

# 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 Violence Policy Center** is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, grassroots 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.

This study was authored by VPC Senior Policy Analyst Tom Diaz.

This study was funded with the support of The David Bohnett Foundation, The Center on Crime, Communities & Culture of the Open Society Institute/Funders' Collaborative for Gun Violence Prevention, The George Gund Foundation, The Joyce Foundation, and The John D. and Catherine T. MacArthur Foundation. Past studies released by the Violence Policy Center include:

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©October 2001  
Violence Policy Center  
ISBN: 0-927291-34-7

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## ***Executive Summary***

Two years ago, in its report *One Shot, One Kill*, the Violence Policy Center warned that the unfettered sale to civilians of military sniper rifles presented a “serious threat to American national security.”<sup>1</sup> That report focused particularly on the dangers presented by the 50 caliber heavy sniper rifles, noting that these powerful weapons of war present a “whole new order of threat” by their ability to “knock down aircraft, including helicopters, and punch through concrete block, armored vehicles, and other materials that may be relied upon for executive protection.”<sup>2</sup> These devastating features are exactly why Barrett 50 caliber heavy sniper rifles, for example, are in the armories of U.S. Marine Corps snipers and at least 17 other armies around the world.<sup>3</sup>

The report sparked an ongoing national debate—with the predictable defense of these weapons by their manufacturers, the National Rifle Association, and other elements of the gun lobby. But civilian sales of 50 caliber sniper rifles have not been restrained. This report documents that—to the contrary—the 50 caliber market has exploded. There is an array of new manufacturers, a proliferation of models, and a dramatic reduction in price. Today, 50 caliber rifles are still easier to buy than handguns: a youth of 18 years can legally buy a sniper rifle, but cannot buy a handgun until age 21. The difference from two years ago is that he now has a much broader choice of guns, and the price has plummeted to within easy range of a modest budget.

Most alarming in the wake of the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon is the 50 caliber’s threat as an ideal tool for assassination and terrorism, including its ability to attack and cripple key elements of the nation’s critical infrastructure—including aircraft and other transportation, electrical power grids, pipeline networks, chemical plants, and other hazardous industrial facilities. This report documents in detail the following facts and others that underscore the clear and present danger 50 caliber sniper rifles present to all Americans. *It proves beyond doubt that terrorists and other ruthless criminals now have the means, the training, and the motivation to inflict extraordinary harm on America with 50 caliber sniper rifles.*

- ! ***At least 25 Barrett 50 caliber sniper rifles were sold to Osama bin Laden’s Al Qaeda terror network.***<sup>4</sup> Because sales of 50 caliber rifles are unrestricted and cannot be tracked, there is no way of knowing how many other sniper rifles—whether made by Barrett or one of its many competitors—have been sold to Al Qaeda or other terrorist organizations. However, at least two, and probably more, Barrett 50 caliber sniper rifles were sold to the Irish Republican Army (IRA), which used them to assassinate British troops and Irish constables in Northern Ireland.<sup>5</sup> The use of the Barrett sniper rifles in a calculated campaign of terror by assassination in Ireland won them the epithet “supergun” in the press.<sup>6</sup>

- ! ***A fundamentalist Islamic organization offers a two-week training course at a site within the United States entitled “The Ultimate Jihad Challenge,” which includes “live fire sniper/counter sniper” and “shooting at, thru & from vehicle”—skills that directly enhance the threat from among any who possess a sniper rifle.***<sup>7</sup> The “Ultimate Jihad Challenge” course is among several advertised on the Internet web site of Sakina Security Services. The company specifically notes that because of strict firearms laws overseas, the training must be done “in our 1,000-acre state of the art shooting range in the United States.” Sakina’s web site features “Jihad Links,” including a link to *Harkat-ul-Mujahideen*, one of the organizations listed in President George W. Bush’s September 24, 2001, order freezing assets of terrorist organizations. The “Ultimate Jihad Challenge,” however, is only the most troubling example of the sniper training that gun industry entrepreneurs freely offer to civilians in the United States.<sup>8</sup>
- ! ***Terrorism analysts have warned repeatedly that terrorists may “attempt to engineer a chemical disaster using conventional means to attack an industrial plant or storage facility, rather than develop and use an actual chemical weapon,”<sup>9</sup> in other words “to transform a target into a weapon by focusing on facilities that handle explosive, toxic, or volatile chemicals.”<sup>10</sup> Fifty caliber sniper rifles are ideal tools for many such scenarios.*** Given the Osama bin Laden terror network’s interest in chemical weapon capacity,<sup>11</sup> and its vicious use of commercial aircraft as flying bombs, this is a grave threat. The public version of this report documents generally how bin Laden’s Al Qaeda and other terrorists who have 50 caliber sniper rifles can turn a chemical target into a weapon of mass destruction, with the potential for thousands of casualties. A restricted appendix that will be made available on request only to Members of Congress, federal officials with anti-terrorism responsibilities, and chief law enforcement officers, examines several specific scenarios and relates the capabilities of the 50 caliber sniper rifle to those scenarios.<sup>a</sup> *The VPC believes that it is urgent for the public to understand the danger 50 caliber sniper rifles present. But it does not want to give a “road map” to terrorists, even though detailed descriptions of these weapons’ capabilities are already available from manufacturer advertising and widely published sniper cult literature.*

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<sup>a</sup> The VPC hopes that this restricted appendix will encourage those with law enforcement or counter-terrorism responsibility to “think outside of the box” about the threat that these weapons present.

- ! ***A 1995 RAND report for the U.S. Air Force specifically warns of the threat that 50 caliber sniper rifles—like the Barretts obtained by Al Qaeda—present to the security of aircraft on Air Force bases.<sup>12</sup> Applying precisely the same analysis to civil aviation facilities compels the conclusion that the 50 caliber sniper rifles now known to be in the hands of bin Laden and other terrorists are a threat of the highest order to both commercial and private civil aviation.*** This threat extends not only to the destruction of scheduled airliners, but also to civil aircraft serving business executives, celebrities, and government officials. The RAND report notes that its logic regarding air base attacks “would apply equally well to strikes against such valuable, and vulnerable, installations” as “satellite downlink and control facilities, oil pipelines, and port facilities—whose destruction could seriously impede U.S. response to crisis or conflict.”<sup>13</sup>
  
- ! ***50 caliber sniper rifles continue to be found in the arsenals of domestic terrorist and extremist groups, including among others a group in Michigan that planned to kill the state’s governor, U.S. Senator, and federal judges, and another in West Virginia that plotted to blow up an FBI facility.<sup>14</sup>*** Insurrectionist rhetoric threatening federal officials and public figures is common on a popular bulletin board catering to sniper rifle owners and enthusiasts.<sup>15</sup>
  
- ! ***An e-mail threat to “kill a well-known political figure” was received by Sniper Country, one of a number of Internet web sites popular among the growing civilian sniper culture.<sup>16</sup>*** Sniper Country says it turned the threat over to the U.S. Secret Service, which reportedly found the threat to have been made by a minor. The web site has since posted a “warning to Minors and Militants” advising that it does not support their activities. Nevertheless, the incident is graphic proof of a danger the VPC warned of in its first report two years ago—the ability of widespread “instructional material available in the sniper subculture to roil troubled minds and teach home-grown terrorists or impressionable juveniles how to use the destructive capabilities of sniper rifles to maximum effect.”<sup>17</sup>

This dangerous situation exists because the gun industry is the only consumer product industry, with the ambiguous exception of tobacco, whose products are not subject to basic consumer health and safety regulation. Accordingly, the industry is free to design, make, and market these products with no independent review



balancing their benefits against the enormous risk they present.<sup>b</sup>

This report discusses in detail the real and growing threats that the 50 caliber sniper rifle in the hands of Al Qaeda and other terror groups can inflict on America in the new age of unrestrained terror in the homeland:

- ! *Section One—The Capability of the 50 Caliber Sniper Rifle* describes the capabilities of the 50 caliber sniper rifle and the highly destructive ammunition for it, readily available on the civilian market. This section is documented by literature from manufacturers themselves, like Barrett Firearms Manufacturing Company, citations from U.S. military manuals, books and other articles written by acknowledged experts, and experiences of civilian gun owners posted on Internet bulletin boards.
- ! *Section Two—The Threats* documents the acquisition of 50 caliber sniper rifles by Al Qaeda and other foreign and domestic terrorist and criminal interests. It proves false the oft-repeated claim that no 50 caliber sniper rifle has ever been used in a criminal incident within the United States, and demonstrates the dangerous link between 50 caliber sniper rifles and criminals.
- ! *Section Three—Tools for Terror* outlines specific dangers that the 50 caliber sniper rifles in the hands of Al Qaeda present to American security. In addition to the assassination danger, which is more or less obvious to the reasonable layperson, this section analyzes the threat that the 50 caliber sniper rifle's anti-materiel capability presents to America's vital infrastructure. The latter threat—designed for war fighting—may be less apparent to the layperson, but it is at least equal to and may exceed the assassination threat, depending on the target of either threat. A restricted appendix to this section is not available to the general public.
- ! *Section Four—Proliferating for Profit* documents the continuing growth of the civilian market for military sniper rifles, and the 50 caliber sniper rifle in particular. It describes the nexus between military development programs and civilian sales of new guns, and the exploitation of U.S. military resources by the National Rifle Association and other pro-gun groups promoting the 50 caliber sniper rifle. It provides background on the sniper subculture, including information on sniper training schools catering to civilians.

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<sup>b</sup> See the frontispiece to this report for a list of Violence Policy Center publications examining other consequences of America's unregulated gun industry.

- ! *Section Five—The Future is Now* describes the likely future of the civilian sniper rifle market, including new models in other heavy calibers with capabilities equivalent to the 50 caliber sniper rifle that gun manufacturers are bringing to market. It outlines a program for action to lessen the danger 50 caliber sniper rifles present, including most importantly bringing them immediately under the licensing and registration regimen of the National Firearms Act of 1934 (NFA). All other weapons of war, such as machine guns, are controlled in the civilian market under the NFA.

## ***Section One: The Capability of the 50 Caliber Sniper Rifle***

**“The advantages are obvious when you consider that many of the same targets of rocket and mortar fire can be neutralized with M33 ball, API M8 or Multipurpose ammunition.”**

—“Heavy Firepower for Light Infantry,” Barrett Firearms Manufacturing, Inc. brochure advertising its Model 82A1 50 caliber sniper rifle<sup>18</sup>

The 50 caliber sniper rifles proliferating on today’s civilian market are coveted by Osama bin Laden’s Al Qaeda and other international terrorist organizations because the cartridge they fire offers a devastating combination of range and power. This section explains why the .50BMG round<sup>c</sup> can slice through body armor like a knife through warm butter, knock down hovering helicopters, rip up armored limousines, destroy radar dishes, and ignite bulk fuel tanks—all at the length of 10 football fields.<sup>19</sup> Here is the summary of the round’s merits by an enthusiastic essayist in the authoritative journal *The Small Arms Review*:

The fifty caliber’s ability to be deployed by one individual and give that person the capability of discretely engaging a target at ranges of over one mile away are definitely alluring from a tactical standpoint. While the .50 cal sometimes seems to be exaggerated, it is hard to imagine a round that at ranges of over a mile and a half away, has more kinetic energy than a .44 Magnum, and has unbeatable penetration as well.<sup>20</sup>

The trained operator of a 50 caliber sniper rifle like the Barrett M82A1 has the choice of accurately hitting a long range target at 1,800 meters (1,969 yards) away,<sup>21</sup> blasting through two inches of solid concrete at the shorter range of 200 meters (219 yards),<sup>22</sup> or destroying a spectrum of personnel and material targets at other ranges.<sup>23</sup> These choices—the balance of extremely long-range and enormous striking power—are enhanced when specially designed “match,” “armor piercing,” or “armor piercing incendiary” ammunition is used.

To appreciate the threat of the 50 caliber sniper rifle, it is necessary to consider its extended accurate range, its exceptional power, and the extraordinarily destructive characteristics of special 50 caliber military ammunition widely available on the civilian market.

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<sup>c</sup> .50BMG is the technical designation of the round. The BMG stands for Browning machine gun, one of the earliest weapons using the round.

## ***Extended Range and Accuracy***

Apologists for the unrestricted sale of 50 caliber sniper rifles to civilians often downplay the sniper rifle's long range accuracy. But the evidence from manufacturer advertising, military manuals, expert writing, and civilian owners themselves is that the 50 caliber rifles are accurate at ranges of at least 1,000 yards, and in the hands of a patiently trained and well-practiced marksman, nearly 2,000 yards. It is sobering to think of what Al Qaeda or other terrorists who have these sniper rifles can do with them from a distance of *20 football fields*, especially given the planning and training of the terrorists that attacked the World Trade Center and the Pentagon on September 11, 2001.

The great mass of its bullet and the large size of the case into which the bullet is loaded give the 50 caliber round its deadly reach. Taken together, these result in much higher momentum than lesser rounds, such as the 30 caliber rounds of most other military sniper rifles.<sup>d</sup> The staff columnist of *Very High Power Magazine*, published by the Fifty Caliber Shooter's Association—a tiny organization of competitive shooters vociferous in its defense of the unrestrained civilian sale of 50 caliber sniper rifles<sup>e</sup>—summarized this point in an article comparing the 50 caliber to the 7.76 NATO (.308 Winchester) “its next, closest, US military competitor” as follows:

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<sup>d</sup> Generally speaking, modern ammunition consists of four parts, assembled into a unit called a “round” or “cartridge.” The components of the round are (1) the bullet, i.e., the actual projectile that the gun shoots; (2) the propellant charge, or gunpowder, which when ignited rapidly expands into a high pressure gas that expels the bullet out the barrel of the gun, (3) a “primer” which ignites when struck by a firing pin and in turn sets off the main charge of powder, and (4) a case or “shell” in which the powder, primer and bullet are assembled. Ammunition size is commonly expressed in terms of the approximate diameter of the bullet, measured either in inches (e.g., .50 BMG is roughly half an inch in diameter) or millimeters (e.g., 12.7 mm). Although the dimensions of 50 caliber rounds vary depending on the type (i.e. “ball,” “match,” “armor-piercing,” etc.), the typical 50 caliber bullet is .510" in diameter by 2.27" in length, the case is 3.9" in length, and the overall length of the assembled round is 5.425". (The overall length is somewhat shorter than the sum of the case and bullet because the bullet is “seated” within the case.) Dimensions from: Dean Michaelis, *The Complete .50-Caliber Sniper Course: Hard-Target Interdiction* (Paladin Press, Boulder, Colorado, 2000), p. 391; Ian V. Hogg, *The World's Sniping Rifles* (Greenhill Books, London, 1998), p. 123; Ian V. Hogg, *The Greenhill Military Small Arms Data Book* (Greenhill Books, London, 1999), p. 280.

<sup>e</sup> Last February the FCSA's president reported that it was “rapidly approaching 2600 members.” “From The President's Bench,” downloaded from The Fifty Caliber Shooter's Association Internet web site, <http://www.fcsa.org> on February 13, 2001.

