

TESTIMONY OF RYAN M. CLECKNER
BEFORE THE SENATE COMMITTEE ON THE JUDICIARY,

NOVEMBER 13, 2024

**“HOW BUMP STOCKS AND OTHER CONVERSION DEVICES ARE AMPLIFYING
THE GUN VIOLENCE EPIDEMIC”**

Good morning Chairman Durbin, Ranking Member Graham, and Senators of the Committee. I am Ryan Cleckner, an attorney specializing in federal firearms law and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) compliance.

I am actively involved in the firearms industry, and I help Federal Firearms Licensees (FFLs) to stay compliant with federal laws and ATF rules and regulations through online training at RocketFFL. Most recently, I co-founded a software company—FFLSafe—that provides free ATF compliance software. I am also a former firearms industry executive, university lecturer and special operations sniper.

I am here today, as a firearms expert, to testify about the legal and technical qualities and differences of “bump stocks” and “machine gun conversion devices.”

I’d like to address “bump stocks” and “conversion devices” separately because they are two very different things.

A “machine gun” is defined in the National Firearms Acts as a firearm where more than one bullet is fired for a single operation of the trigger. As the ATF applies it, this definition includes not just a completed weapon, but also parts designed to modify a regular firearm into a machine gun.

Bump stocks do not turn firearms into a machine guns nor are they machine guns themselves. They are pieces of plastic that replace a rifle’s standard bump stock and can be used to help “bump-fire” a rifle. “Bump firing” is not illegal - it is a process by which a firearm is allowing a firearm to move rearward under recoil and then pulled back into a stationary trigger finger thereby

engaging the trigger again and firing another bullet. A bump stock can help some shooters to shoot faster, however, it does not change the underlying mechanics nor operation of a firearm.

Bump stocks also have significant physical limitations. First, an unskilled person is not likely to be able to use a bump stock effectively. Second, bump stocks can only be used on certain rifles. Finally, a bump stock is not necessary to bump-fire a rifle. Bump-firing can be done with any semi-automatic rifle - the use of a bump stock just makes it easier for some people.

Despite this, the ATF banned bump stocks in 2019 by incorrectly determining them to be “machine guns.” This is contrary to the law and just one example the ATF over-stepping its authority. Thankfully, the Supreme Court agreed and recently struck-down the federal ban on bump stocks because it was contrary to the plain language of the law.

We must be realistic about the actual threat. FBI crime stats for 2023 (appendix A) show that rifles, of all types, were used in approximately 15,000 instances of violent crime - this includes all assault, homicide, human trafficking, kidnapping/abduction, sex offenses, and robbery.

Blunt objects, such as hammers, were used in 78,500 instances. That means that blunt objects like hammers were used in violent crime last year over 5 times more than all rifles let alone the smaller subset of the rifles on which a bump stock can even be used, let alone the ones on which a bump stock was actually used.

Beyond that, there have been no recorded cases that I have found where a bump stock was used in a crime since the Las Vegas shooting in 2017. What that mass murderer did was truly horrific. However, I believe that the focus on bump stocks in that case is a mistake. Based on my experience and understanding of firearms and what I know of the incident, I believe that the shooter would have been able to cause a similar degree of harm with or without a bump stock.

Conversion devices, or auto sears, on the other hand, actually convert a standard firearm into a full-auto machine gun. These are already highly regulated and illegal to possess absent special licensing and conditions.

There is no question that these devices materially change the operation of a firearm and can make a firearm more lethal. However, unless current gun laws are actually enforced and criminals are prosecuted, new laws concerning these devices are not going to help to protect anyone.

According to a 2017 study from the University of Chicago Crime Lab the average murder or shooting suspect had approximately 12 prior arrests in their criminal history record.

This means that enforcing the current laws and keeping criminals off the streets will do more to protect the American public than adding even more laws for criminals to ignore.

In 2002, a so-called Glock-switch, which is a type of auto sear, first appeared in the United States. These devices are precision made instruments with exact specifications - you won't be able to make it in your garage without dedicated equipment and knowledge. Many of them appear to be shipped in from China. They attach to the back of a Glock handgun to suppress the trigger bar and permit automatic fire.

