



FPC Urge Appeals Court to Strike Down Trump Bump-Stock Ban

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WASHINGTON, D.C. –(Ammoland.com)- Today, the Cato Institute and Firearms Policy Coalition announced their filing of an important amicus brief in the appeal of *Aposhian v. Barr*, a case challenging the federal bump-stock ban, at the 10th Circuit Court of Appeals. The brief may be viewed at www.firearmspolicy.org/legal and <https://www.cato.org/blog/again-pointing-out-executive-power-abuses-new-bump-stock-ban>.

Cato and FPC argue in the brief that President Trump’s executive order banning bump stocks was arbitrary, capricious, and unconstitutional. As the court filing explains in detail, the Trump Administration disregarded the statutory definition of ‘machinegun’, a term used in both the National Firearms Act of 1934 (NFA) and Gun Control Act of 1968 (GCA), in order to comply with a presidential mandate to re-classify legal “bump-stock-type devices” as illegal automatic weapons. Further, the brief argued the ATF’s reversal on what constitutes an automatic weapon was based on political expediency and not statutory ambiguity.

What’s more, they argued, the bump-stock ban expands the ATF’s authority to bring more firearms into the NFA’s purview, placing an un-knowable number of gun owners in criminal peril.

“In effect, there is now a Damoclean sword over law-abiding Americans,” explained Cato and FPC in the brief. “What was legal yesterday can be illegal tomorrow.” In other words, this case extends far beyond just bump stocks, and has the potential to affect the future legality of just about anything protected by the Second Amendment.

“Despite having countless opportunities to do so in multiple cases, the government has failed to provide a competent defense of their rule making,” explained Cato’s Matthew Larosiere. “The idea of an unelected bureaucrat deciding what can and cannot land you in federal prison ought to give anyone pause, regardless of how you feel about bump stocks. We hope the Tenth Circuit calls the government on its casual disregard for the Constitution and reigns in this alarming expansion of the administrative state.”

“The ATF had no authority to arbitrarily re-interpret the machinegun statute to achieve the President’s desired policy outcome,” said FPC President Brandon Combs. “Worse, the government’s position that it is ‘ending its exercise of discretion’ means that they believe they can not only reclassify guns and accessories, but they can put people in prison whenever they do

so. That is as egregiously wrong as it is dangerous. FPC has been and remains staunchly committed to fighting the unconstitutional expansion of gun control laws by fiat.”

Cato participated in the rulemaking process by filing a comment in opposition at the NPRM stage, and has filed briefs on the issue at the D.C. Circuit and now in the 10th Circuit. FPC participated in all phases of the bump-stock regulatory process, including at the ANPRM phase, submitting a comment in opposition, and at the NPRM phase, commissioning significant specialized research and filing a comment in opposition with 35 exhibits, including one video of a bump-stock device in use. FPC was a party to the first lawsuit, Guedes, et al. v. BATFE, et al., and is the sole plaintiff in the related case Firearms Policy Coalition, Inc. v. Barr, et al. More information on those cases can be found at www.bumpstockcase.com.