## Fifty Caliber Sniper Rifles Are Used by Armed Forces Worldwide



*This Swedish soldier takes aim with a Barrett M82A1 50 Caliber sniper rifle. According to Forbes magazine, a sale to the Swedish army in 1989 was Barrett's first government contract.*

For military users, the .50 BMG caliber cartridge offers a significantly larger payload volume over the .30 calibers. Also, with the speed and weight of the .50 projectile, muzzle energy is outstanding for a small arms caliber. This translates into a longer range bullet that can still deliver a punch.<sup>24</sup>

How long a range? According to the U.S. Army, the 50 caliber rifle more than doubles the range of the sniper over the .308 round:

The typical range for a sniper attack is 300 to 600 meters with medium-caliber rifles. Shots from 800 to 1,000 meters are the exception. However, heavy sniper rifles (.50-caliber, 12.7-mm, 14.5-mm, and 15-mm) with ranges of 1,200 to 1,500 meters are now proliferating around the world.<sup>25</sup>

Manufacturers of 50 caliber sniper rifles also claim accuracy at these and even greater ranges. "With confirmed hits out to 1800 meters, the Barrett model 82A1 is battle proven," Barrett Firearms states in its promotional brochure.<sup>26</sup> 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.<sup>27</sup> For readers familiar with Washington, DC, this is roughly the distance from the Smithsonian Institute Metro stop to the West Front of the Capitol, where inaugural ceremonies are held. 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."<sup>28</sup>

These ranges, in the vicinity of one mile, are at the outer limits of what may be expected from a skilled marksman. But they should not be dismissed as beyond the reach of dedicated terrorists like Al Qaeda, especially given the civilian training available and discussed in Section Four. In fact, some expert observers consider the 1000 yard range—the equivalent of 10 football fields end to end—to be comfortably within the grasp of the serious shooter. For example, two publications reviewing the performance of a new entry into the 50 caliber market, the ArmaLite AR-50, addressed the range question. *American Rifleman*, the NRA's official journal, said the .50 BMG is "ideally suited for precision target shooting at distances of 1000 yds. or more."<sup>29</sup> *The Small Arms Review*, dedicated to the arcana of military weaponry, said, "It turned out that hitting something at 1000 yards was not the challenge. The *real* challenge was finding a place to safely *shoot* at a target 1000 yards away."<sup>30</sup>

Finally, advances in the design of 50 caliber rifles and ammunition alike have gradually improved the performance of expert shots at the 1,000 yard range. Thus, the diameter of the group of winning rounds fired in world record competitions steadily declined from 9.3125" in 1986 to 2.6002" in 1999.<sup>31</sup>

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.

### ***Destructive 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. For example, IRA terrorists who assassinated British soldiers and Irish constables fired from ranges as short as 120 yards. The rounds the IRA snipers fired easily ripped through high grade military body armor worn by the soldiers, inflicting instantly mortal wounds.<sup>32</sup> On the other hand, the longest confirmed kill in sniper history was achieved at a distance of 1.42 miles in Vietnam, by U.S. Marine Corps Gunnery Sergeant Carlos N. Hathcock. That feat is all the more impressive given that 50 caliber sniper rifles had not even yet been invented—Hathcock was firing single shots from a 50 caliber machine gun that he jury-rigged with a telescopic sight.<sup>33</sup> The 50 caliber sniper rifles being sold to civilians today are much more sophisticated and finely made than Hathcock's makeshift weapon.

Although the 50 caliber sniper rifle presents a dramatic assassination threat because of its extraordinarily long range, that threat must not blind us to the super gun's power to destroy material targets. This destructive power is at least as serious a terrorist threat as assassination, and is more likely to cause mass casualties and widespread disruption to commerce and civic order. Here, for example, is Barrett's description of the power of its Model M82A1:

This revolutionary .50 caliber semi-automatic rifle allows sophisticated 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 82A1's light weight makes transportation as easy as walking....With night vision equipment, the weapon is even more effective under cover of darkness. The muzzle brake reduces felt recoil to no more than that of a 12 gauge shotgun....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.<sup>34</sup>

An excerpt from the U.S. Army's manual on urban combat indicates that it agrees with Barrett's assessment of the 50 caliber sniper rifle's ability to destroy materiel targets:

These heavy sniper rifles were originally intended as anti materiel weapons for stand-off attack against high-value targets, such as radar control vans, missiles, parked aircraft, and bulk fuel and ammunition storage sites. Because of this, they are only marginally accurate enough for long-range shots against individual personnel. It is their ability to shoot through all but the heaviest shielding material, and their devastating effects, that make them valuable psychological weapons.<sup>35</sup>

How destructive can the 50 caliber sniper rifle be in the hands of an Al Qaeda terrorist? That depends on the ammunition—and the target.

### ***Overview of 50 Caliber Ammunition***

The U.S. military uses at least eight different types of .50BMG ammunition, each type designed for a specific use.<sup>36</sup> There are also various brands of civilian ammunition, much of it designed and manufactured for long-range competitive shooting, and 50 caliber ammunition can be reloaded at home. Worldwide, at least 100 variants of 50 caliber ammunition are produced in more than 30 countries.<sup>37</sup> All of these types of 50 caliber ammunition have one thing in common: they are extremely powerful. Even so, some varieties are much more destructive than others.

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.<sup>38</sup> Developments in tank armor soon made tanks generally impervious to 50 caliber rounds,<sup>f</sup> 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,<sup>39</sup> and thus clearly through armored limousines.

In fact, one of the reasons that the FBI requested that tanks be brought into the notorious and ultimately tragic siege of the Branch Davidian compound at Waco,

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<sup>f</sup> 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.



**"Size Matters"**



*Relative size of 30 caliber and 50 caliber rounds. Most military and police sniper rifles are in 30 caliber.*

Texas was that the Davidians were armed with two Barrett 50 caliber sniper rifles.<sup>40</sup> An Army general told officials that even the U.S. “Bradley fighting vehicles would be vulnerable to .50 caliber weapons.”<sup>41</sup> It is clear that the presence of these super guns in civilian hands contributed to the escalation of force in the encounter. The implications for the security of high-profile dignitaries and others traveling in civilian armored cars, equally clear, are discussed in Section Three.

### ***50 Caliber Ammunition Available on U.S. Civilian Market***

The following review of four types of 50 caliber ammunition that are available to civilians in the United States—and thus easily available to foreign and domestic terrorists—describes the destruction the 50 caliber sniper rifle can inflict.

The availability of this ammunition in U.S. civilian markets is wholly aside from the fact that military ammunition stocks also can be procured from underground sources. Arms and ammunition—including such destructive items as M-16 assault rifles, machine guns, TNT, dynamite, plastic explosives, land mines, and hand grenades—are regularly stolen from U.S. military armories.<sup>42</sup> Fifty caliber sniper rifles have proliferated in military forces around the world, and 50 caliber ammunition is made in more than 30 countries. Those foreign forces, including some that are less than friendly to the United States, have stocks of military ammunition that are available to any terrorist with the right connections. Arms and ammunition are also stolen from these foreign forces, friend and foe alike, sometimes on a staggering scale.<sup>43</sup> Fifty caliber sniper rifles are also now finding their way into the arsenals of civilian police,<sup>44</sup> opening another potential channel for acquisition of the more exotic 50 caliber ammunition through theft<sup>45</sup> or other leakage.<sup>46</sup> As *Jane’s Intelligence Review* noted recently, “the hardest category of military exports to control is dual-use technology—technology that has both civilian or military applications.”<sup>47</sup> This description snugly fits the 50 caliber military sniper rifles sold by Barrett and other manufacturers to armies and civilians alike.

*Ball ammunition.* The simplest and most common round of firearm ammunition is called “ball.” The U.S. Army says 50 caliber ball is used for training and against personnel and light materiel targets.<sup>48</sup> Ball has less penetrating power than the specialized rounds discussed below. But the bullet’s power against material objects is nonetheless awesome, varying as in all cases with distance. Thus, the Army says that at the long range of 1,500 meters (1,640 yards), ball ammunition can penetrate one inch of concrete, six inches of sand, and 21 inches of clay.<sup>49</sup> At the lesser range of 35 meters (38 yards), ball ammunition can penetrate an inch of armor plate and 16 inches of log wall.<sup>50</sup>

Of course, a bullet that can penetrate an inch of concrete from the distance of 16 football fields can do massive damage to any softer target (such as human beings or unarmored public utility fixtures) from that and lesser ranges. Moreover, Army tables cited in the paragraph above show that the effects of ball can be enhanced by repeated firing at the same target, a capability of the semi-automatic 50 caliber sniper rifles like the Barrett M82A1 and others.<sup>9</sup> This thought is captured in the following quote from a noted expert author on sniping:

It's the .50's tremendous ability to penetrate bunkers and building that makes it so deadly....This means you can pulverize enemy positions and induce casualties without necessarily seeing an enemy soldier. When firing at positions, don't be thrifty; riddle them with enough bullets to ensure damage.<sup>51</sup>

In lieu of such brute force, the 50 caliber sniper rifle's performance can be substantially enhanced by the use of ammunition specially designed to destroy hard targets—ammunition that makes the rifles what expert Mark V. Lonsdale calls “a cost effective way to engage the enemy's high-tech equipment, light skinned vehicles and aircraft, especially when compared to the cost of hitting the same targets with rocket or mortar fire.”<sup>52</sup>

*Armor-piercing and incendiary ammunition.* The Army says that the basic 50 caliber armor-piercing round is designed for use “against armored aircraft and lightly armored vehicles, concrete shelters, and other bullet-resisting targets.”<sup>53</sup> The armor-piercing effect is achieved by the bullet's design, which wraps a hardened core of a substance like manganese-molybdenum steel with a softer metal jacket.<sup>54</sup> Incendiary ammunition is self-descriptive, used for “incendiary effect, especially against aircraft.”<sup>55</sup> In other words, it sets things like airplanes, fuel, and other combustible materials on fire.<sup>h</sup> Tracer ammunition, familiar to the public from scenes of night combat, leaves a visible trail of incendiary light. Variant rounds combine armor-piercing, incendiary, and tracer effects.<sup>56</sup>

As the following table demonstrates, the capabilities of the 50 caliber sniper rifle is substantially enhanced by the use of basic armor-piercing ammunition.

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<sup>9</sup> Semi-automatic firearms typically have an ammunition magazine, popularly called a “clip.” They fire one round every time the trigger is pulled until the magazine is empty. The trigger of a semi-automatic firearm may be pulled rapidly, but it must be released between each round. This differs from the fully automatic weapon, or machine gun, which continues firing as long as the trigger is held down until the magazine is exhausted.

<sup>h</sup> Fifty caliber sniper rifles have been banned from some public shooting ranges because of fires set by enthusiasts firing various types of incendiary rounds. See discussion in Section Four.

## 50 Caliber Armor-Piercing Bullet Penetration

<i>Material</i>	<i>200 Meters (219 Yards)</i>	<i>600 Meters (656 Yards)</i>	<i>1,500 Meters (1,640 Yards)</i>
Homogeneous Armor Plate	1.0"	0.7"	0.3"
Face-Hardened Armor Plate	0.9"	0.5"	0.2"
Clay	28"	27"	21"

According to expert John Plaster, armor-piercing rounds at the shorter range of 100 yards (one football field) can penetrate nine inches of concrete, 1.8 inches of unarmored steel, 3.5 inches of aluminum, and 96 inches of timber.<sup>57</sup>

*Saboted Light Armor Penetrator (SLAP) Ammunition.* Designers of anti-armor ammunition have long used the idea of replacing a given caliber gun's projectile with a projectile of smaller diameter but more dense material. In order to seat the smaller projectile in the larger ammunition case, and to gain the necessary spin from the gun's rifled barrel, the projectile is wrapped in a "sabot" or "shoe." The shoe rides the length of the gun's barrel, then drops away from the projectile when it exits the barrel. The much higher velocity of a "saboted" round enhances its armor-piercing performance.

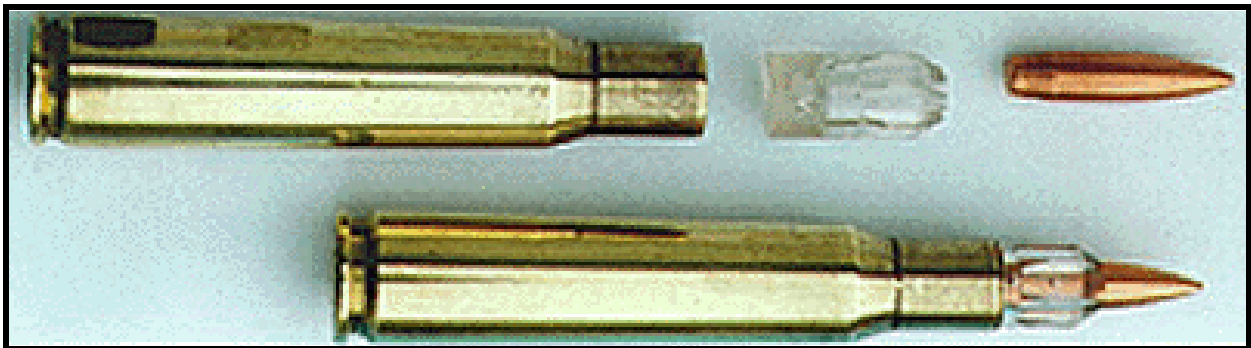
The U.S. Marine Corps developed 50 caliber SLAP ammunition in the 1980s, and it was used in 1990 during the Gulf War's Operation Desert Storm. It uses a .30 inch heavy metal (tungsten) penetrator in a plastic shoe, which is .50 inch in diameter. "Since the mass of the sabot penetrator is much lighter in weight than normal ball .50 caliber ammunition, SLAP's velocity can be significantly and safely increased," according to the Marine Corps. "This produces a very fast round with a very flat trajectory which enhances hit probability...and extends the light armor capability...significantly."<sup>58</sup>

According to Winchester, the civilian contractor that developed the 50 caliber SLAP round, it delivers "superior and proven performance against lightly armored vehicles and armoured attack helicopters at ranges up to 1500 meters."<sup>59</sup>

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<sup>i</sup> Source: John L. Plaster, *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers* (Paladin Press, Boulder, Colorado, 1993), p. 221.

### Components of "saboted light armor piercing" (SLAP) round



*The 30 caliber bullet fits into 50 caliber case with plastic "sabot." Sabot falls away after round exits the barrel of the gun.*

A round that has “proven performance” against an armored attack helicopter at 1,600 yards is a clear threat to America in the hands of any terrorist group that, like Al Qaeda, has acquired the means to deliver it in the form of the Barrett 50 caliber sniper rifle.

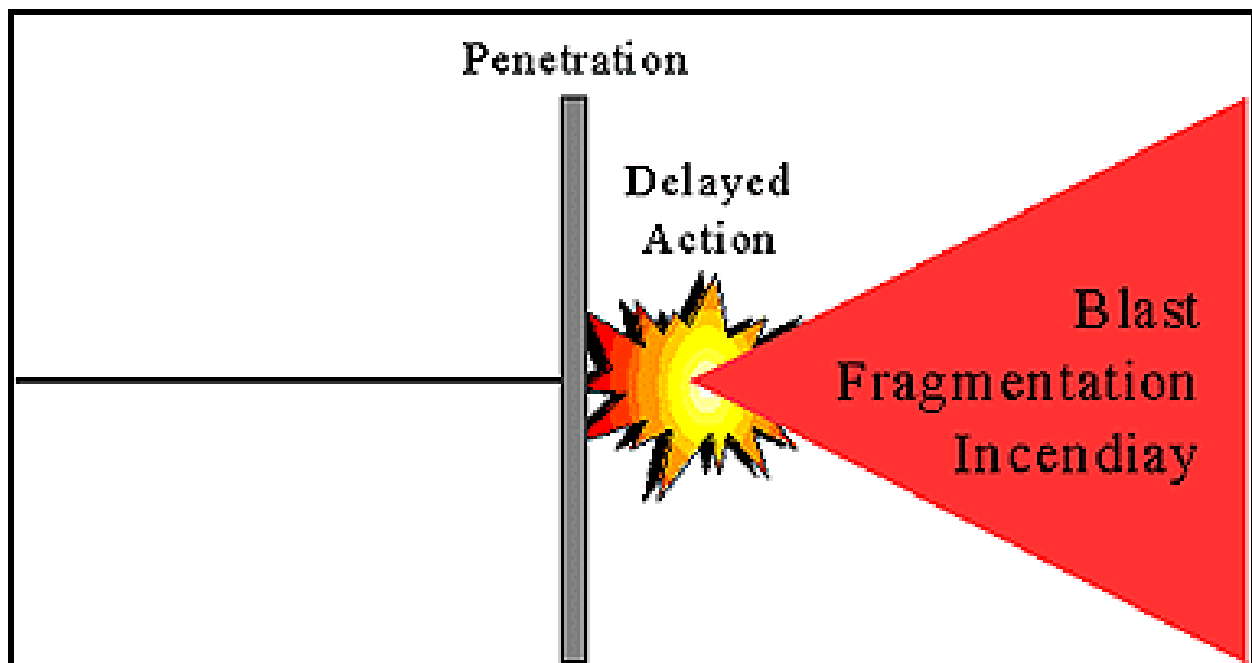
*Raufoss Multipurpose (Armor-piercing, explosive, incendiary) Ammunition.* The crown jewel of 50 caliber sniper rifle ammunition is the Raufoss multi-purpose round, developed by a Norwegian company and manufactured under license by several companies, including Winchester. Said by experts to be the most popular round with U.S. military snipers,<sup>60</sup> it was used to devastating effect by U.S. forces in the 1991 Gulf War.

