

## SWAT Officer Dennis Quilio's Remington 700 Experiences

There is a potential danger lurking within what is likely the most popular rifle in use by police SWAT marksmen in this country. The Remington Model 700 is probably used by more SWAT teams than any other model of rifle, and for good reasons. It is accurate, and reasonably priced. At a time when other rifles for tactical marksman use are selling for \$2000 to well over \$4000 each without optics, the Remington M700 lists for well under \$1000 with accuracy routinely better than minute-of-angle (about one inch at one hundred yards). In fact, the M700 is arguably the most popular bolt-action sporting rifle in the world, with over 4 million produced, including the US Army's M24 and Marine Corp's M40 sniper rifles.

The problem is that every M700 rifle manufactured before 2007 has the potential to fire when moving the safety from the "Safe" to the "Fire" position. It is an inherent design flaw, which was not fixed for the first forty-five years of the M700's production and has been in use by Remington on other rifles since 1946. Most SWAT snipers and their supervisors are unaware of this problem and put their officers, the public, and suspects at risk of injury or death every time their team deploys on a mission. The Remington Model 700 PSS rifle (and every other version of the Remington M700) has the potential to fire upon releasing the safety.

I have been aware of this potential for about seventeen years, and have had proof of it for eight. As an instructor with the Washington State Criminal Justice Training Commission, teaching at both Basic and Advanced SWAT Scout/Marksman (Sniper) courses, I see a significant number of the snipers coming through these courses armed with M700s as their primary rifle. The fact that almost none of these officers coming through our program for the first time have heard of this problem tells me the word is not getting out. Obviously, their supervisors are not aware of the potential danger with these rifles either, or they would have said something to their new snipers when they issued the rifles.

The problem has been documented before in print media such as Consumer Reports and Business Week<sup>1</sup> and has been covered by the CBS Evening News<sup>2</sup>. Although the information is there, it's only available if you know to look for it. I have heard anecdotes of police snipers losing their positions on SWAT teams because of inadvertent discharges with their rifles, and it's very likely at least some of those discharges were the fault of the

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<sup>1</sup> Remington Faces a Misfiring Squad, Business Week, 23 May, 1994

<sup>2</sup> Fixing a Fatal Flaw, CBS News, 6 Feb, 2001 and 6 Mar, 2002

rifle they were using. I have personally spoken with military snipers who have had their M24 (military version of the M700) discharge when they released the safety. The King County (WA) Sheriff's Department SWAT team had a brand new M700 in 2004 which would fire as the safety was released. In the civilian world, people have been maimed and killed at least in part because of defective Remington rifle triggers<sup>3</sup>. Obviously, this information needs to make its way to the police sniper community at large, and this is my effort to do just that.

I'm not out to disparage Remington. Overall, their rifles are fine weapons, especially when you consider the level of accuracy you get for the money, and they have taken steps (albeit slowly) to correct the problem. Remingtons are by no means the only rifles I have observed problems with. Any mechanical device can develop a problem. The fact remains, however, that there is a potentially unsafe condition in all Remington Model 700 rifles manufactured prior to 2007, and that includes most of the rifles currently in police SWAT service. The difference between an occasional mechanical malfunction with other makes of rifles and the Remington's tendency to malfunction is that Remington's is a faulty design that went unaddressed for over sixty years.

I first heard about the possibility of Remington M700s firing when the safety was released when I was assigned as a sniper on our SWAT team in 1992. The sniper team leader at that time told me our policy was to load the magazine and chamber a round, but not to completely close/lock the bolt. We didn't use the safety because of the known condition with the Remington trigger, and our version of safe was to leave the bolt handle up. That left us with a loaded rifle ready for immediate use, but it couldn't be fired inadvertently. I heard the story in more detail from a different source at a sniper course I attended in 1994. Since we had a remedy for the problem (leaving the bolt handle up), I never really worried about it; we just didn't use the safety. We operated that way for the next eight years.

