

# Another Firearm for Mass Deaths

by  
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The term “firearm” means

- (A) any **weapon** (including a starter gun) which will or is designed to or may readily be converted to **expel a projectile by the action of an explosive**;
- (B) the frame or receiver of any such weapon;
- (C) any firearm muffler or firearm silencer; or
- (D) any destructive device. Such term does not include an antique firearm.

18 U.S.C., § 921(a)(3)

Of importance to this discussion are the words highlighted in red in paragraph A along with paragraphs B and C.

There is no legal definition of the words weapon, expel, or projectile. These words do have common use definitions.

- Weapon – a comprehensive term for all instruments used in injuring a person.
- Projectile - any object that moves forward due to some energy source behind it.

But what about “explosive,” is there a legal definition? The answer to that question is yes and no. Several quasi-legal definitions can be found in various federal statutes that were developed by various departments and agencies. The definitions can be summarized as “any chemical compound mixture or device, with the primary or common purpose of functioning by explosion.” In 2012, Todd Jones, acting director of ATF compiled a list of chemical compounds that are designated as explosives (<http://www.gpo.gov/fdsys/pkg/FR-2012-09-20/pdf/2012-23241.pdf>). There are however two major problems with the definitions and list of explosives.

1. In a recent finding by SCOTUS, departments, agencies, etc. of the US government cannot arbitrarily establish rules, regulations, etc. without Congress allocating that authority to them. This means that ATF currently does not have the authority to define and/or regulate what is/is not a firearm, weapon, or explosives. Therefore the definitions and/or regulations that ATF has implemented may be determined unlawful (but don't hold your breath on that).
2. The other problem is multifaceted in that the definitions of weapon, projectile, and explosive (force) are very intertwined and yet at the same time too limited for application in today's society and future generations. For example, in the 1930s, the “XZ-31 Rocket Pistol,” a ray gun, was used by Buck Rogers to fight off alien space invaders. Today, sonic and light wave weapons are being tested by the US military. ATF rules and regulations do not cover these firearms. There are

even other “firearms” and their associated components that are not covered, and yet result in almost daily mass shootings.

Let’s move on to paragraphs B of the firearms definition. Typically rifles, shotguns, revolvers and pistols are thought to be firearms. However, ATF defines the bottom part of these items to be the firearm, not the barrel or removable parts such as the stock, handgrips, bolts, etc. These bottom parts are called the frame or receiver. Similar to paragraph A, “frame” and “receiver are poorly defined.

The last paragraph of the firearms definition [(D) any destructive device.], is the only paragraph that makes sense and yet it too, is restrictive in the scope of devices. Many items can be used for either construction or destruction. For example, a knife can be used to cut up food, or used to kill someone. According to the FBI, the number one weapon in domestic violence is the claw hammer. Baseball bats have often been used to kill people. And yet we don’t hear the fervor among any group for control of these weapons.

When reading federal definitions, rules and regulations, one cannot but help think of the parable of 6 blind men and the elephant. Just as the 6 men defined the elephant based on their senses and experiences, politicians and government employees have blinders such that they have limited views of the issues/problems, only think in the moment, and rarely consider the consequences of their decisions/actions. It is no wonder that our laws, rules, and regulations have such extensive convoluted verbal diarrhea.

Now let’s get to this other “firearm” use in mass killings. This “firearm” is imported daily from several countries around the world. It comes in through our seaports and across our borders, especially our southern border.

This “firearm” caused over 91,800 deaths in 2020. And yet, while law enforcement and a few politicians have called for greater control of this firearm, there has been very little public outcry for control and our present administration is seemingly ignorant or just downright ignores the problem.

This “firearm” definitely meets the requirements set forth in paragraph 2 of 18 U.S.C., § 921(a)(3). Depending on how it is used, it can also meet the other requirements of the same law.

So what does this firearm look like?

It can be manufactured as a liquid, pill, or capsule. the general classification of this firearm is called “opioids.” The deadliest “gun” of this firearm class is called “Fentanyl,” an illegal drug primarily coming in through our southern border and being quickly distributed throughout the nation via “underground railroads.”

Since opioids come in liquid, pill, or capsule forms, how can we call the firearms? Let’s look at each of forms and how they are actually firearms by ATF’s definition.

## Liquid

Illegal drugs often come in liquid form. The liquid is typically injected into a person using a hypodermic syringe/needle. Hypodermic syringes have been used as weapons for more than 100 years. Following is how they are compared to ATF's definition of handguns.

	<b>Semi-auto Handgun</b>	<b>Syringe</b>
<b>Weapon</b>	The gun	Syringe with needle
<b>Projectile</b>	Bullet	Liquid drug
<b>Explosive action</b>	Gun powder	Finger pushing plunger
<b>Frame/receiver</b>	Bottom part housing the trigger	Syringe with needle

## Pill/tablet

Pills and tablets are made by compressing or molding a drug along with fillers and press it all together. Sometimes a gelatin type coating is applied to the outside of the pill so that it can be swallowed easier.