Designated the MK211 by the U.S. military, the Raufoss round was described by Jane’s *International Defense Review* in 1994 as “the most influential development of the past decade” in 50 caliber ammunition.<sup>61</sup> The round combines armor-piercing, explosive, and incendiary effects and uses a “highly effective pyrotechnically initiated fuze...[that] delays detonation of the main projectile charge until after initial target penetration—moving projectile fragmentation and damage effect inside the target for maximum anti-personnel and fire start effect.”<sup>62</sup> According to its developer, Nordic Ammunition Company (NAMMO), the round can be used in “sniper rifles similar to Barrett M82A1,” has “the equivalent firing power of a 20 mm projectile to include such targets as helicopters, aircrafts (sic), light armour vehicles, ships and light fortifications,” and can ignite JP4 and JP8 military jet fuel.<sup>63</sup> (The typical 20mm projectile to which NAMMO equates its 50 caliber Raufoss round is approximately .8 inch in diameter, thus more than half again as wide as the 50 caliber. It is used in anti-armor and anti-aircraft cannons, often with an explosive charge.<sup>64</sup> The Vulcan 20mm cannon has been the standard internal gun armament of most U.S. combat aircraft—currently including F-14, F-16, and F/A-18—since the 1950s.<sup>65</sup>)

According to the Marine Corps, the Barrett “M82A1A...fires the .50-caliber RAUFOSS ammunition, which contains a tungsten penetrator and a more powerful explosive charge than the API ammunition....it has penetrated an inch of steel at 2000 yards.”<sup>66</sup> Jane’s *International Defense Review* estimates that the round is “probably capable of disabling a man wearing body armor who is standing behind the wall of a house at 2,000m.... (and) can perforate the foundation of a high-rise building (20cm reinforced concrete) at 400m.”<sup>67</sup> Reasonable persons probably would agree that blasting through 20 centimeters (7.87 inches) of reinforced concrete from four football field’s distance is an impressive performance.

The antipersonnel sniping potential of the Raufoss round—touted by both NAMMO and Winchester in their advertising material—inspired an unsuccessful attempt in 1998 by the International Committee of the Red Cross to have the round

## The Raufoss Round—The Crown Jewel of 50 Caliber Ammunition



*How the Raufoss 50 caliber multi-purpose round works. The armor-piercing bullet penetrates the armor. Then a delayed action fuze sets off the explosive part of round, producing fragmentation and incendiary (fire-starting) effects.*

declared an “exploding bullet” banned under international law.<sup>68</sup>

### ***Availability of Specialized 50 Caliber Ammunition on U.S. Civilian Market***

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.<sup>69</sup> In addition to these commercial outlets, armor-piercing and SLAP rounds have been offered for sale through at least one Internet gun auction site.<sup>70</sup>

Finally, SLAP and Raufoss have been offered for sale through postings on a popular 50 caliber Internet bulletin board.<sup>71</sup> 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.

In sum, the most destructive types of ammunition for the 50 caliber sniper rifles are freely available in the U.S. domestic market—wholly aside from whatever leakage may exist from military sources, not only within the United States, but abroad, including from the armed forces of hostile, terrorist-supporting countries.

In the next section, we report on the hands into which 50 caliber sniper rifles have fallen, including Osama bin Laden’s Al Qaeda and other terrorists and criminals.



## ***Section Two: The Threats***

**“It’s a fun toy, a nice collectible. This is not something a drug lord or a bank robber is going to want to use. It’s not easy to conceal.”**

—Ronnie G. Barrett, owner of Barrett Firearms Manufacturing<sup>72</sup>

Advocates for the unrestrained sale of 50 caliber sniper rifles to civilians seek to cloud the debate with a smoke screen of two lines of argument. Both downplay the real danger. Both are demonstrably false. This section first disposes of those makeweight arguments, then demonstrates that terrorists and criminals in fact have acquired and used 50 caliber sniper rifles. America, now under ruthless attack from international terrorism, is at serious risk because precisely those terrorists—Osama bin Laden and his Al Qaeda organization—have the destructive power of the 50 caliber sniper rifle and its ammunition described in the preceding section.

*“A toy for a big boy”—the innocent oddity argument.* One line of argument advanced by the gun lobby is that 50 caliber sniper rifles are an innocent oddity, owned by benignly responsible hobbyists and marksmen. Thus, when Ronnie G. Barrett, the founder and owner of Barrett Firearms Manufacturing in Murfreesboro, Tennessee, talks to the civilian press about his sniper rifles, he doesn’t talk about their ability to punch through armored cars, shoot down hovering helicopters, and set aircraft and high-octane fuel tanks on fire from 1,000 yards away. Instead, he calls his super gun “a toy for a big boy,”<sup>73</sup> and “a fun toy, a nice collectible.”<sup>74</sup> A recent *Forbes* magazine article quoted Barrett’s description of his civilian market as consisting of “gun collectors and long-range target shooters who fancy `bold weapons that can do bold things.’”<sup>75</sup>

Barrett’s folksy opinions on this putative toy and collectible were seconded by James A. Schmidt, owner of an Arizona ammunition manufacturing company and former vice-president of the Fifty Caliber Shooter’s Association (FCSA).<sup>j</sup> “I don’t think it’s any different than raising schnauzers or learning how to cook,” Schmidt told *The Washington Post*. “People have their fascinations.”<sup>76</sup> One of those fascinations illuminates what might be called the “macho variant” of the innocent oddity argument. According to FCSA co-founder Skip Talbott, “Some people just want the biggest thing on the block.”<sup>77</sup>

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<sup>j</sup> FCSA is a nonprofit corporation, incorporated in Tennessee, which is also the home state of Barrett Firearms Manufacturing.

The innocent oddity argument collapses on both conceptual and factual grounds. Conceptually, the fact that a handful of hobbyists collect a functioning weapon of war with the devastating power of the 50 caliber super gun has little to do with whether or how it should be regulated. For example, under the National Firearms Act of 1934 (NFA) machine guns<sup>k</sup> have been registered, with potential owners undergoing thorough background checks that include fingerprinting and local police sign-off. New production of machine guns for civilian sale has been banned since 1986. Yet machine guns are still legally collected and fired by enthusiasts.<sup>l</sup>

In any case, the facts asserted by these apologists wither under scrutiny. This section demonstrates that—if 50 caliber sniper rifles are toys for men in states of arrested adolescence or substitutes for raising schnauzers—they are also regularly bought and used by terrorists, drug lords, and ordinary criminals, not as toys, but as killing machines.

<b><i>"TOYS FOR BIG BOYS"</i></b>	
<b><i>KNOWN SALES OF BARRETT 50 CALIBER SNIPER RIFLES TO TERRORISTS AND FRINGE GROUPS</i></b>	
<b><i>Group</i></b>	<b><i>Number Sold</i></b>
<b><i>Osama bin Laden's Al Qaeda</i></b>	<b><i>25</i></b>
<b><i>Church Universal and Triumphant</i></b>	<b><i>10</i></b>
<b><i>David Koresh (Branch Davidians)</i></b>	<b><i>2</i></b>
<b><i>Irish Republican Army</i></b>	<b><i>2</i></b>

*Unsuitable for criminal use.* Apologists for unrestricted sale of 50 caliber sniper rifles also set up the straw man of street crime. They then proceed to knock down their straw man by arguing that the guns are not suitable for street crime. Thus, the Fifty Caliber Shooters Policy Institute (FCSPI), an offspring of the FCSA,<sup>m</sup>

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<sup>k</sup> A machine gun is a "fully automatic" firearm, which means that, so long as the trigger is held down the gun will continue to fire until it expends all of the ammunition in its magazine.

<sup>l</sup> For further details, see the discussion of the NFA in Section Five.

<sup>m</sup> According to FCSPI, it "represents the political interests of owners, manufacturers and retailers of fifty caliber rifles." "Mar 17<sup>th</sup> 2001, FCSPI Statement Regarding bill 1405 Submitted in Connecticut," downloaded from Internet web site <http://www.50cal-policy.org/news/20010317.html> on September 23, 2001.

asserts, "The fifty caliber rifle is not the weapon of choice by criminals. The guns are very heavy, cumbersome to carry and expensive (\$2000-10000)." <sup>78</sup> Similarly, Barrett's Internet web site claims that "use in a crime has been zero or a number very close to zero (we are unable to find records of any .50 caliber rifles actually used in crime.)" <sup>79</sup>

Like the "innocent oddity" argument, this specious apology falls apart under conceptual and factual scrutiny.

The VPC does not claim that the principal danger from 50 caliber sniper rifles is likely use in street crime. That niche is amply filled by the proliferation of portable, easily concealed and increasingly powerful handguns—particularly the millions of palm-sized "pocket rockets"—that the gun industry has poured into America in recent decades.<sup>n</sup> The VPC has argued consistently that, given the 50 caliber sniper rifle's unique capabilities, its main threat is as an "ideal tool for assassination and destruction."<sup>80</sup> It is relevant to note that before September 11, 2001, the number of terrorists hijacking four commercial airliners and then deliberately successfully crashing three of them into large buildings was "zero or very close to zero." The dangers of the 50 caliber sniper rifle must be viewed from the sober perspective of that test of catastrophic danger.

In any case, the "facts" claimed by the gun lobby about the potential and actual use of 50 caliber rifles in crime do not hold up. Each of the points that the gun industry and its allies claim make the 50 caliber sniper rifle unsuitable for crime simply are false. These claims are made out of either ignorance or bad faith, because most are refuted *by the words of the gun industry itself*:

- ! "The guns are very heavy, cumbersome to carry..."<sup>81</sup> So argues the FCSPI. That must be news to Ronnie G. Barrett, whose company literature claims: "The 82A1's light weight makes transportation as easy as walking."<sup>82</sup> As a matter of fact, the October 1, 2001 issue of *Forbes* magazine includes a picture of Ronnie G. Barrett holding one of his sniper rifles at port arms without apparent strain.<sup>83</sup> As early as 1989 Barrett was experimenting with metallurgy in order to reduce the weight of its gun by a third.<sup>84</sup> Barrett's Model 95 weighs 22 percent less than its earlier main line Model 82A1.<sup>85</sup> One sniper expert and author writes, "The current line of .50s are relatively light, easy to move and permit

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<sup>n</sup> See, Josh Sugarmann, *Every Handgun Is Aimed At You: The Case for Banning Handguns* (New York, The New Press, 2001), Chapter Five, "Handguns and Crime"; *Pocket Rockets: The Gun Industry's Sale of Increased Killing Power* (Washington, DC, Violence Policy Center), July 2000.

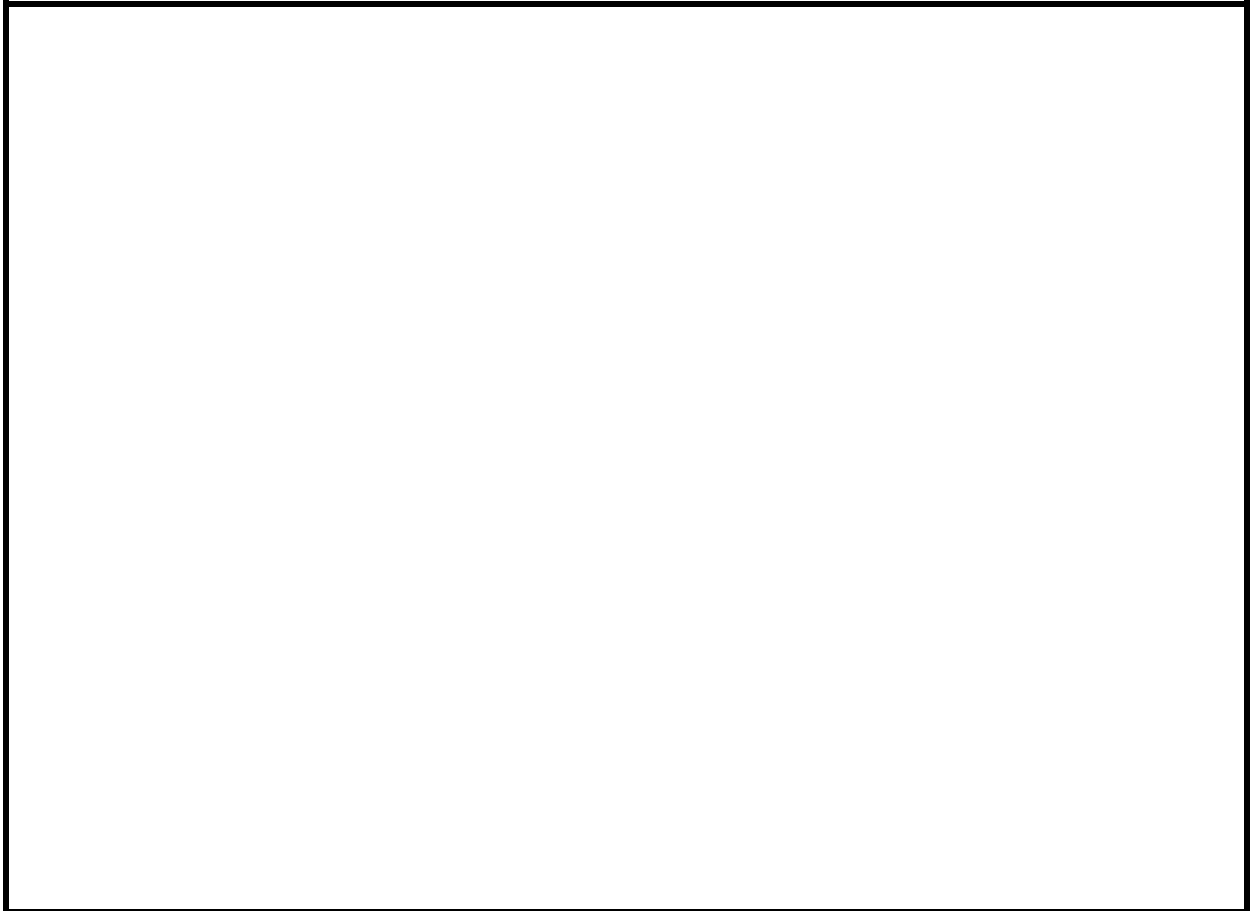
rapid deployment.”<sup>86</sup> Finally, MSNBC broadcast film, and the VPC has downloaded several videos posted at various Internet web sites by 50 caliber gun owners, showing 50 caliber sniper rifles being fired from the shoulder.

