

Attorney General Raoul Supports Federal Regulation Of ‘Ghost Guns’

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Chicago – Attorney General Kwame Raoul today joined a coalition of 19 attorneys general urging the U.S. District Court for the Southern District of New York to compel the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to properly regulate untraceable partially-assembled “ghost guns.”

[In an amicus brief](#) filed in *Syracuse v. ATF*, Raoul and the coalition assert that the ATF must correct its unlawful 2015 interpretation of the Gun Control Act (GCA). Raoul and the attorneys general argue that the ATF’s improper reading of the GCA effectively allowed unlicensed online retailers to sell nearly-complete firearms that can easily be converted into fully-functioning weapons. They further argue that these ghost guns endanger the public and impede law enforcement’s ability to investigate and prosecute criminal activity.

“Ghost guns allow traffickers and extremists to avoid background checks and other important safety measures which protect communities and families,” Raoul said. “These weapons lack serial numbers and identifying marks, making it more difficult for law enforcement to trace them. Unregulated and untraceable firearms have no place in our communities, and I will continue to take action to prevent them from jeopardizing the safety of Illinois residents.”

From the 1980s through the early 2000s, the ATF classified the core components of handguns and rifles – frames and receivers – as firearms subject to federal regulation if the components could be quickly and easily converted into functioning guns. In 2015, the ATF reversed course. Without offering any explanation for changing its position, the ATF issued an interpretive rule stating that rifle receivers and handgun frames were not considered firearms. As a result of this unlawful misinterpretation, an industry has sprung up in which unlicensed online retailers sell nearly-complete guns directly to consumers. These weapons, sometimes called ghost guns because they lack serial numbers and identifying marks, are untraceable and sold without background checks.

On Aug. 26, Everytown for Gun Safety and four municipalities, including the city of Chicago, filed a suit against the ATF and the U.S. Department of Justice alleging that those defendants unlawfully concluded that ghost guns are not firearms under the GCA. In today’s amicus brief supporting the plaintiffs, Raoul and the coalition urge the court to require that the ATF properly regulate ghost guns because:

- **Ghost guns are prohibited by federal law:** The GCA requires firearms to include serial numbers, and purchasers of those weapons to pass a background check, among other requirements. Specifically, the statute defines a firearm as “any weapon which will or is designed to or may readily be converted to expel a projective by the action of an explosive” or “the frame or receiver of any such

weapon.” The definition clearly describes the nearly-assembled guns companies are selling, which are sold without background checks and not marked with serial numbers.

- **Untraceable weapons threaten public safety:** The ATF’s unexplained interpretation emboldened the ghost gun industry and allowed it to rapidly expand across the country. Ghost guns were virtually absent from many jurisdictions prior to the adoption of the new interpretation. Now, according to a recent report, there are 80 online sellers of partially-unfinished frames and receivers, and the increase in ghost gun sales is readily apparent on the local level. For example, the city of Chicago estimates that it recovered three times as many ghost guns in 2019 as it did in 2018 and more than seven times as many as it did in 2017.
- **Ghost gun dealers are using the ATF’s rule to mislead consumers:** Companies that sell ghost guns have pointed to the ATF’s rule to claim their products are legal, disregarding numerous state laws that specifically ban the sale of these firearms.

Joining Raoul in filing the brief are the attorneys general of Connecticut, Colorado, Delaware, the District of Columbia, Hawaii, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington and Wisconsin.