	<b>Semi-auto Handgun</b>	<b>Pill/Tablet</b>
<b>Weapon</b>	The gun	The pill/tablet with drug
<b>Projectile</b>	Bullet	Drug incorporated in the pill
<b>Explosive action</b>	Gun powder	Fingers pushing pill in mouth, and swallowing
<b>Frame/receiver</b>	Bottom part housing the trigger	Mouth

## Capsule

A capsule is a soluble gelatin that forms a container designed to store medications or drugs. The medications/drugs are usually in a powder or jelly like form. Capsules are easy to swallow and are used when the drug cannot be compacted into a pill/tablet. They are also used when the drug needs to be mixed with some liquid to aid absorption in the body. Capsules cannot be cut into pieces or crushed like pills can be.

	<b>Semi-auto Handgun</b>	<b>Syringe</b>
<b>Weapon</b>	The gun	Capsule with drug
<b>Projectile</b>	Bullet	Liquid drug
<b>Explosive action</b>	Gun powder	Fingers pushing pill in mouth, and swallowing
<b>Frame/receiver</b>	Bottom part housing the trigger	Mouth

A major problem that our nation faces is that government is way too large. The most prominent consequence, other than increased taxes, of this growth is an inefficient government where the Executive and Legislative branches have created too many

- Departments, agencies, boards, commissions and committees
- laws, rules and regulations

with each having overlapping, fragmented, conflicting, convoluted and ambiguous responsibilities, and assumed authority.

For example, in the early to mid-1970s, a tractor trailer entering Wyoming near Sheridan would have to have a fire extinguisher located inside the driver's cab. However, several miles down the road, truckers were required to have a fire extinguisher located on the outside of the cab (tractor). The problem was that the Bureau of Land Management and the Department of Transportation were in opposition as to where the fire extinguisher had to be located. This conflict was later resolved but is an example of government not considering the consequences of its actions.

Another example of government ineptness really does not need discussion revolves around the IRS and tax code. Congress writes the laws that the IRS interprets, and which we are supposed to interpret and understand. We know how convoluted the tax code is.

A third example of government's pervasive inability to create simple, clear, and succinct law revolves around the control of nuclear weapons and material. For a nuclear bomb to go off, nuclear fusion or nuclear fission is required. For either of these to happen, an "outside" explosion must occur to start the nuclear reaction. This "outside" explosion is much like the primer in a cartridge (generally called bullet), that is used to set off the gun powder, which expels a projectile (actual name is bullet).

There are a minimum of 4 separate agencies overseeing the use and application of weapons using projectiles and explosives.

- National Nuclear Security Administration (NNSA)
- ATF
- Navy
- Department of Energy

All four agencies define weapons according to 18 U.S.C., § 921(a)(3). None of these agencies include knives, spears, swords, clubs, etc. as weapons, and yet we know that they are.

After 9/11 the Department of Homeland Security was formed under the Executive branch. Its initial purpose was to bring together all of the intelligence agencies but has since grown to include 22 agencies, with many of them having overlapping responsibilities.

[https://en.wikipedia.org/wiki/United\\_States\\_Department\\_of\\_Homeland\\_Security](https://en.wikipedia.org/wiki/United_States_Department_of_Homeland_Security)

Let's return to the ATF which is under the Department of Justice. Two other agencies under DOJ are the DEA and FBI.

There is no doubt that the ATF firearm definition is extremely limited and needs to be expanded to include other items that meet the definition of weapon. Also the DOJ needs to reorganize its agencies and responsibilities.

With an expanded weapons definition, the ATF and DEA need to be consolidated along with selected FBI responsibilities. Such reorganization will reduce overlapping responsibilities, streamline investigations, and produce more positive outcomes for the nation and its people. At the same time selected responsibilities from agencies under DHS should also be transferred to the newly formed agency.

In summary, since 2009, there have been 279 mass shootings in the US, resulting in 1576 deaths. Sixty-one percent (61%) of the shootings occurred in homes while 30% happened in public spaces such as schools, malls, and bars.

<https://everytownresearch.org/maps/mass-shootings-in-america/>

In contrast to 12 years worth of mass shootings, in 2020 alone there were:

<u>Primary Drug</u>	<u>Drug Overdose Deaths</u>
Fentanyl	56,516
Methamphetamine	<u>23,837</u>
<b>Total</b>	<b>80,353</b>

<https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>

Recently letter to federal, state, and local law enforcement agencies, the DEA, similar to ATF's characterization of mass shootings, defined a new class of overdoses as Fentanyl-related mass-overdose events, which are characterized by three or more overdoses occurring close in time and at the same location.

The gun control advocates need to readjust their thinking and start advocating to control this new firearm – drugs – especially since more children and teens are killed by overdosing per year than 12 years of mass shootings.

To stop this drug epidemic we need to stop thinking of it as a mental health issue. While addiction is a mental and physical health issue, the smugglers, dealers, and pushers are criminals destroying the security of our nation and communities, destroying individuals, families and communities, and costing taxpayers millions of dollars.

Contact your legislators at both state and federal levels, and your local community leaders. Help them to realize the cost to our nation, communities, families, and people that this out-of-control epidemic is causing.