- ! *“If you try to fire this rifle inside a car, it would probably blow the windshield out of the car. And everyone in the car would be completely disoriented and couldn’t function.”*<sup>87</sup> This variant of the “too cumbersome” argument was advanced as expert opinion by former FCSA vice president Jim Schmidt. His claim would ring hollow to the British soldiers and Irish constables killed with Barrett sniper rifles—16 of the 24 sniper attacks on these law enforcement officials were fired from three different types of enclosed vehicles.<sup>9</sup> The vehicles were used as mobile firing platforms, fitted with steel trap doors in the rear which were raised at the appropriate moment to provide a clear field of fire.<sup>88</sup>
  
- ! *“The fifty caliber rifle is...expensive (\$2,000-10,000).”*<sup>89</sup> This assertion of the FCSPI is often repeated by other apologists, who invariably cite prices at the upper end of the scale. In fact, rapidly growing competition in the 50 caliber sniper rifle market has brought prices down dramatically. This is described in detail in Section Four. Several guns praised by gun press reviewers and users alike are listed in the range of \$2,000 or less. At least one Internet web site gun dealer offers the convenience of an “easy layaway plan” as well.<sup>90</sup> Moreover, “expensive” is a wholly relative term—the suggested prices of better handguns range from around \$600 to more than \$2,000, autoloading shotguns from around \$800 to \$6,600, and sporting rifles from about \$600 to \$8,000. <sup>91</sup> In any case, as the discussion below makes clear, these prices have not stopped terrorists and criminals from buying 50 caliber sniper rifles.

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<sup>9</sup> This is not the first debatable expert opinion Schmidt has offered. He 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.*

Ronnie G. Barrett



*Advocates of unrestricted civilian sale of 50 caliber sniper rifles argue that they are "too heavy" for criminal use. But Ronnie G. Barrett was pictured in Forbes magazine holding the Barrett M82A1 without apparent effort. Barrett literature also says, "The 82A1's light weight makes transportation as easy as walking." The Barrett Model 99, introduced later, weighs 6.5 pounds less than the model shown here.*

## ***Terrorist Enterprise Al Qaeda's Acquisition of 25 Barrett 50 Caliber Sniper Rifles***

"I'm not ashamed of what we're doing," a Barrett vice president told the *Chattanooga (Tennessee) Times* recently. "We sell most of our guns to military customers, or people approved by the government."<sup>92</sup>

Perhaps "most," but certainly not all of Barrett's sniper rifles have ended up in benign hands. Therein lies an object lesson in the danger of unrestrained civilian sales of weapons of war like 50 caliber rifles. Osama bin Laden's Al Qaeda has acquired at least 25 Barrett 50 caliber sniper rifles.<sup>93</sup> Unfortunately, there is no way of knowing how many more 50 caliber rifles Al Qaeda has obtained from Barrett or from its many competitors. No one keeps track of them.

Al Qaeda has become a household word since the September 11 terrorist attack—it is Osama bin Laden's terrorist support network. In addition to the catastrophic attacks on the World Trade Center complex and the Pentagon, Al Qaeda's previous attacks include:<sup>94</sup>

- ! Bombing the World Trade Center in 1993, leaving six dead and hundreds wounded.
- ! Bombing American military quarters in Dhahran, Saudi Arabia in 1996, killing 19 U.S. soldiers.
- ! Bombing American embassies in Kenya and Tanzania in 1998, killing 253 and wounding 5,500.
- ! Bombing the USS Cole at a port in Yemen, killing 17 U.S. sailors.

*The Sales to Al Qaeda.* The evidence that Al Qaeda bought 25 Barrett 50 caliber sniper rifles came to light during the trial of terrorists charged with the American embassy bombings in Africa. (Osama bin Laden was also indicted but has yet to stand trial.) A government witness, Essam al Ridi, testified that he had shipped 25 Barrett 50 caliber sniper rifles to Al Qaeda. The testimony is ambiguous as to the exact date of the transaction, but it appears to have been in either 1988 or 1989.<sup>95</sup> (Al Ridi, an Egyptian who became a naturalized U.S. citizen,<sup>96</sup> also learned to fly and taught flying in Arlington, Texas, at the now defunct Ed Boardman Aviation School.<sup>97</sup>) These guns still represent a live threat: firearms in general have a very long useful life, and 50 caliber sniper rifles used in the 1991 Gulf War are still being traded among enthusiasts and fired.<sup>98</sup> There is no reason to believe that Al Qaeda's Barrett sniper rifles are not in service, and, wherever they are, they are a threat to Americans, civilians and military personnel alike.



In addition to the Barrett 50 caliber sniper rifles, al Ridi testified that he shipped range finders, night vision scopes, and night vision goggles to the terror syndicate, all of which would be useful to snipers using the guns.<sup>99</sup> Barrett promotional literature on its 50 caliber sniper rifle advises that “with night vision equipment, the weapon is even more effective under cover of darkness.”<sup>100</sup> Range finders help snipers make sighting adjustments that are vital to accurate shooting at long ranges.<sup>p</sup> Range must be estimated otherwise by visual clues from the relative size of landmarks, helped by standard gradations etched into telescopic sights.

There is no evidence yet available about whether Ronnie G. Barrett—in whose name the Barrett federal firearms manufacturing license was held until 1993, when it was switched to Barrett Firearms Manufacturing, Inc.<sup>101</sup>—knew that the 25 guns were sold to bin Laden’s Al Qaeda. Nor do we know whether the guns were sold directly from the factory or through a dealer or dealers. *Jane’s International Defense Review* reported in 1989 that “Barrett will not identify its weapon’s purchasers.”<sup>102</sup> Whether the sale to bin Laden’s Al Qaeda was in 1988 or 1989, however, it certainly would have represented a substantial boost to Barrett’s fledgling business.<sup>q</sup>

*Sales boost for a fledgling company.* According to Barrett production records obtained from the federal Bureau of Alcohol, Tobacco and Firearms, Barrett manufactured a total of 123 rifles in 1988 and 158 in 1989.<sup>103</sup> A sale of 25 rifles would thus have represented 20 percent of reported 1988 production, 15 percent of reported 1989 production. Ronnie G. Barrett recently told *Forbes* magazine that he had “piled up \$1.5 million in debt to banks and friends before landing his first government contract—an order from the Swedish Army in 1989,”<sup>104</sup> i.e., at about the time of his sales to bin Laden’s group. The earliest Barrett sniper rifle price the VPC could find on the public record was \$6,600 in 1992.<sup>105</sup> Assuming that the rifles sold to bin Laden went for between \$6,000 and \$6,600 in 1988 or 1989, a sale of 25 rifles would have represented income of \$150,000 to \$165,000 for the struggling business described in *Forbes*. According to the magazine, Barrett had sales of \$1 million in 1988: if the sales to Al Qaeda were in that year, they would have represented an estimated 15 percent to 16 percent of the company’s sales.

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<sup>p</sup> “Incorrect range estimation is the biggest cause of long-range misses....If you blow the range estimate, you’ve most likely blown the shot,” writes one sniping expert. But, he says, by skillfully using “a correctly calibrated range finder...you’ll be able to estimate range consistently to +/- 5 percent.” John L. Plaster, *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers* (Paladin Press, Boulder, Colorado, 1993), pp. 277, 285.

<sup>q</sup> Another early Barrett customer at about this time was an official of the Church Universal and Triumphant, a Montana cult, who pled guilty to buying seven Barrett sniper rifles under a false name. According to the GAO, the group bought a total of 10 rifles. “Arrests Unnerve Neighbors of Montana Sect,” *The New York Times*, 9 November 1989, p. B18.





On the other side of the transaction, spending \$150,000 for the 25 Barrett 50 caliber sniper rifles apparently was not much of a financial reach for Al Qaeda, again trashing the gun industry's argument that the 50 caliber sniper rifles are "too expensive" for criminal or terrorist use. The same man who bought the Barrett sniper rifles for bin Laden's Al Qaeda, Essam al Ridi, also bought a used military trainer jet, similar to a Saber-40 executive jet, for \$210,000 and sold it to bin Laden, who wanted the plane to transport Stinger anti-aircraft missiles.<sup>106</sup> It is also becoming clear from the investigation into the September 11 attacks on America that bin Laden's Al Qaeda continues to be well-funded. According to news reports, wealthy supporters provided at least \$500,000 to fund the attacks.<sup>107</sup>

*Disturbing Implications for the Future.* Two disturbing strands tie this information together. First, Osama bin Laden and his Al Qaeda terrorist network have understood the destructive power of the 50 caliber sniper rifle for more than a decade. It would be absurd to think that they have forgotten it. Second, Al Qaeda and bin Laden have been willing to spend whatever money it takes to execute their complicated plots. Significantly, this includes buying civilian aircraft in which to smuggle weapons. Under current U.S. law, there is no way to know whether Al Qaeda bought more 50 caliber sniper rifles, or from whom, or whether bin Laden has sent some or all of the original shipment back into the United States to be used here for assassination and materiel destruction.

*Other Terrorist Sales.* We do know, however, that at least two Barrett 50 caliber sniper rifles were acquired in the United States by another terrorist organization, the IRA, whose snipers murdered a total of 11 soldiers and policemen in five years.<sup>108</sup> According to journalist and author Toby Harnden, two Barretts sold by the company to a firearms dealer on January 27, 1995 were bought by a 37-year-old Cuban living in Cleveland, who passed them on to an unknown Irish man, who shipped them to Ireland. One of those guns was used on February 12, 1997 when British Lance Bombardier Stephen Restorick—the last of the IRA sniping victims—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.<sup>109</sup>

*"Blow-back."* One final point on the purchase of Barrett sniper rifles by bin Laden concerns a phenomenon know as "blow-back"—the use of a country's exported weapons against its own forces. If the Barrett 50 caliber sniper rifles remained in Afghanistan, where they were allegedly sent after having been bought in the United States, they stand every chance of being used against any American forces sent to that country.

"Americans ought to learn about this phenomenon of blow-back," said William Hartung, director of the World Policy Institute's Arms Trade Resource Center. "Because it is likely to end up killing Americans."<sup>110</sup> According to ATF records, Barrett exported more of its sniper rifles in 1998 than it manufactured for domestic sale,<sup>111</sup> and *Forbes* magazine reported recently that exports to 35 foreign countries account for 50 percent of Barrett's sales.<sup>112</sup>

### ***The Ultimate Jihad Challenge in the United States—Sniper Training***

America's wide open policy regarding firearms leads to another unsettling discovery. Islamic fundamentalists are reported by the British press to have been given training in firearms and explosives at secret locations in the United States, including sniper training.<sup>113</sup> A British Member of Parliament has demanded that the results of a Scotland Yard police investigation into the alleged secret training be made public.<sup>114</sup>

Reports are mixed as to how extensive the training offered by Sakina Security Services, the organization said to be under investigation, has actually been. U.S. law enforcement officials reportedly have not been able to find the described camp.<sup>115</sup> But Sheikh Omar Bakri Mohammed, described as a leading fundamentalist and an "Islamic militant," was reported to have told the Scottish *Sunday Mail* that 400 youths have been sent annually to the program.<sup>116</sup>

This much is certain: Sakina's Internet web site does indeed offer a course entitled "The Ultimate Jihad Challenge." The site describes the training as "a two-week course in our 1,000-acre state of the art shooting range in the United States," where the "course emphasis is on practical live fire training. You will fire between 2,000 to 3,000 rounds of mixed caliber ammunition." The site advises that "due to the firearms law of the UK all serious firearms training must be done overseas," i.e., in the U.S. where gun laws are more permissive.<sup>117</sup>

The "Ultimate Jihad Challenge" curriculum includes, among other things, such live fire topics as "tactical ambush," "sniper/counter sniper," "shooting at, thru & from vehicle," and "understanding ammunition capabilities."<sup>118</sup> It is not clear whether 50 caliber sniping is included in the instruction. But even if it is not, the sniper training would be useful for potential 50 caliber shooters. In the words of one expert author on sniping, current 50 caliber sniper rifles are "simple to operate and require little training time for trained snipers."<sup>119</sup>

Sakina's web site also includes a section of "Jihad Links." Among those links is that of *Harkat-ul-Mujahideen*, one of the organizations covered by President George W. Bush's order of September 24, 2001, freezing assets of terrorist organizations and

front groups.<sup>120</sup> That group is reported to operate terrorist training camps in Afghanistan, and its former leader, Fazlur Rehman Khalil, is said to have been a co-signer of Osama bin Laden's *fatwa* calling for attacks on the United States and Americans.<sup>121</sup>

### ***Criminal Use of the 50 Caliber Sniper Rifle—Overview***

We now turn from documented 50 caliber terrorism to documented 50 caliber crime, and some mixed incidents involving crime and terror.

"Americans fall in love with the cartridge that saved their country," boasts Ronnie G. Barrett.<sup>122</sup> Among those who have "fallen in love" with the 50 caliber are international and domestic terrorists, racist hate organizations, militia and other fringe groups, and criminals. Advocates of the unrestricted sale of these military weapons to civilians blink at these instances, ignoring the potential of catastrophic use of the 50 caliber sniper rifles. Instead, these apologists repeat by rote the mantra that there have been no documented instances of criminal use. This is simply not true. It is an example of the dictum that if you tell a lie often enough, people will believe it.

Putting aside the criminal use of 50 caliber sniper rifles abroad by the IRA terror snipers and others, there are numerous documented instances of criminal use of 50 caliber rifles in the United States. The General Accounting Office reported in 1999 that of 27 traces involving the Barrett M82A1 alone, "18 were associated with criminal activity and 3 were not associated with criminal activity. No determination could be made regarding 6 traces."<sup>123</sup>

#### ***BAD COMPANY—COP-KILLERS KNOWN TO HAVE OWNED 50 CALIBER SNIPER RIFLES***

- ! Osama bin Laden (Al Qaeda), New York (numerous law enforcement officers killed in terror attack)***
- ! David Koresh (Branch Davidians), Waco, Texas (fired at federal agents)***
- ! Albert Petrosky, Denver, Colorado (fired at local sheriffs officers)***
- ! James and Theodore Oswald, Waukesha, Wisconsin (planned to use in***



Even the FCSPI and the FCSA are apparently beginning to slowly acknowledge the criminal use of 50 caliber sniper rifles and their involvement in criminal activity, because their jointly issued propaganda is slowly inching closer to reality:

- ! February 4, 2001: "FCSA is not aware of any incident where a .50 caliber rifle has been used in a documented criminal incident in the United States."<sup>124</sup>
- ! March 17, 2001: "FCSA is aware of only one incident where a .50 caliber rifle has ever been used in a documented criminal incident in the United States."<sup>125</sup>

### ***Criminal Use of the 50 Caliber Sniper Rifle—The Branch Davidian Case***

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 Davidian's arsenal included two Barrett 50 caliber sniper rifles<sup>126</sup> as well as armor-piercing ammunition.<sup>127</sup> 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.<sup>128</sup>

Cult members did in fact fire the 50 caliber sniper rifles at federal agents during the initial gun battle on February 28, 1993.<sup>129</sup> The VPC has not been able to document whether the guns also were fired later during the final assault.

It is worth noting that Koresh reportedly spent approximately \$200,000 amassing an arsenal that, along with the Barrett 50 caliber sniper rifles included 60 M-16 machine guns, 30 AR-15 assault rifles, dozens of pistols, and hundreds of thousands of rounds of ammunition.<sup>130</sup> Again, so much for the specious theory that 50 caliber sniper rifles are "too expensive" for criminals. On the contrary, the price has been right for advocates of mass violence like Koresh, bin Laden, the IRA and others who, to use Ronnie G. Barrett's felicitous phrase, want "bold weapons that can do bold things."<sup>131</sup>

Most Americans would consider shooting at federal agents to be criminal use, notwithstanding the National Rifle Association's smear of federal law enforcement agents as "jack-booted government thugs,"<sup>132</sup> or the advice of such gun extremists as convicted felon and radio talk show host G. Gordon Liddy on how to shoot them if they are wearing body armor.<sup>133</sup>

### ***Criminal Use of the Barrett 50 Caliber Sniper Rifle—Chamblee, Georgia Armored Car Robbery***

Ironically, a former SWAT team officer now in prison for murder and suspected also of attempting to rob an armored car gave a jail house testimonial to the Barrett sniper rifle's suitability for use in common crime.

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.<sup>134</sup> 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.

