



**Testimony of Nicholas Suplina
Everytown for Gun Safety**

**US Senate Judiciary Committee
Subcommittee on the Constitution
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Good morning Chairman Blumenthal, Ranking Member Cruz, and distinguished members of the Subcommittee.

My name is Nick Suplina, and I am the managing director for law and policy at Everytown for Gun Safety, the country's largest gun violence prevention organization. I appreciate the opportunity to appear before you today and am grateful for your attention to this important public safety issue.

Ghost guns are unserialized, homemade firearms that can be quickly assembled and acquired without a background check. They include firearms with core parts made using 3D printers, milled with the assistance of a computer code, or simply drilled with aid of a jig kit.

I first learned about ghost guns prior to joining Everytown, when I was a special counsel in the New York Attorney General's Office. In spring of 2015, I received a phone call from the head of the New York State Organized Crime Task Force. She was calling because the New York State Police discovered that an individual—who was in jail on firearms charges—had boasted about a plan upon his release to order gun parts online and make money selling untraceable firearms. She asked me how this was possible.

The answer was ghost guns, an end run around the law that allowed this convicted weapons offender and his co-conspirators to order parts online and quickly build a dozen untraceable, tactical assault weapons, and sell them to a person he thought was a gun trafficker. Thankfully, that person was an undercover officer whose work led to three arrests and subsequent convictions in the scheme.

It's been less than six years since that prosecution, but in that short time, we've learned a lot about the rise of untraceable ghost guns and how they have become the fastest growing threat to gun safety in the country.

First, we've learned that the market for ghost guns exploded because ATF incorrectly changed its approach to unfinished frames and receivers, the core building blocks of ghost guns.

Federal gun laws regulate not only complete firearms but also the frame and receiver.

Back in the 1970s and 80s, ATF correctly determined that unfinished frames and receivers were "firearms" and subject to federal law so long as they could be "converted to functional condition within a few hours time using common hand tools, or simple grinding, cutting, drilling, or welding operations."

But in the mid-2000s, without explanation, ATF changed course and gave the green light to makers of many of these core components of firearms free of the background checks and serialization required by federal law.

The market for ghost guns grew, and the technology for building these firearms advanced. There are now at least 100 online sellers offering unfinished frames or receivers for ghost guns, and these parts are routinely sold at gun shows. Ghost gun sellers advertise how easy it is to make an untraceable firearm with a jig kit, common tools, and minimal effort. As a result they are frequently running out of products to sell.

Second, we've learned that criminals and gun traffickers are taking advantage of the growing ghost guns marketplace.

Ghost guns are now turning up at crime scenes from coast to coast—and the numbers are shocking. ATF recently reported that from 2016 to 2020, nearly 24,000 homemade firearms were recovered in crimes, and many cities are seeing ghost gun recoveries doubling year over-year.

To further understand this problem, Everytown analyzed federal gun prosecutions over the past decade and found more than 2,500 ghost guns that were connected to criminal activity. In nearly half, the defendants were prohibited from possessing a firearm and would not have passed a background check, and most were connected to firearms traffickers, drug trafficking, murder, and terrorism.

The simple fact is that the word is out among criminals that ghost guns are an easy way around our guns laws—in particular, an easy way around background checks.

Finally, we've learned that ghost guns are rapidly becoming the weapon of choice for armed extremists.

The House Committee on Homeland Security has concluded that ghost guns are a threat to national security, and we've found numerous examples of white supremacist

and anti-government extremist groups building ghost guns and using them with deadly intention and effect. Among the examples:

- In California, a man associated with the anti-Government Boogaloo movement, viewed Black Lives Matter protests as an opportunity to accelerate civil war. Using a ghost gun, he attacked a federal courthouse during a racial justice protest in Oakland killing one federal officer and later killing a Santa Cruz sheriff's deputy before being apprehended.
- In Delaware, members of the white supremacist terror group known as The Base planned to ignite a race war using ghost guns and other weapons. Their target was a Virginia gun rights rally, but the FBI intercepted the group just days before. Authorities discovered a "treasure trove" of homemade firearms and lengthy internet search history about making ghost guns.
- In fact, Everytown's online investigation showed that extremists openly discuss the benefit of ghost guns and share advice on how to make them. For example, on 4chan, an online platform popular with white supremacists, commenters have shared tips for building ghost guns amid a steady stream of racist, anti-Semitic, and homophobic slurs.

Amid such a clear and expanding threat, we need action. I applaud the Biden administration for proposing concrete solutions to address this issue. I also hope Congress will advance legislation to tackle the threat posed by all types of ghost guns, including the files that facilitate the creation of downloadable guns and plastic firearms.

Again, thank you for the opportunity to testify before the Subcommittee. I look forward to your questions.