In 2001, one of our snipers was crawling through some brush on a call-out and his rifle fired, sending a round into the garage of a house down the street. Apparently his bolt was bumped, which closed it all the way and the trigger got caught on some brush while he was low crawling. I was the team leader then and had to explain to the department administration and Internal Affairs why we didn't use the safeties supplied on our rifles. After the internal investigation, the department and SWAT team administrators decided that the rifles would not be deployed unless the safety was engaged.

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<sup>3</sup> Remington Faces a Misfiring Squad, Business Week, 23 May, 1994

I called Remington and spoke with a customer service representative who told me that there was no problem with the rifles as designed and manufactured. The only rifles Remington had seen with the problem I described had been woefully neglected and dirty to the point the trigger mechanism was affected, and/or had unauthorized trigger work. The rep also said she wasn't aware of any issues on post 1982 M700s. Prior to 1982, the bolt could not be opened with the safety "on". They fixed that situation and all rifles made after 1982 could be safely manipulated with the safety on. Remington's official stance, however, was that it was not done in the name of safety. They claimed "(t)he removal of the bolt lock in 1982 was due to customer preference. This was not at all related to a safety issue."<sup>4</sup>

This was good news and bad news for us- good news because our rifles had been manufactured in 1989 and 1990 (we bought them new for the 1990 Goodwill Games), but bad news because when we got them, one of our shade-tree gun mechanics had adjusted all the trigger pulls so they were consistent from rifle-to-rifle at 3 ½ lbs. We immediately sent all six rifles to the Remington repair center in Oregon to have the triggers re-set to factory specs. They did that with three of the rifles and totally replaced the trigger assemblies on the other three.

When we got the rifles back in August, 2001, we began using the safeties religiously. At a training session just three months later, one of our snipers had his loaded rifle sitting on the bench facing down-range. As he got behind the rifle, he reached up and pushed the safety "off" with one finger of his firing hand. He did not have a finger on the trigger and the incident was witnessed by another sniper. When he took the recently repaired rifle off safe, it fired. After some experimenting, we were able to re-create this condition several times. We played with the other guns, and two of our other rifles were susceptible to the same problem. Three of our six rifles were prone to a condition that Remington officially denied could occur.

With no confidence in Remington, I began to do some research to try to find a fix, whether it was a new trigger or a new rifle. I knew that we'd never convince our department's administration to approve the purchase of six new rifles if we couldn't justify it. What I found was rather disturbing.

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<sup>4</sup> Remington Faces a Misfiring Squad, Business Week, 23 May, 1994

As early as 1946, the designer of the trigger, Merle (Mike) Walker, notified his superiors of this potential safety flaw when it was used in the then-new M721<sup>5</sup>. Remington not only failed to heed his warning, but used the same trigger on several subsequent models of rifle, including the M700. Over the years, Remington had been sued a number of times for injuries caused by their rifles discharging unintentionally. Remington prevailed in court eight out of twelve times after 1981 and negotiated eighteen more settlements<sup>6</sup>. In 1981, Remington was developing a trigger assembly that would have removed the bolt lock, insured the trigger couldn't move with the safety "on", and made the trigger "inoperative when adjusted out of spec." By their own estimate, it would have cost an additional 32 cents per gun to implement those changes<sup>7</sup>, yet they chose not to.

Then, in 1989 a lawsuit arose stemming from a discharge in which a hunter lost his foot. For the first time in court, internal Remington documents from the past four decades were introduced as evidence<sup>8</sup>. Those documents showed Remington had knowledge of the faulty triggers for the previous forty plus years, but had chosen to conceal that fact from the public and failed to act on the information due to financial reasons. Remington's estimate was that only one percent of the Walker designed triggers were susceptible to the "fire on safe" or "fire on release" condition. To find that one percent would require the recall of the 2 million M700 rifles produced prior to 1975 "just to find 20,000 that are susceptible to this condition"<sup>9</sup>. Remington made the decision to not take that step as they felt it "would undercut the message we plan to communicate to the public concerning proper gun handling."<sup>10</sup>. Due to the introduction of those internal documents, the jury awarded the plaintiff \$17 million dollars, \$15 million of which were punitive.