Among other reasons for suspicion of Chapel: before the robbery he proposed that his SWAT team buy a Barrett 50 caliber sniper rifle for use in the event of a robbery scenario exactly like the one that actually occurred. Chapel discussed the suspicion against him in a prison interview:

You know what started all that, we sat around the range one day...before this armored car holdup, and you know me, I've always tried to justify the use of heavy artillery (as) a SWAT man. I said, "Let's buy us a .50-caliber...if the bad guys got mobile in an armored vehicle, what are we going to do, run up and just say surrender? We need to be able to stop it."

I said, "If you want to stop an armored car, just roll up there in a van, kick open the doors and open up with a Barrett lightweight .50, give 'em from the time it takes you to reload to surrender." Well, unbeknownst to me, this happened some time later, just exactly the same way.<sup>135</sup>

### ***Criminal Use of the L.A.R Grizzly 50 Caliber Sniper Rifle—Cop Killer "Fifty Cal Al"***

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.<sup>136</sup>

Petrosky, who was known to his friends as “50-cal Al,”<sup>137</sup> fired all four weapons, including the 50 caliber rifle, during this murderous rampage.<sup>138</sup>

After the incident, investigators found three fired 50 caliber cases and eight live 50 caliber rounds outside Petrosky’s van, along with four live rounds inside the van.<sup>139</sup> Petrosky, a 36-year old auto mechanic, was wanted at the time on a felony warrant, but nevertheless was able to buy the 50 caliber sniper rifle from a gun dealer without a background check because the federal Brady Law did not apply to long guns at that time.<sup>140</sup> The dealer who sold him the super gun was later reported to have said, “I feel real bad about what happened.”<sup>141</sup>

It should be noted that Petrosky, who later committed suicide after having been convicted of three counts of murder,<sup>142</sup> was not wealthy. He was an auto mechanic who spent a lot of time playing pool, had a criminal record, and was a wanted man. Yet he was able to afford his “toy for a big boy”—once again trashing the specious claim that 50 caliber sniper rifles are “too expensive” for criminals.

When authorities test-fired Petrosky’s Grizzly 50 caliber rifle, according to Jefferson County Chief Deputy District Attorney Peter Weir, it blasted through a manhole cover “like a hot knife through butter.”<sup>143</sup> Barrett Firearms Manufacturing dismisses such evidence of the 50 caliber’s power by this sneering red herring, posted on its Internet web site:

Capable of shooting through a steel manhole cover that is 3½ inches thick. (If a manhole cover existed this thick, it would weigh 475 pounds. Has anyone ever seen one of these? Who would lift it?)<sup>144</sup>

Clearly, the point is not the dimension or weight of any given manhole cover, however much Barrett wishes it were. The point is rather the power of the 50 caliber sniper rifle and its round. That power is well documented in—among other things—a U.S. Marine Corps demonstration for the Congress and Barrett’s own promotional literature.

It happened that each of Petrosky’s victims were killed by other weapons in his arsenal.<sup>r</sup> However, most people would agree that this incident qualifies as “criminal use” of a 50 caliber sniper rifle.

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<sup>r</sup> Terry Petrosky was hit eight times and store manager Dan Suazo three times by rounds Petrosky fired inside the store with his high-capacity semi-automatic pistol. Sgt. Mossbrucker was struck in the face while still in his patrol car by a round from Petrosky’s SKS assault rifle. “Jury hears grim inventory of Petrosky’s rampage,” *Denver Rocky Mountain News*, 29 March 1996, p. 23A.





### ***Criminal Conspiracy Involving the 50 Caliber Sniper Rifle—The North American Militia Assassination Plot***

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.<sup>145</sup> All three were ultimately convicted.<sup>146</sup>

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.<sup>147</sup> 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.<sup>148</sup>

Some might argue that, since federal authorities were able to intervene before anyone was actually killed or any materiel damage was done with the North American Militia's 50 caliber sniper rifle, the gun was not "involved" in criminal behavior. But most people would agree that a 50 caliber sniper rifle bought as part of a criminal conspiracy to assassinate government officials and terrorize qualifies as being involved in criminal activity.

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.<sup>149</sup>

### ***Miscellaneous Criminal Connections and the 50 Caliber Sniper Rifle—Drug Lords, Fringe Groups, Illegal Manufacture and Sale***

These cases are only the better-documented tip of an iceberg of violent potential the proliferation of 50 caliber sniper rifles represents. There appears to be no organized federal effort to keep track of cases involving 50 caliber sniper rifles. This is understandable in part since the ATF is forbidden from keeping records of gun sales and does not consider tracking individual guns unless they have actually been used in a crime or found in a situation related to a crime.

But here is a list of other instances—culled out by the Violence Policy Center from a variety of sources—showing that, like bad pennies, 50 caliber sniper rifles continually turn up in bad company:

! ***Sale to drug dealers, drug cartels.*** According to the General Accounting Office, 50 caliber sniper rifles have been found in the armories of drug dealers in California, Missouri, and Indiana, and a federal investigation in 1999 was “targeting the movement of .50 caliber semi-automatic rifles from the United States to Mexico for use by drug cartels.”<sup>150</sup> In other words, the U.S. gun industry is contributing to the war on drugs by providing “heavy firepower for light infantry,” in the words of Barrett’s advertising slogan. Unfortunately, that firepower is going to what most Americans would call the wrong side.

! ***Illegal manufacture and sale.*** At least two persons have been charged with illegally making and selling 50 caliber sniper rifles. Robert W. Stewart of Mesa, Arizona, a convicted felon, is charged with felony possession of firearms by being in possession of Maadi-Griffin 50 caliber “kit guns” he was selling from his home, along with other firearms alleged to be in his possession.<sup>151</sup> (Stewart’s Maadi-Griffin kit guns are discussed further in Section Four). Stewart has become a folk hero among hard-line gun rights advocates and 50 caliber enthusiasts. He is distinguished, among other things, by his recent assertion that convicted felons have the right to have guns: “I don’t care if he’s a mass murderer, he killed 50,000 people. He still has a right to have a gun. A gun is just a tool.”<sup>152</sup>

Another convicted felon, Wayne Frank Barbuto, has been charged in Salt Lake with attempting to sell two 50 caliber sniper rifles to undercover federal agents. The government believes Barbuto manufactured the guns himself. It is not clear whether this refers to kit guns of the Maadi-Griffin type.<sup>153</sup>

! ***Cop-killer neo-Nazi family.*** Wisconsin father and son James and Theodore Oswald were sentenced in 1995 to multiple life terms for armed robbery and the murder of a Waukesha police captain. The two had “a small armory of sophisticated and expensive weapons, including two custom-made .50-caliber rifles powerful enough to assault an armored car—which the two were considering doing,” according to the Waukesha county sheriff.<sup>154</sup> The two were reported to have acted in part out of a far-right anti-government creed, based on admiration of the neo-Nazi group, The Order.<sup>155</sup>

! ***Various other fringe groups and persons.*** Fifty caliber sniper rifles pop up from time to time in the possession of various fringe groups—in addition to those already cited—which share in common a disaffection

with society, government, or both. In 1997 Gainesville, Florida police found a 50 caliber sniper rifle, along with pipe bombs, explosives, and large quantities of drugs in the house of Danny Ray Simmons, who fled into the woods and escaped. They also found hate literature and a shopping list for making cyanide gas.<sup>156</sup>

An early customer of Barrett was Vernon Hamilton, a high-ranking member of the Church Universal and Triumphant, an eccentric religious cult in Montana. Hamilton pleaded guilty in 1989 to federal felony charges of buying firearms under a false name, including seven 50 caliber Barrett sniper rifles. Charges against another member were dropped when he agreed to forfeit two Barrett sniper rifles.<sup>157</sup> According to the GAO, the group bought a total of 10 Barrett rifles.<sup>158</sup>

In the summer of 1995, Canadian officials in British Columbia found a Barrett 50 caliber sniper rifle, 500 rounds of ammunition for it, and enough explosives to fill a five ton truck at a remote site. It is believed that members of a Texas militia group planned to set up a training camp at the site. Although at least one convicted felon was identified as a suspect, the investigation was dropped due to difficulties in prosecuting across national borders. The incident prompted one Texas Constitutional Militia official to observe, "We are not all raving maniacs. I'd kind of like to keep our lunatics on our side of the border."<sup>159</sup>

- ! ***Stolen 50 caliber rifles.*** Fifty caliber sniper rifles have been stolen from dealers and others in a number of incidents.<sup>160</sup> Because 50 caliber sniper rifles are not covered under the National Firearms Act, those who own and possess are not required to keep track of them as strictly as, say, machine guns are under the NFA.

It is a sad fact that no amount of evidence will convince the gun industry or the National Rifle Association that 50 caliber sniper rifles present a clear and present danger to the security of the United States and to the lives of ordinary Americans. Yet, it is clear from the evidence presented in this section that they have regularly been sold to dangerous people and organizations, from Osama bin Laden to the North American Militia, and that they have been used in a number of crimes, from Waco to Denver.

The next section examines the kinds of uses to which terrorists might put the 50 caliber sniper rifles that we now know are in their hands.

### **Section Three: Tools for Terror**

***“Today we were unlucky, but remember we only have to be lucky once. You have to be lucky always.”***

*—PIRA statement to British government after failed bombing attempt, 1984<sup>161</sup>*

The preceding two sections showed the long reach and stunning power of the 50 caliber sniper rifle, and documented their possession by Osama bin Laden’s Al Qaeda and other foreign and domestic terrorist groups. This section examines the specific threats presented by 50 caliber sniper rifles and their deadly armor-piercing and explosive ammunition in the hands of terrorists. Those threats fall into two categories: assassination, and materiel destruction, especially the destruction of critical infrastructure and hazardous chemical and industrial facilities.

#### ***“Death from Afar”—the Assassination Threat***

The danger that comes first to mind from a sniper rifle capable of accurately hitting targets at 1,000 yards and blasting through armor and concrete is assassination. In light of everything we plainly know about 50 caliber sniper rifles, their ammunition, and the terrorists who own them, the reality of this threat would seem to most people to be a “no-brainer.” Yet, some 50 caliber defenders make light of it. “The presidential limo can withstand a rocket-propelled grenade,” wrote one Todd Browning in a 1999 letter to *The Atlanta Journal and Constitution*. “The .50-caliber might chip the paint.”<sup>162</sup>

It is not clear what Todd Browning’s expertise is, or the source of his information about the level of armor on the presidential limousine. He is identified only as “vice president of an insurance company.” The VPC does not pretend to know how heavily armored the presidential limousine is, and if we did know, we would not publish that information.<sup>5</sup> We do know, however, about the following points, elaborated in the text that follows:

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<sup>5</sup> In fact, until this report, no VPC report or spokesperson has addressed any specific target of the threat of assassination that 50 caliber sniper rifles present. We felt this letter to be such egregiously obtuse misinformation, however, as to demand a specific response. It is also worth noting that several U.S. Army armored Black Hawk helicopters were shot down by rocket propelled grenades wielded by irregular militia in Mogadishu, Somalia in October, 1993, a stunning reminder that low-tech weapons can find the weak spot in high-tech equipment with devastating effect.

- ! The U.S. Secret Service has been concerned for some time about the threat that 50 caliber sniper rifles present to its protective mission.<sup>†</sup>
- ! Wholly aside from the danger presented by Al Qaeda and other foreign terrorists, other assassination warning flags, such as insurrectionist images, slogans and text, and assassination threats against public figures have been posted on popular 50 caliber enthusiast and general sniper Internet web sites.
- ! Potential targets of terrorist assassination include thousands of persons who do not customarily travel in the presidential limousine, but who do travel in airplanes, helicopters, and other means of transportation vulnerable to 50 caliber attack. These persons include senior federal government officials from all branches, foreign dignitaries, state government officials, law enforcement officers at all levels of government, high-profile celebrities, and key business and industry executives.
- ! Most armored limousines offered commercially do not feature levels of armored protection sufficient to defeat 50 caliber armor-piercing ammunition. Moreover, 50 caliber rounds do not have to actually penetrate armored vehicles to inflict death or injury on the occupants.
- ! In addition to penetrating vehicle armor, 50 caliber sniper rifles are capable of downing helicopters, destroying small aircraft, and penetrating the reinforced concrete and masonry walls of buildings.

### ***Secret Service Concerns***

Unlike armchair “experts” writing from the comfort of insurance company offices, or gun industry apologists spewing mere propaganda to boost their sales, the U.S. Secret Service and others charged with defending the nation’s highest human

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<sup>†</sup> The Secret Service protects the President, the Vice President (and persons elected to those offices), their immediate families, former Presidents, visiting heads of foreign states or governments, and major party candidates within 120 days of a general Presidential election. The Uniformed Division of the Service also protects the White House and other Presidential offices, and foreign diplomatic missions. U.S. Department of the Treasury Internet web site, at <http://www.ustreas.gov/usss/protection.htm> downloaded on October 3, 2001.

assets must take the threat from 50 caliber sniper rifles seriously.

“The Secret Service has to prepare for the worst and hope for the best,” Eljay Bowron, the former director of the Secret Service and now an executive security expert with a private firm, told MSNBC recently. “They go about their business as though there is someone out there with a .50-caliber weapon that you don’t want to have a .50-caliber weapon.”<sup>163</sup>

In an earlier interview with CNN, Bowron was more specific: “With this weapon, you don’t need to see the enemy. The enemy could be behind a bunker. It could be in a building. This weapon is going to penetrate that building from a great distance. You can riddle the building and have a high probability of casualties. That’s a concern from a security standpoint.”<sup>164</sup>

That possibility of a 50 caliber sniper blasting through building materials extends the range of targets far beyond armored limousines—whether capable of stopping rocket-propelled grenades or not—to offices, homes, and any other location not armored as heavily as a main battle tank. John C. Killorin, special agent in charge of the Atlanta Field Division of the federal Bureau of Alcohol, Tobacco and Firearms described the Barrett 50 caliber sniper rifle as “a devastatingly powerful weapon against which most troops, most law enforcement, no civilians, have any means of defense.”<sup>165</sup> Killorin added that the 50 caliber sniper rifle is “a tremendous threat” for “those most shocking and horrifying crimes, assassinations, murders, assaults on law enforcement officers.”<sup>166</sup>

### ***Assassination Threats***

The threat from Osama bin Laden’s Al Qaeda, which has bought at least 25 Barrett 50 caliber sniper rifles, need not be exaggerated. Nor need one review our modern history of assassinations and attempted assassinations of public figures. And, as documented in the preceding section, militia groups with 50 caliber sniper rifles in their inventory have plotted the assassination of senior federal and state officials.

Other threats associated specifically with the burgeoning sniper subculture in America are only slightly more subtle.<sup>u</sup> The Internet web site Sniper Country, for example, posted a “warning to Minors and Militants” after the following incident:

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<sup>u</sup> For a general overview of that culture, see Violence Policy Center, *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999), Section Three, “The Sniper Rifle Subculture.”

Recently an incident occurred where we received an email from a reader. We had no way of telling if this reader was young or old, insane or just stupid. The message simply said that he was going to kill a well-known political figure. By his sending it to us, we felt he involved us in his "plot" and we could not stand by to become unwilling accomplices. After some deliberation we forwarded his note to the Secret Service.<sup>167</sup>

According to Sniper Country, the Secret Service found that the threat was made by a minor. "This is one reason we ask people under the age of 18 to stay out of our site. We have ALL been young—we remember how impressionable we were and how we easily latched onto ideas that were not necessarily good for us or particularly smart."<sup>168</sup> This is exactly a point that the VPC made in its first report: an 18-year-old can legally buy a 50 caliber sniper rifle and have the ideal tool to implement such dangerous ideas.