The ATF is targeting these devices and attempting to stop them from being imported into the United States for use by criminal gangs, as they should. But it's important to keep this issue in perspective as well. Any semi-automatic firearm can be converted into a machine gun with certain illegal modifications. There is no practical way to prevent this as a possibility because of the basic nature of a semi-automatic firearm.

Recently, the city of Chicago filed a lawsuit against the gunmaker Glock on a products liability theory to try to blame Glock for having a design that allows Glock switches to exist. This is absurd on its face. It is no easier to make an auto sear for a Glock than for other semi-automatic firearms; it's just that Glock produces the most popular and widespread handguns in the world, used by 60% of law enforcement, so it makes sense that these would be the target of modifications. Even Vice President Harris stated that she owned a Glock.

This appears to be a politically motivated lawsuit, apparently instigated by the gun control group Everytown for Gun Safety. It is part and parcel of a concerted attempt by gun control groups to

target the gun industry. We have seen these sorts of strategies for a long time, which is why Congress in 2005 passed the Protection of Lawful Commerce in Arms Act. This lawsuit appears to me to be just another attempt to get around that law and undermine the Second Amendment by bankrupting the gun industry.

The answer here is to start enforcing the law and prosecuting these criminals. Allowing ourselves to be distracted with lawsuits against the gun industry for something out of their control or trying to make certain objects even more illegal with new laws is futile and does not protect American citizens.

Thank you for the opportunity to speak here today and I'm willing to answer any questions you may have,

Ryan Cleckner

APPENDIX A

Offenses Involving Weapon Use								
Offense Category								
by Type of Weapon/Force Involved, 2023 ¹								
Type of Weapon/ Force Involved	Offense Category ²							
	Assault Offenses	Homicide Offenses ³	Human Trafficking Offenses	Kidnapping/ Abduction	Sex Offenses	Extortion/ Blackmail	Robbery	Weapon Law Violations
Firearms	274,379	13,593	101	5,264	1,983	269	66,759	278,502
Firearm	93,338	5,173	30	1,289	565	119	14,927	68,019
Automatic Firearm	2,237	131	0	31	25	3	295	1,282
Handgun	149,766	6,793	65	3,430	1,253	93	46,999	180,178
Automatic Handgun	3,966	194	4	67	35	0	936	4,547
Rifle	12,336	641	0	238	29	38	1,695	11,857
Automatic Rifle	744	46	0	4	3	0	89	465
Shotgun	4,789	182	0	106	14	0	440	6,205
Automatic Shotgun	63	3	0	2	1	0	11	64
Other Firearm	7,001	424	2	93	57	15	1,336	5,738
Automatic Other Firearm	139	6	0	4	1	1	31	147
Knife/Cutting Instrument	119,892	1,442	17	2,327	1,288	41	15,564	35,181
Personal Weapons	1,881,304	754	580	22,914	108,800	1,388	57,932	1,597
All Other	459,767	3,636	748	6,105	25,342	3,698	21,314	35,803
Blunt Object	71,904	327	7	613	528	10	5,175	7,935
Motor Vehicle	37,144	1,314	18	655	39	2	847	395
Poison	804	23	4	6	48	1	134	96
Explosives	409	2	0	4	4	16	62	2,199
Fire/Incendiary Device	1,529	108	0	30	18	2	49	448
Drugs/Narcotics/Sleeping Pills	1,310	375	23	67	1,191	4	51	432
Asphyxiation	20,858	146	8	402	471	1	255	36
Other Weapon	252,101	588	219	2,303	6,447	2,314	10,059	18,595
Unknown Weapons	73,708	753	469	2,025	16,596	1,348	4,682	5,667
No Weapon/Force Involved	270,917		1,703	13,884	67,913	21,673	23,710	13,060

¹Because law enforcement can report up to three types of weapons/uses of force for each offense (up to ten) in an incident, some offenses may have been counted more than once to attribute them to each of the weapon types associated with them. Therefore, the figures in the table do not reflect the number of weapons or offenses reported in the related incidents.

²The Type of Weapon/Force Involved is collected through the National Incident-Based Reporting System for 8 offense categories comprised of 15 offense types. See the Methodology for more information.

³Homicide offenses must be reported with a specific weapon, so the category No Weapon/Force Involved is not applicable for these offenses.

FBI Crime Stats for 2023 - Violent Crime by Type of Weapon