National Firearms Act. This action would subject these weapons to the same regimen of registration, background checks, and taxation to which other weapons of war, such as machine guns and destructive devices, are currently subjected.

There should be no "grandfathering" of existing weapons to exempt them from the law, and any grace period for registration should be very short. America must know who besides Osama bin Laden possesses these deadly tools of assassination and terror.

Ban Export of 50 Caliber Sniper Rifles to Civilians

The President may not need to wait for Congress to take action on this point. He should immediately order the Department of State to review whether export of these weapons to civilians should be allowed under existing restrictions on export of weapons. Clearly it is not in the interest of America's national security to allow any more 50 caliber sniper rifles to end up in the hands of international terrorists, drug lords, or common criminals.

Improve Reporting and Record-Keeping Requirements

Under current procedures, ATF cannot state with certainty how many 50 caliber rifles have been manufactured in the United States. Moreover, the minimum reporting requirements that do apply to firearm manufacturers do not even include the reporting of model numbers.

Likewise, information regarding how many of these sniper rifles have been used in crime is sketchy at best. ATF keeps track of how many times local police departments request that such weapons be traced. However, no information regarding

the police department requesting the trace or the type of crime with which the weapon was associated is available.

This kind of information is essential to fully assess the level of threat posed by these weapons. ATF should immediately revamp its reporting standards to require that the manufacturers of sniper rifles report the exact number of such weapons produced each year, including the caliber and model designation and the identity of any person to whom the weapon has been transferred by the manufacturer.

ATF should also enhance the collection, analysis, and dissemination of tracing data related to all sniper rifles. Specifically, ATF should collect and make available to the public information regarding the frequency of the use of such weapons in crime, including the nature of those crimes.

Use the Civil Justice System to Hold Manufacturers Accountable

The marketing of sniper rifles presents a classic case, using ordinary “black letter” tort concepts, of an industry’s calculated decision to sell unnecessarily powerful weapons of war as “toys” without restraint—in reckless disregard of clearly foreseeable consequences stemming from the intended and advertised use of the product.

Given their acknowledged design purpose, sniper rifles are clearly *qualitatively* different from any other class of firearms. Other firearms sold in the civilian market are at least nominally designed and sold for sporting or supposed self-defense purposes. Sniper rifles, on the other hand, are designed and sold for the express purpose of killing people and destroying property. Civil courts should be prepared to recognize this fact.

Therefore, a useful strategy for effective control may lie in civil litigation, a strategy that would be enhanced if states passed legislation clearly establishing strict liability for damages resulting from the use or misuse of such weapons. Such litigation could impose tort liability, including punitive damages, for manufacturers, wholesalers, distributors, importers, retailers, and any others who participate in bringing to the civilian market any sniper rifle (in any caliber) or associated gear (such as ammunition or optics) that is used to kill or injure a human being or to damage property.

In short, the gun industry should be held to the strictest standards of legal accountability available for the design and marketing to civilians of military sniper rifles, as detailed in this report.

Endnotes

1. See, "Gearing Up for an Expanded Mission," <http://www.fiftycal.org/fci-expandingour.html>.
2. "The Top Ten Lies About .50cal Rifles," <http://www.fiftycal.org/Top%20Ten%20Lies/toptenliesaboutt.html>.
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