Sniper Country says on its web site that it is dedicated to the law enforcement and military sniper,<sup>v</sup> professions which have a legitimate use for the weapon. But other material easily accessible on the Internet, including especially a bulletin board at [www.biggerhammer.net](http://www.biggerhammer.net), is not as discriminating. The photograph on the cover of this report is an example of such material. The photograph was posted at the Biggerhammer bulletin board, and the tee shirt it depicts is being sold from a Florida location also posted on the bulletin board.<sup>w</sup> At a California gun show the slogan was sold on bumper stickers featuring a silhouette of former President Clinton in a rifle scope.<sup>169</sup> A different image of the slogan is posted on an Internet web site called "Geoff's Firearms and Freedom Images Page."<sup>170</sup>

The Violence Policy Center urges that Americans from all walks of life ponder the meaning of the slogan, "Vote from the rooftops." The VPC would submit that its plain meaning is an insurrectionist threat of assassination. The qualifying phrase "when all else fails" simply means "when a tiny but grandly disaffected minority decides that it is time to go out and kill someone with whom it disagrees." This is said to be necessary to protect "liberty," or "freedom," or "rights." As Ron Gaydosh, state commander of the Michigan Militia told MSNBC, "As far as I'm concerned, the .50- caliberers are our liberty teeth. They're in our hands. We have them in our hands."<sup>171</sup>

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<sup>v</sup> If that is so, one can only wonder why there was need for "deliberation" before the site's managers decided to contact the Secret Service about the threat.

<sup>w</sup> The slogan on the shooter's hat is a Greek phrase, *Molon Labe*, said to have been shouted by Spartan warriors in response to Persian demands to lay down their arms. It means, "Come and get them," and has been adopted as a slogan by some hard-line gun rights advocates. See, e.g., the posting on The Firing Line, an Internet forum, at [http://www.thefiringline.com/HCI/molon\\_labe.htm](http://www.thefiringline.com/HCI/molon_labe.htm).





Here are some examples of insurrectionist postings from the 50 caliber enthusiast bulletin board on Biggerhammer.net:<sup>172</sup>

- ! [T]he cold hard fact is that the framers of the Constitution had in mind that someday the Government would become tyrannical and it's [sic] people would need to take up arms against the beast again.
- ! I will NOT kowtow to this PC horse shit that's [sic] being thrust down our throats by every moron in this increasingly godforsaken country....If they come and try to take my guns, I will kill them. Or be killed by them in the process of defending myself, my family and my rights. Is that clear enough?
- ! I will gladly give up my guns when they come for them, bullets first.
- ! And guess what? They're right! WE ARE A THREAT!!! Oh great now I've gone and done it, ruined our image as target shooters :)
- ! Whose security? Theirs maybe. I'd say they were right—we are a threat. They'd better send in the foreign mercenaries to save the children from us. I hope they do it soon—I'm not getting any younger. Grrrrrr.

Some of the implied threats posted on Biggerhammer.net have more specific targets:

*Referring to a Member of Congress:* When the fighting starts I think he'd better deport himself immediately for his own safety. Otherwise I'm quite positive that he'll be feeding the Liberty tree.

This posting's reference to "the Liberty tree" is an allusion to a sentence from a letter written by Thomas Jefferson that "The Tree of Liberty must be refreshed from time to time with the blood of patriots and tyrants," a quote popular among the radical right and extreme gun enthusiasts. It was printed on the back of the tee shirt that Oklahoma City bomber Timothy McVeigh was wearing when he was arrested on the day of the bombing, after a routine traffic stop revealed that he was carrying a concealed handgun.<sup>173</sup>

*Referring to the author of this report:* All this will be sorted out in short order and all the socialist bastards like Tom Diaz can choose to stand



against us on the battlefield and fight for what he believes in, or go cower away with the other rats in their hiding places.

*Referring to a senior FBI official and an FBI sniper:* It will not be long until the Larry Potters & Lon Horiuchis of this world will be located & dealt with by some individual with the moxie & self-destructive energy of a Tim McVeigh....Trust me folks, the feds [sic] time is-a-comin'....If you have to shed blood, don't shed innocent blood. Hope you are reading this, Mr. Horiuchi.

The point is not that any of these necessarily represents a criminal threat, but that collectively they bespeak a dangerous and arrogant attitude, destructive of the traditional free dialogue and democratic action of the American people. Since they come from among a self-identified group of 50 caliber sniper rifle enthusiasts, they raise a clear warning not only to public policymakers at all levels of government, but to every American citizen who believes in the democratic foundation of our nation.

### ***“Leaderless Resistance” and the 50 Caliber Sniper Rifle***

Experts on executive protection say the 50 caliber sniper rifle is a particularly dangerous threat in the hands of a terrorist carrying out his actions as a “lone wolf,” much the way Timothy McVeigh is said to have acted. As MSNBC reported, “The range and power of the fifty-caliber greatly escalates the potential threat in [former Secret Service Director] Eljay’s worst-case scenario: a rogue operator committing what he calls a ‘leaderless act’ of terrorism.”<sup>174</sup> Many hate groups now tailor their message to such disaffected individuals and small cells, doing away with larger, formal structures that are targets for infiltration and compromise by law enforcement agencies.<sup>175</sup> This strategy to avoid detection while at the same time continuing action against the state was given the name “leaderless resistance” in a long essay by former Ku Klux Klansman and neo-Nazi Louis Beam:

No one need issue an order to anyone. Those idealists truly committed to the cause of freedom will act when they feel the time is ripe, or will take their cue from others who precede them....It goes almost without saying that Leaderless Resistance leads to very small or even one-man cells of resistance.<sup>176</sup>

The gun expert’s opinion quoted in Section One confirms the 50 caliber sniper rifle’s threat in the hands of such a one-man terror cell: “The fifty caliber’s ability to be deployed by one individual and give that person the capability of discretely engaging a target at ranges of over one mile away are definitely alluring from a

tactical standpoint.”<sup>177</sup> Barrett’s description of the power of its Model M82A1 also speaks to that capability: “This revolutionary .50 caliber semi-automatic rifle allows sophisticated targets to be destroyed or disabled by a single soldier.”<sup>178</sup>

A comment posted on the Biggerhammer.net bulletin board in a string discussing the Oklahoma City bombing sums the problem up:

“Anti-government” movement didn’t dry up: It just got more dedicated, and practices better OPSEC [operational security].<sup>179</sup>

### ***Vulnerability of Limousines and Other Means of Travel***

Some government and industry executives now move about in public in armored vehicles, as protection against a variety of threats. Publicly available information raises the question of whether those vehicles are capable of resisting attack by terrorists armed with 50 caliber sniper rifles firing armor-piercing rounds. This is even more doubtful if the rounds are of the more powerful SLAP and Raufoss MP type described in Section One, which demonstrated that military armored personnel carriers can be defeated by 50 caliber rounds. There is no apparent reason to believe civilian armored vehicles would fare any better than military fighting vehicles.

There is other evidence. For example, the National Institute of Justice (NIJ) at the Department of Justice has published minimum performance standards for testing ballistic resistant materials (armor).<sup>180</sup> The standards establish uniform tests for classifying specific grades of protective material, so that law enforcement and other agencies can assess commercially offered armor. The highest level of those standards covers armor-piercing ammunition—but only at the 30 caliber level.

In addition to the NIJ standard, many armored car manufacturers cite other ballistic standards in describing the resistance of the ballistic materials used in their vehicles, including European, German, and Underwriters Laboratories standards. Like the NIJ standard, 30 caliber is the highest armor-piercing caliber addressed in those standards.<sup>181</sup>

This is not to say that it is impossible to get a commercial armored car that can resist 50 caliber armor-piercing rounds. At least one company appears to offer such vehicles.<sup>182</sup> But this is not the norm. If the proliferation of 50 caliber sniper rifles forces protection to be raised to this level, it will impose much greater costs on those who need it.

Finally, some experts warn that “even the best armoring materials, certified to

defeat specific weapons, are of limited use when improperly installed.”<sup>183</sup> They warn of cases in which “the first round dislodged the armor and allowed penetration of subsequent rounds,” and of screws improperly installed so that “the bullet may stop but the screw may fly into the passenger compartment with enough force to sever an artery.”<sup>184</sup> The hammering that 50 caliber ammunition delivers would certainly quickly ferret out any such defects.

Travel by other means of transport—including aircraft, helicopters, and even water craft—is also vulnerable to an assassination attempt with the 50 caliber sniper rifle. The U.S. Coast Guard uses Robar 50 caliber sniper rifles to disable so-called “fast boats” used by drug smugglers.<sup>185</sup> As documented in Section One, aircraft are specifically among the materiel targets that the Barrett Manufacturing lists as among the “sophisticated targets” capable of being “destroyed or disabled” by a single soldier using its Model M82A1.<sup>186</sup> Military manuals and manufacturers’ materials also include aircraft among the targets suitable for anti-armor, incendiary, SLAP, and Raufoss ammunition.<sup>187</sup> One published book includes a diagram showing exactly where a 50 caliber sniper should shoot at a helicopter in order to down it.<sup>x</sup> Of course, such targets will be more or less vulnerable, depending on where they are in the journey. Common sense tells one that a taxiing aircraft or a hovering helicopter are easier targets than in flight.

### ***Attacks on Major Sports Events***

Unfortunately, the possibility of terrorist attacks has become a routine part of planning for high-profile sports events,<sup>y</sup> such as the Super Bowl and Olympic competitions.<sup>188</sup> Last May, the Bush Administration’s Justice Department asked Congress for \$32 million for FBI security and investigative duties at the 2002 Winter Olympics in Salt Lake City, Utah.<sup>189</sup>

Now, such terror scrutiny has been extended to regular weekend sports events, such as college and NFL football games.<sup>190</sup> Much of the reported planning has to do with screening patrons and parking lot security. The tremendous range of the 50 caliber sniper rifles that Al Qaeda and other terrorist organizations possess have

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<sup>x</sup> This graphic and a citation to its source are included only in the restricted appendix to this report.

<sup>y</sup> Similar planning for a Republican national convention in San Diego considered the possible scenario of an airplane being crashed into the site. “We ended up solving all the problems but the plane crashed into us,” said one security official. “No one knew how to stop that plane.” “Two Minute Warning,” *Security Management*, January 1998, p. 34.

forced security planners to consider line-of-sight locations within thousands of yards.<sup>z</sup> Terrorists could use the maximum-range capability of the 50 caliber sniper rifle in such an attack, 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.

### ***Turning Targets Into Bombs—the Anti-Materiel Threat***

In the wake of the horrendous attacks on the World Trade Center and the Pentagon, both using commercial aircraft as giant bombs, experts have said that our anti-terror analysis must focus on simultaneous attacks mounted by relatively simple conventional means, but capable of inflicting catastrophic damage.<sup>191</sup> Americans should be alert to the leveraged use of low or hitherto benign technology to cause high-tech results.

The materiel-destroying capability of the 50 caliber sniper rifle is precisely such a means: leveraging readily available low technology to achieve disastrous high-technology results. This section of the report describes how terrorists such as Al Qaeda can use the long reach of the 50 caliber sniper rifles they are known to possess—combined with the powerful effects of their armor-piercing and incendiary ammunition—to create catastrophe.

The Violence Policy Center will be making a restricted appendix available to Member of Congress and government officials with law-enforcement or counter-terrorism responsibility in the hope that it will impress on them the need to “think outside of the box” about the threat of these weapons being leveraged to achieve unconventional effects. *Each of the specific dangers described in the following section are clearly within the capability of the 50 caliber sniper rifle. The targets described have either been the targets of foreign or domestic terrorist attacks, or have been the subject of warnings by responsible experts.* They include:

- ! Catastrophic attacks on aircraft and aviation facilities
- ! Turning chemical or other industrial facilities into bombs, with the potential for mass casualties.

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<sup>z</sup> 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.

- ! Explosive attacks on bulk fuel carriers or storage depots, including the risk of fratricidal explosions spreading damage to catastrophic levels.
- ! Damaging critical infrastructure networks sufficiently to cause widespread disruption.

Some of the more catastrophic scenarios described below could result in the deaths of the attackers themselves. However, given the mass suicide attacks we have already seen, this is no bar to the feasibility of such operation. "Closed-circuit TV [monitoring] works with the IRA, because their method is they don't want to be caught," a British transit police official explained recently. "It wouldn't work with a suicide operator."<sup>192</sup>

### ***Bombs on the Ground—Aircraft and Aviation Facilities***

A 1995 RAND report identified 50 caliber sniper rifles as a serious threat against the security of U.S. Air Force bases.<sup>193</sup> After noting the success of Barrett sniper rifles with Raufoss bullets against light armored vehicles in the 1991 Gulf War (discussed in Section One), the authors noted:

Such weapons also give light forces a portable and quite deadly option against parked aircraft....These rifles are effective against man-sized targets up to 1,600 meters away and could hit aircraft-sized targets at even greater ranges; one expert marksman has reported consistently hitting 8-X-10-foot targets over 2 kilometers distant. Further improvements are undoubtedly on the way....The Barrett's popularity appears to be spreading beyond the 17 countries that now use it. It seems only a matter of time before these or similar weapons find their way into the arsenals of potential adversaries, if they have not already done so.<sup>194</sup>

As demonstrated in Section Two of this report, Barrett 50 caliber sniper rifles had in fact already made their way into the arsenal of at least one real adversary—Al Qaeda—even before those words were written. Barrett and other 50 caliber sniper rifle manufacturers advertise the specific ability of their rifles to attack aircraft and other materiel found on airfields. In addition to the Barrett promotional material quoted in Section One, for example, EDM Arms argues on its Internet web site that its Windrunner 50 caliber rifle is superior to Barrett's in meeting the Army's mission



for an advanced sniper rifle, which includes attacking “various materiel targets such as parked aircraft, radar sites, ...petroleum, and various thin skinned materiel targets to include lightly armored vehicles.”<sup>195</sup>

In the light of these capabilities, the RAND report’s description of the variety of targets at a typical air base as “rich” is instructive:

An air base is a classic “target-rich environment.” Besides the aircraft themselves, air bases offer fuel-storage facilities, munitions bunkers, the control tower and operations center, navigation aids, crew housing, maintenance facilities, and aerospace ground equipment....Fuel storage has proven to be particularly vulnerable to attack. Storage tanks are large, thin-skinned targets that, for routine safety purposes, are often placed on the base periphery. This location, however, exposes them to attack from direct-fire weapons....off-base tank farms are generally even more vulnerable than fuel-storage sites on-base.<sup>196</sup>

Putting aside the threat to U.S. military air bases at home and abroad,<sup>aa</sup> it takes no imagination to project the identical threat to civilian airports. They have all the targets of air bases except munitions bunkers. Moreover, it is simplistic to think of the threat as only that of “shooting down” an aircraft. An attack could be the far simpler one of turning aircraft and fuel trucks into enormous bombs by striking them at long range with the incendiary ammunition we have shown is easily available. 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.”<sup>197</sup>

The danger is that many lay persons unaware of the 50 caliber’s reach and power tend to think of airport security in terms of simply keeping unauthorized personnel away from the immediate area.<sup>198</sup> This is, of course, important. But those concerned about security should extend their vision to the rifles, their range, and the unique danger such weapons present to turn aircraft and fuel trucks into bombs on the ground.

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<sup>aa</sup> The Air Force, at least, has taken the threat seriously and is conducting counter sniper training for its base security forces. See, U.S. Force release, “Cops Graduate from Second Countersniper School,” 17 August 2001 quoted in *Regulatory Intelligence Data*.

## ***Turning Hazardous Chemical Facilities Into Weapons***

A substantial amount of attention has been given in recent days to the subject of Osama bin Laden's interest in obtaining and using chemical weapons, and analyzing the likelihood of his acquiring them.<sup>199</sup> Yet counter-terror experts have warned of the threat of another type of attack, similar in concept to using commercial aircraft as bombs—turning hazardous industrial facilities themselves into chemical weapons. In another similarity to Al Qaeda's known means of operation, experts note that using such low-tech means has the added benefit of a lower operational profile, harder to detect by authorities.