In October, 2000, nine year old Gus Barber of Montana was killed when his mom tried to load her Remington Model 700 after a hunting trip. She had a pre-1982 model and when she released the safety to open the bolt, the rifle discharged, killing her son. While it's easy to castigate his mom for poor muzzle control, there was actually more to the story and it wasn't quite that simple. CBS News even did a news segment on the problem in

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<sup>5</sup> internal Remington document, "Theoretical Unsafe Conditions of M/721 Safety, M. H. Walker, 3 Dec, 1946

<sup>6</sup> Remington Faces a Misfiring Squad, Business Week, 23 May, 1994

<sup>7</sup> Remington inter-departmental correspondence, 23 Jun, 1981

<sup>8</sup> Remington Faces a Misfiring Squad, Business Week, 23 May, 1994

<sup>9</sup> Remington Product Safety Subcommittee Meeting, 2 Jan, 1979

<sup>10</sup> *ibid*

2001 using Gus Barber as the centerpiece<sup>11</sup>. The upshot was that Remington was again the center of controversy because of their poor trigger design.

After learning all this and obtaining the documentation to back it up, I wrote up a proposal for my agency to acquire new rifles, recommending we get away from the M700. In short order, the money was approved for our team to obtain new sniper rifles and we haven't looked back.

Since then, the Barber lawsuit resulted in Remington instituting a recall of certain pre-1982 bolt action rifles to correct this condition; not every rifle Remington produced in the last sixty years has used the Walker trigger, but the majority have. Finally, in 2007, the company began producing M700s with a re-designed trigger that cannot be fired when the safety is released, the X-Mark Pro. Remington still only acknowledges a defect with the pre-1982 rifles and limited their recall to those, but it is worth noting that the problems my team experienced were with rifles manufactured well after the bolt and safety modifications were introduced, which allowed the bolt to be manipulated with the safety on. The reason for that is simple: the problem was never with the bolt or the safety mechanism. The problem has always been with the trigger. The truth of the matter is that any Remington Model 700 manufactured before 2007 has the potential to fire when the safety is released.

On the training range, this is easily dealt with by keeping the weapon pointed in a safe direction while loaded. On a live operation, there is no completely safe area to point the weapon. We routinely have our rifles pointed over the heads and in the vicinity of the entry element, and in the direction of suspects. Almost everywhere else we could possibly point the rifle (except at the ground, which is frequently not possible) has the potential for having innocent civilians in harm's way, whether in the next apartment, next block or next neighborhood.

What, then, to do? Not every team can afford to immediately dump their sniper rifles and buy new ones, especially in today's economy. Fortunately, that doesn't have to be the only solution. Simply changing the Walker trigger for one made by Timney, Shilen, Jewell or others can be a cost-effective remedy; about \$100 and up, plus the services of a gunsmith. Even Remington's X-Mark Pro trigger can be purchased separately and installed on an older rifle. Although several of these aftermarket triggers are advertised as

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<sup>11</sup> Fixing a Fatal Flaw, CBS News, 6 Feb, 2001 and 6 Mar, 2002

“drop-in” or “no-gunsmithing”, I highly recommend having the work done by a professional.

Again, I’m not putting down Remington. Dollar for dollar, they offer one of the best values available to law enforcement agencies. And, to their credit, they have changed the trigger to the much safer X-Mark Pro and began producing all M700s with that trigger at the beginning of 2007. However, there are thousands of the older rifles still in police service all across the country, and it is vitally important for us as a community to recognize their inherent weakness and take the necessary steps to prevent a tragedy.

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