

# **AG Kaul: Joins 19-state coalition arguing ATF has failed to regulate ghost guns; same type used in 2018 Middleton workplace shooting**

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MADISON, Wis. – Attorney General Josh Kaul today announced he joined a coalition of 19 attorneys general urging the U.S. District Court for the Southern District of New York to compel the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to properly regulate untraceable partially-assembled “ghost guns.” In an amicus brief filed in *Syracuse v. ATF*, the coalition asserts that the ATF must correct its unlawful 2015 interpretation of the Gun Control Act (GCA). The Attorneys General argue that ATF’s improper reading of the GCA effectively gave the green light for unlicensed online retailers to sell nearly-complete firearms that can easily be converted into fully-functioning weapons. They further argue that these ghost guns endanger residents of amici states and impede law enforcement’s ability to investigate and prosecute criminal activity. When a gunman opened fire on employees at [Paradigm in Middleton in September 2018, he used a ghost gun.](#)

“A ghost gun put the lives of Wisconsinites in danger in 2018, when a gunman opened fire at Paradigm in Middleton. We must limit the proliferation of these untraceable weapons that make communities across the country less safe,” said Attorney General Kaul. “While Congress has passed legislation that should be used to help limit the proliferation of ghost guns, the interpretive rule challenged in this case leaves communities without the protection the federal government should be providing against these weapons.”

From the 1980s through the early 2000s, ATF classified the core components of handguns and rifles—frames and receivers—as “firearms” subject to federal

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

On August 26, 2020, Everytown for Gun Safety and four municipalities filed a suit against the ATF and the U.S. Department of Justice alleging that those agencies unlawfully concluded that ghost guns are not “firearms” under the GCA. In an amicus brief supporting the plaintiffs, the multistate coalition urges the court to force ATF to properly regulate ghost guns because:

- **Ghost guns are prohibited by federal law:** The GCA requires “firearms” to include serial numbers and purchasers of those weapons to pass a background check, among other requirements. Specifically, the statute defines “firearm” as “any weapon which will or is designed to or may readily be converted to expel a projective by the action of an explosive” or “the frame or receiver of any such weapon.” This clearly describes the nearly assembled guns these companies are selling, which are sold without background checks and not marked with serial numbers.
- **Untraceable weapons threaten public safety:** ATF’s unexplained interpretation emboldened the ghost gun industry and allowed it to rapidly expand across the country. Ghost guns were virtually absent from many jurisdictions prior to the adoption of the new interpretation. Now, according to a recent report, there are 80 online sellers of partially unfinished frames and receivers, and the increase in ghost gun sales is readily apparent on the local level.
- **Ghost gun dealers are using the ATF’s rule to mislead consumers:** Companies that sell ghost guns have pointed to the ATF’s rule to claim their products are legal, disregarding numerous state laws that specifically ban the sale of these firearms.

A copy of the brief is [available here](#).

Today’s brief was also joined by the attorneys general of Connecticut, Colorado, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Michigan, Minnesota, New

Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and Washington.

Press release: <https://www.doj.state.wi.us/news-releases/ag--kaul-joins-19-state-coalition-arguing-atf-has-failed-regulate-ghost-guns-same-type>