Here again is a case in which the 50 caliber sniper rifles in the hands of Al Qaeda and other terrorists present specific capabilities that can be turned to catastrophic opportunity.

This low-tech threat was addressed by a blue ribbon panel that reported in 1999 to the President and Congress on the threat from chemical and biological terrorist attack. After noting the obstacles to mounting an attack with chemical weapons, the panel addressed an alternate avenue:

Given these impediments, a terrorist interested in harming large numbers of persons might prefer to attempt to engineer a chemical disaster using conventional means to attack an industrial plant or storage facility, rather than develop and use an actual chemical weapon. In this way, significant technical and resource hurdles could be overcome, as well as reducing the profile of the terrorist organization to potential detection by intelligence or law enforcement agencies. Common industrial and agricultural chemicals can be as highly toxic as bona fide chemical weapons and, as the 1984 Bhopal, India, catastrophe demonstrated, just as (if not even more) effective when unleashed on a nearby population.<sup>200</sup>

According to the U.S. Chemical Safety and Hazard Investigation Board, the Bhopal incident, which involved the release of methyl isocyanate into the air, resulted in an estimated 2,000 deaths and 100,000 injuries.<sup>201</sup>

Last year, the U.S. Department of Justice also issued a report in which it "concluded that the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible. Increasingly, terrorists engineer their attacks to cause mass casualties to the populace and/or large-scale damage to property. Terrorists or other criminals are likely to view the potential of a chemical release from an industrial facility as a relatively attractive means of achieving these goals."<sup>202</sup>

Last May, the U.S. Environmental Protection Agency issued an alert that appeared to respond to the 1999 blue ribbon panel's report. EPA warned local chemical disaster advisory committees that "a terrorist may seek to transform a target into a weapon by focusing on facilities that handle explosive, toxic, or volatile chemicals."<sup>203</sup> The advisory warned facilities "with chemicals or explosive storage" to take site security measures.<sup>204</sup>

One might think that this is a rare threat affecting only a few people unfortunate enough to live in a heavily industrial area. That would be a mistake. The most hazardous chemical and industrial facilities in the United States are required to report on their plans for dealing with escape of substance off-site. Of some 15,000 that had reported as of last year, almost half reported that "over 1,000 people live in zones that could be affected by the release of toxic chemicals from those facilities."<sup>205</sup>

*The threat of this type of engineered chemical attack is so serious that many federal agencies have within recent days scrubbed data about hazardous locations from their Internet web sites.*<sup>206</sup> What must also be asked is: what kind of *weapons* would be ideal for such attacks?

An engineered attack on such a facility could have disastrous ripple effects, as well. Numerous facilities critical to the nation's infrastructure<sup>bb</sup> are located at or near reporting hazardous sites. "Disruption of even one of these facilities could wreak havoc on an entire region or locality,"<sup>207</sup> the Justice Department warns. "A chemical release may be more effective than a bomb in causing such disruption, since a leak of toxic chemicals may necessitate large-scale evacuation."<sup>208</sup>

Foreign and domestic terrorists alike have already considered such schemes. For example, members of the Ku Klux Klan plotted to bomb a hydrogen sulfide tank at a refinery near Dallas in 1997.<sup>209</sup> According to the chief of the FBI's domestic terrorist section, they discussed the potential of hundreds of deaths, including children, which they hoped to use as a diversion for a planned armored car robbery.<sup>210</sup> The plot was foiled because an informant tipped off authorities, but the potential is nevertheless instructive.

The threat of an engineered chemical disaster is clearly real. How capable the country is of responding to such a threat is another open question—Congress instructed the Justice Department to study how well chemical plants are prepared to prevent terrorist attacks, but did not fund the study.<sup>211</sup> Chemical facilities were put on alert after the September 11 terror attacks.<sup>212</sup> But, the question is, what likely

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<sup>bb</sup> The critical infrastructure includes such things as water supply, military installations, utility companies, natural gas distribution, and the electrical and communications networks.

means of attack are they on the alert for?

Just as in the case of the RAND warning on vulnerability of airbase fuel tanks, it takes little imagination to understand the threat from the 50 caliber sniper rifle firing a dramatically explosive and incendiary round like the Raufoss MP from a distance of several thousand yards (or even more, since the target is likely to be big enough to hit at the farthest manageable range).

### ***Attacks on Explosive Materials in Transit or Bulk Storage***

Bulk storage of hazardous chemicals and fuels, and their transportation in bulk by truck and rail networks, present a staggering array of targets for catastrophic attack by terrorists armed with 50 caliber sniper rifles and the armor-piercing, incendiary, and explosive ammunition widely available for them. In addition to the direct effects of explosions or contamination such attacks would cause, collateral effects could be shutdowns and massive dislocations throughout surface transportation and communications networks, and other vital parts of the critical infrastructure.

The RAND study noted the vulnerability of fuel storage at airfields to attack from 50 caliber sniper rifles. If the threat is not self-evident, to grasp its dimensions one need only consider the vast number of bulk fuel storage facilities in the United States—such as gasoline and propane—and match that number with the incendiary power of the advanced 50 caliber rounds available to terrorists. Add to that problem the 50,000 trucks hauling millions of pounds of toxic, flammable, and explosive cargo over America's highways, countless rail cars loaded with hazardous material such as fuels and chlorine gas, and another 50,000 gasoline tanker trucks that serve local gas stations (each truck carrying as much fuel as a Boeing 757) and the reach of a ruthless terrorist to inflict damage with the heavy firepower of the 50 caliber sniper rifle becomes almost unimaginable.<sup>213</sup>

This is not mere conjecture. Terrorists in the United States have actually plotted assaults on such facilities. Disastrous accidents involving bulk storage and bulk transport of hazardous materials have shown the potential consequences of a terrorist attack. The potential effects of a carefully planned attack could go far beyond the random effects of an accident. It is worth noting that 50 caliber enthusiasts trade tips over the Internet about the best ways to shoot commercially available propane tanks to cause them to explode. What is missing is an official response tying these strands together. The VPC urges that this step be taken.

Consider, for example, the ubiquity of propane gas storage facilities and the transportation of it on public roads and rail nets all over the country, every working



day. The propane industry goes to great lengths to make delivery and use safe, but the fact remains that it is a highly explosive fuel when improperly released. "A propane fire is a more powerful monster than the fires these heroes [firefighters] usually face," advised one materials handling publication.<sup>214</sup> The second most deadly chemical accident in history—after Bhopal—was a catastrophic chain of explosions set off at a propane gas distribution center in Mexico City in 1984.<sup>215</sup> The death total was nearly 500, at least 4,000 were injured, 2,000 houses in a 20 block area were leveled, and thousands were left homeless.<sup>216</sup>

The United States has not been immune to serious accidents involving propane facilities.<sup>217</sup> An accidental propane release and fire near Des Moines, Iowa caused the evacuation of 10,000 residents and the closing of an interstate highway.<sup>218</sup> An EPA official described a 1989 explosion involving ethylene and isobutane, "both of which have similar flammability characteristics as propane" as being "the equivalent of 10 tons of TNT."<sup>219</sup>

The potential for unleashing disaster by igniting a propane tank has not escaped domestic terrorists. A plot by members of a militia group to blow up a giant propane storage facility in Elk Grove, California was derailed when federal agents arrested them in December 1999 after an undercover investigation.<sup>220</sup> The facility holds about 24 million gallons of propane and is a few hundred yards from a busy state highway and other industrial buildings. A study by Lawrence Livermore National Laboratory concluded that had the attack been successful, it would have caused a firestorm that would have reached about 10 miles from the facility and caused a fatality rate as high as 50% up to five miles away.<sup>221</sup>

On a smaller scale, an environmental terror group in Maine attempted to blow up a fish and game club with a propane tank, but a member who was a fireman noticed the device and disabled it.<sup>222</sup>

There are about 33,000 propane facilities nationwide.<sup>223</sup> Bulk storage tanks at these facilities range in size from 6,000 to 120,000 gallons, and several tanks of various size may be found at any one facility.<sup>224</sup>

According to the U.S. Department of Transportation, "propane releases are a leading cause of death in hazardous material transportation."<sup>225</sup> Semi-trailer bulk cargo tank vehicles that distribute propane over long-haul distances have capacities ranging from 9,000 to 17,000 gallons.<sup>226</sup> Smaller "bobtail" trucks deliver propane locally to customers that have propane containers on site, and have tank capacities from 750 to 6,500 gallons.<sup>227</sup> Railroad tank cars that deliver from refineries and gas plants to bulk tanks have capacities of between 11,000 and 34,500 gallons.<sup>228</sup>

Terrorists have actually targeted bulk transporters. Last year, for example, two anarchists in Oregon tried to ignite a 12,000-gallon gasoline tanker, using a crude milk jug bomb with a delayed igniter. The device failed, but police said it would have caused a catastrophic explosion had it succeeded.<sup>229</sup> The consequences of a successful attack with armor-piercing incendiary rounds on such a bulk tanker, or a bulk storage facility, could be disastrous—even if the attackers were themselves incinerated in the resulting explosion.

A successful attack with armor-piercing incendiary rounds on rail cars or trucks carrying flammable or explosive cargo could create geometrically increasing ripple effects if the attack occurred at or near a crucial site, such as a key bridge or tunnel, a national security facility, or a hazardous industrial site. This issue is addressed in the next paragraphs.

### ***Damaging Critical Infrastructure Networks Sufficiently to Cause Widespread Disruption***

There are a variety of ways in which a successful attack by a terrorist exploiting the 50 caliber sniper rifle's capabilities could cause widespread disruption involving critical infrastructures.

One of the more obvious was alluded to in the preceding section—the collateral consequences of a successful attack with armor-piercing incendiary rounds on a bulk truck or rail carrier of fuel or other highly flammable material at a key location. “It strikes me that railroads are far more vulnerable in many ways than our airplanes,” West Virginia Senator Jay Rockefeller said during a recent Senate hearing on the risk of terror to the nation's surface transportation systems.<sup>230</sup>

Gasoline tanker fires have had serious collateral effects. A three truck accident that set off a gasoline tanker truck explosion on a bridge shut down a major artery between Pennsylvania and New York for days, forcing tens of thousands of vehicles to find alternate routes.<sup>231</sup>

Instruction in the potential consequences abound in examples of accidents. Earlier this year, for example, a train fire in a tunnel under Baltimore caused an “enormous snarl” in rail traffic on the Eastern seaboard for nearly a week, drawing attention to a large number of potential bottlenecks in the railroad system.<sup>232</sup> The fire in the tunnel also destroyed fiber-optic cables, slowing Internet traffic all over the country,<sup>233</sup> and released toxic chemicals from ruptured tank cars.<sup>234</sup> Similar explosions last year shut down a major bridge in Jacksonville, Florida and a highway in Nevada.<sup>235</sup> A Florida collision between a gasoline tanker truck and a tractor-trailer hauling 20 tons of ammonium nitrate threatened to cause an enormous explosion, had

the gasoline mixed with the chemical, the major ingredient of many truck bombs such as the one Timothy McVeigh set off in Oklahoma City in 1995. Firefighters were forced to stand by and let the fire die down, rather than risk dispersing the gasoline and mixing it with the spilled ammonium nitrate.<sup>236</sup>

These examples were accidents. It does not take a great deal of imagination to project the mentality of a terrorist, the range of the 50 caliber sniper rifle, and the incendiary effects of its ammunition to imagine carefully planned scenarios with even greater immediate and collateral effect.

Elements of the national critical infrastructure other than transportation systems are also vulnerable to the 50 caliber sniper. Barrett suggests that radar dishes and communications vehicles are subject to the "quick strike capability of the Barrett 82A1" in its advertising material. It is little reach from there to telecommunications facilities, electrical power grid transformers, exposed pipeline equipment, and on and on as far as the imagination can reach.

The 50 caliber sniper rifle has many applications as the ideal tool for assassination and terror. In the next section, we show that there has been a dramatic surge in the civilian market for 50 caliber sniper rifle "super guns."



## **Section Four: Proliferating for Profit**

***“Barrett is hoping to widen his lead with a helping hand from the State Department, which recently gave him the okay to sell rifles to civilians in Europe, a market that was off-limits under the Clinton Administration. He is also working on interchangeable components that can turn the .50-caliber semiautomatic into a grenade launcher. That one’s for the military alone. For now.”***

—“Size Matters,” *Forbes*, 1 October 2001<sup>237</sup>

The American gun industry has been in trouble for decades. Despite the chronic record of death and injury that firearms inflict on America—far exceeding those of any nation in history not at war—the industry’s markets are, in fact, stagnant at best, fading at worst. Hunting is slowly evaporating as a sport. More and more of the general public are repelled by guns, seeing them as either weapons of crime or dangerous toys owned only by a shrinking minority of Americans. As a result, the civilian firearms market is becoming smaller and more concentrated.<sup>cc</sup> It is also becoming older, facing the permanent loss of past customers, as described in a recent industry magazine:

I woke up one morning at this year’s SHOT Show, looked in the mirror, and saw the future of the shooting and hunting business staring back at me. It was not a pretty sight. Just like the majority of your customers—the hunters and shooters of America—I’m getting older.<sup>238</sup>

People in the gun industry are keenly aware of these mordant facts. Like any other mature industry hemmed in by static markets, it prizes innovation. Those who innovate survive a bit longer. Those who do not fall by the wayside. Thus, gun manufacturers are constantly searching for new designs and new niche markets (such as women and racial and ethnic minorities). And what is good for the gun industry usually is bad for the public.

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<sup>cc</sup> Firearms ownership has declined and those who own guns typically own more than one. In the 1950s, about half of American households reported owning a firearm. This dropped to just 35 percent by 1994. Only one in six adults owns a handgun. In 1994, just 10 percent of firearms owners held 77 percent of the privately owned guns in America. Philip J. Cook and Jens Ludwig, *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use, Summary Report* (Washington, DC: Police Foundation, 1996).

Fifty caliber sniper rifles are no exception. The civilian marketing of these guns combines three characteristic features of gun industry innovation: increasingly deadly firepower, movement into the civilian market of military innovations, and rapid proliferation with accompanying drop in price whenever a new niche is discovered.<sup>dd</sup> Section One documented in detail the increased lethality that 50 caliber sniper rifles bring to the civilian market. This section documents the proliferation of makers and models, as well as the plummet in prices.

### ***Firepower***

In its 1999 report, *One Shot, One Kill*, the VPC warned that “another deadly innovation is becoming more prominent in the civilian marketplace, this one perhaps more lethal than any of its predecessors: the military sniper rifle.”<sup>239</sup> Most Americans were shocked to learn of the unrestrained sale of 50 caliber sniper rifles. The danger of 50 caliber sniper rifles to the nation detailed above in this report, and in the VPC’s earlier report, have been clear for years. Yet the gun industry has done what it always does: churned out more and more models of greater and greater killing power at lower and lower price. This infusion of lethality is the nicotine of the gun industry, designed to hook new customers and keep old customers, all in reckless disregard of clearly foreseeable consequences.

### ***Proliferation***

In *One Shot, One Kill* the VPC was able to identify seven companies in this country that were apparently marketing 50 caliber sniper rifles to civilians, not counting one company that the VPC was not sure was actually selling guns in the United States.<sup>240</sup> In preparing this report, the VPC identified 15 apparently active candidates. The word “apparent” is used because no one—including the federal Bureau of Alcohol, Tobacco and Firearms, which is responsible for enforcing federal gun laws—knows for sure how many makers of 50 caliber rifles there are. *Forbes* magazine says that more than two dozen companies make 50 caliber rifles.<sup>241</sup> Some of these may be small specialty shops that make only a handful of guns every year on special order.

In any event, it is clear that this new heavy sniper rifle niche is booming. “Fifty-caliber shooting is picking up speed, fast,” a partner in a West Virginia customs-firearm manufacturing firm said early this year. “They’re becoming very

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<sup>dd</sup> For a detailed discussion of these factors, see Tom Diaz, *Making a Killing: The Business of Guns in America* (New York, The New Press, 1999).



popular, very quickly."<sup>242</sup> Internet web sites trading in firearms make similar reports. Impact Guns says that 50 caliber rifles are "one of our most popular items," and warns that "demand for 50 BMG rifles currently exceeds production."<sup>243</sup> ARM USA, an Internet gun site started in 1999, says its "just begun building custom rifles and stocking 50 BMG rifles." In a revealing comment that speaks not only to the relative power of the 50 caliber sniper rifle, but the cynicism of those who sell them, the site declares:

We're enjoying the heck out of ourselves selling 50 caliber guns (and they banned AR-15s for being "evil" assault weapons).<sup>244</sup>

This boom in civilian sales of 50 caliber sniper rifles is part of the broader success in military sniper rifle marketing by the gun industry that the VPC identified in its first report. The editor of the fan magazine *Gun World* also wrote in August 2001 about the trend in sales of police sniper rifles, which are generally in the 30 caliber range:

Another trend in rifles that caught me by surprise has been the great popularity of police sniper or "tactical" rifles. I had thought that a police sniper rifle would be of but passing interest to anyone who was not himself a police sniper...but this is obviously not the case.<sup>245</sup>

Aside from the confirmation of the sniper rifle trend identified by the VPC in 1999, an interesting aspect of this quote is its unabashed use of the term "sniper rifle" and its equating them to "tactical rifles." The VPC's earlier report pointed out that industry sources are sensitive to the unsavory connotations of the word "sniper." Therefore, they usually deny there is such a thing as a "sniper rifle"—just as they deny there is such a thing as a semi-automatic assault rifle—or, at best, use euphemisms like "tactical rifle" or "countersniper" to describe their guns.

Other evidence of this trend is found in *Forbes* magazine's report that although military contracts helped push Barrett Firearms Manufacturing revenue from \$1 million in 1988 to \$8 million last year—growth while the industry overall has been shrinking—civilian sales are what "keep the production lines humming between government contracts, which can take up to a decade to hash out."<sup>246</sup> (It is not known whether sales to Al Qaeda are counted under the military or civilian column.) *Forbes* quotes Ronnie G. Barrett as saying with respect to his civilian sales, "If the military had to support me, I wouldn't be here. None of this stuff would be here."<sup>247</sup>

*National Defense* magazine made a similar observation about Knight's Armament Company of Vero Beach, Florida, which supplies the SR25 30 caliber (7.62mm) sniper rifle to the U.S. Army Rangers and Navy Seals, but also markets a 50 caliber sniper rifle, the SR-50. Referring to the SR25, the magazine noted,

“Civilian consumers will see the changes in commercially available versions of the same weapon. Ironically, the SR25 began as a military project, but was sustained in the development process by commercial sales.”<sup>248</sup>

### ***The Civilian-Military Nexus***

This brings us to the emergence in 50 caliber sniper rifle sales of another aspect of the gun industry—the import into civilian markets of designs and technology originally developed for the military. The gun trade magazine *American Firearms Industry* described this phenomenon as follows:

Anything in small arms manufacturing that is developed and adopted by the military, always ends up in one form or another at the civilian consumer level. You, as a dealer, have to know what the government contract R&D departments are producing, because it's just a matter of time before sporting arms manufacturers incorporate new methods, ideas and materials into the products they produce and an even shorter period of time before your customers start asking about them.<sup>249</sup>

Of course, writ broadly, the very fact that 50 caliber sniper rifles have emerged as a hot item in the civilian gun market reflects this phenomenon. But it is also demonstrated precisely in the nexus between the Army's call for a new 50 caliber sniper rifle design, designated the XM-107.

At least two manufacturers of 50 caliber sniper rifles competed for the contract, Barrett and EDM Arms. Barrett won the contract, and designates its winning “bullpup” design the 95M/M107.<sup>250</sup> It also now offers a virtually identical civilian model, designated the Model 95, which it advertises in such places as *Soldier of Fortune* magazine.<sup>251</sup> The specifications of the Model 95 that are listed on Barrett's Internet web site are the same as its XM-107 military sniper rifle model.<sup>252</sup> Even though EDM Arms did not win the competition, it now markets a “Windrunner XM-107,” referring on its Internet web site to the Army competition standards, and says that is continuing to try to sell the gun to the military.<sup>253</sup>

The nexus goes beyond official competition. When the NRA wanted to test fire Barrett's new lower priced Model 99 (see below), it needed first to find a place to shoot the gun. It turned to a cooperative U.S. Marine Corps. “A .50BMG rifle can't be fired everywhere, so for testing we made arrangements with S/Sgt. Heishman and Gy/Sgt.-9 Riddle to fire the gun at the Test and Evaluation Facility at the Quantico, Va., Marine Corps Base.” The Marine Corps accommodated the NRA by making available its Universal Return to Battery fixture, which was “developed by the Marines

for their own use and is not available for purchase."<sup>254</sup>

### **Price Reduction**

Apologists for the civilian sale of 50 caliber sniper rifles have often cited the list price of Barrett's Model 82A1, which is currently advertised at \$7,300,<sup>255</sup> but is listed at lower prices in, for example, an Internet web site listing a price of \$6,999.<sup>256</sup> In fact, Barrett is not even the high end of the 50 caliber sniper market—if Barrett is the Cadillac of guns, Accuracy International is the Rolls Royce. An English company that has long supplied the British military with sniper rifles, Accuracy International recently opened a plant in Tennessee. It lists on its Internet web site a suggested retail price of \$10,950 for its 50 caliber sniper rifle, the AW50, but the rifle was listed on an Internet site more recently at \$12,265.<sup>257</sup> But, as shown in Section Two of this report, even the high-end prices have not been a bar to terrorists, militias and other fringe groups, as well as common criminals who want the power and range of the 50 caliber.

In any case, prices for 50 caliber sniper rifles have fallen precipitously as a result of burgeoning competition. A particularly good example of the pressure toward lower prices is the ArmaLite AR-50, introduced in 1999 (the imminence of which was noted in the VPC's earlier report). This 50 caliber rifle has gotten excellent reviews from such publications as *The Small Arms Review* and the NRA's official journal, *American Rifleman*, which praised the gun's "low price and mild recoil."<sup>258</sup> Manufactured by a company that specialized in semi-automatic assault rifles, the suggested retail price in February was listed on the company's web site at \$2,615.<sup>259</sup> However, the gun has been offered for less on Internet web sites. For example, two AR-50s were offered by one site in late September at a price of \$2,299 each,<sup>260</sup> another was offered for \$2,450 at a different web site the same day.<sup>261</sup>

Reduced price was exactly what ArmaLite was after as a marketing strategy, according to a glowing review in *The Small Arms Review*:

Mark and Judy Westrom (President of ArmaLite, Inc. and *Real Commander in Chief*, respectively) wanted to build the .50 Caliber rifle "for the masses." There were plenty of .50 caliber rifles on the market, but they all suffered from the glaring defect of prohibitive cost....The initial goal was to produce an "economical" .50 Caliber rifle that would fall within the price range of the rest of the ArmaLite product line. The key to potential success in this project was to apply modern manufacturing techniques to a new, robust and simple design and produce the rifles in quantities sufficient to achieve the cost break.<sup>262</sup>



Perhaps responding to this lesson in Economics of Marketing 101, Barrett has introduced its new lower end model 99, for which it suggests a retail price of \$3,100 in its advertisement in *Soldier of Fortune*.<sup>263</sup> Other 50 caliber rifles are offered for much less. Serbu Firearms offers its BFG-50 single shot 50 caliber at \$1,975 and its five-round, magazine-fed rifle at \$2,595.<sup>264</sup> The LAR Manufacturing Grizzly Big Boar—the “big toy” of choice of cop-killer “Fifty Cal Al” Petrosky—is offered on its web site for \$2,095,<sup>265</sup> but was recently offered on an Internet web site by a dealer at a price of \$1,825.<sup>266</sup> At the very low end is Watson’s Weapons, which offers for \$1,249 on its Internet web site a 50 caliber upper receiver that can be fitted by the do-it-yourself enthusiast to any standard AR-15 lower receiver, producing a 50 caliber rifle.<sup>267</sup> Watson’s also offers the already assembled hybrid 50 caliber for \$1,600.<sup>268</sup>

And for those skilled in the tool shop, there is the “ultimate do it yourself project”—a video and companion volume, *The Home Workshop .50-Caliber Sniper Rifle*, available from Paladin Press and touted in such places as the *Militia of Montana 2001 Preparedness Catalog*.<sup>269</sup>

### **Shooting Ranges**

Owners of 50 caliber sniper rifles who intend to use them for long-range competition have a chronic problem, which is not only finding a safe place to shoot them, but finding a place that will let them shoot. A gun that fires bullets that can travel 8,000 yards and fires ammunition that pierces steel and sets things on fire is not welcome on many firing ranges. The potential liability is massive.

The Fifty Caliber Shooter’s Association’s president described this problem as “very serious to [sic] the future of FCSA,” in introducing the following lament:

As many of you have experienced, we as fifty caliber shooters are routinely discriminated against by not being allowed to shoot at many shooting ranges. At this time we are restricted from more shooting ranges across America than we are allowed to shoot on. Mostly, this is because of the loud noise we generate...or the total misunderstanding of the average range master or shooter when it comes to the .50BMG.<sup>270</sup>

The same article also hinted obscurely at some sort of odd conspiracy on the part of “a very few members of the high power shooting community to have fifty caliber shooters restricted from 1,000 yard ranges all over the country. At this time there are at least six (6) 1,000 yd. ranges where FCSA is not welcomed to host competitions.”<sup>271</sup> Internet chat posted by 50 caliber shooting enthusiasts on the





bulletin board at [www.biggerhammer.net](http://www.biggerhammer.net) also complained about shooters who fired armor-piercing incendiary rounds and set the back stop on fire, and another "yahoo who was unable to keep his rounds on range, and perforated a home several miles downrange....50's have been banned."<sup>272</sup>

### ***The Growing Sniper Culture***

The VPC's earlier study, *One Shot, One Kill*, reported in detail on the emergence and growth of a sniper subculture in the American gun culture. It is apparent from the booming sales of 50 caliber sniper rifles, the steady issuance of new books and videos on sniping, and the sheer volume of postings on such sites as [www.biggerhammer.net](http://www.biggerhammer.net) that this culture continues to grow.

### ***Sniper Schools***

Another recent phenomenon is the growth of civilian sniper training schools. The *CBS Evening News* reported in March 1999 there were eight such schools, and "two more soon to follow."<sup>273</sup> Although some of these schools may be restricted to law enforcement or active duty military personnel, others are open to civilians. Press reports of on-site visits to schools indicate that at least three such schools are open to civilians: Thunder Ranch in Texas,<sup>274</sup> Gunsite Training Center in Arizona,<sup>275</sup> and Storm Mountain Training Center in West Virginia.<sup>276</sup>

The training given to civilians at such schools is particularly troubling in light of the flight training taken by the terrorists who mounted the September 11 attacks, and the opinion of the sniping expert quoted in Section Two that current 50 caliber sniper rifles are "simple to operate and require little training time for trained snipers."<sup>277</sup>

## **Section Five: The Future is Now**

Survivors in the gun industry do not rest on their laurels. The entrepreneurs who powered the 50 caliber wave are already working on new designs.

One of these new designs is the .408 Cheyenne Tactical, manufactured by Tactical High Energy Impact Systems. Advertisements for the rifle invite the reader to “seize those mysterious distances beyond 1000 yards.”<sup>278</sup> Material posted on the company’s Internet web site claims that the .408 Cheyenne Tactical cartridge “provides greater kinetic energy and hitting distance...but does not have the weight disadvantage of the .50 Browning cartridge.”<sup>279</sup> The company says that the “mission for the sniper round is to selectively hit enemy targets located at great distances....[with] a limited anti-material role.”<sup>280</sup> The maximum range is “known to be greater than 3000 yards.”<sup>281</sup>

Some manufacturers may choose to refine the .338 Lapua Magnum, an intermediate round falling in size and power somewhere between the traditional military 30 calibers and the .50 BMG. The .338 Lapua Magnum was designed in the late 1980s “as a long-range European military sniping round,” according to sniping expert John Plaster. He advises that its “great speed and heavy weight makes for especially lethal long-range shooting and good penetration against vehicles and aircraft—typical counterterrorist targets—as well as building materials.”<sup>282</sup> Some manufacturers already offer .338 Lapua Magnum sniper rifles.

According to *Forbes*, sniper magnate Ronnie G. Barrett plans later this year to make his “boldest move” yet, “when he steps out of the .50-caliber niche with a new .30-caliber tactical rifle designed for police SWAT teams. Barrett hopes that market will boost annual sales to \$20 million over the next three years.”<sup>283</sup> The magazine does not say whether Barrett plans to offer the new SWAT sniper rifle to civilians, but if the past is any guide, it will be. It is not clear whether the new 30 caliber will be a .338 Lapua Magnum.

What is clear is that the American people will remain prey to whatever more deadly innovation the gun industry comes up with until a change is made. That change ultimately must involve implementation of a regulatory mechanism that will subject firearms to the same product health and safety standards to which every other consumer product in America (except for guns and tobacco) is now subject.

## ***A Rational Plan of Action***

The Violence Policy Center proposes the following strategy for dealing with the deadly consequences that are certain to follow this cynical gun-industry 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, and 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 assessing 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.

### ***Ban the Sale of Armor-Piercing Ammunition***

Military surplus armor-piercing (AP) and armor-piercing incendiary (API) ammunition for .50 sniper rifles is widely and readily available. Although Congress has banned the manufacture of some armor-piercing ammunition, those restrictions apply only to handgun ammunition. The existing ban on armor-piercing ammunition should be updated and expanded to cover all AP and API ammunition. This would most effectively be accomplished through the promulgation of a performance standard in which ammunition is tested for its ability to *penetrate* bullet-resistant vests, ballistic glass, and armor,<sup>ee</sup> as opposed to the existing standard based on the bullet's *content*.

### ***Enact Comprehensive Regulation of the Gun Industry***

Taken together, the foregoing recommendations would significantly reduce the severe and immediate threat that heavy and intermediate civilian sniper rifles pose to public safety and national security. But on a broader level, the marketing of 50 caliber sniper rifles to civilians simply highlights the chronic problems that stem from the lack of comprehensive regulation of the firearms industry.

As the gun industry markets each new deadly innovation, public policy typically responds on a reactive, piecemeal basis. This must change if we are to keep up with the industry's consistent and deadly ingenuity. *The gun industry must be subject to the same type of regulation that already applies to virtually every other industry in America.* The gun industry is currently exempt from even the most basic consumer health and safety laws.

Congress should act on legislation introduced by Senator Robert Torricelli (D-NJ) and Representative Patrick Kennedy (D-RI), the Firearms Safety and Consumer Protection Act. The bill would vest the Department of the Treasury with strong consumer protection authority to regulate the design, manufacture, and distribution of firearms and ammunition. The agency would be empowered to take the steps necessary to protect the public from *unreasonable* risk of injury resulting from the use of firearms or firearm products. The agency would be able to set minimum safety standards for firearms and ammunition, issue recalls, mandate safety warnings and, in extreme circumstances, ban certain models or classes of weapons.

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<sup>ee</sup> The current definition of armor-piercing ammunition is based on the materials employed in the construction of the projectile and the relative weight of the projectile jacket. See 18 U.S.C. § 921 (a)(17)(B) and (C).

This legislation would end the gun industry's deadly immunity from regulation and permit the Department of the Treasury to respond immediately to new threats to public safety such as sniper rifles.

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13. David A. Shlapak and Alan Vick, RAND, "*Check Six begins on the ground*": *Responding to the Evolving Ground Threat to U.S. Air Force Bases* (1995), fn. 28, p. 60.

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