



GUN OWNERS OF AMERICA

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Dear Congressman:

The push to outlaw “bump stocks,” “trigger cranks,” and similar accessories through regulation is much more dangerous than Republicans could ever imagine.

In fact, in our opinion, it could deal a body blow to the Second Amendment.

FIRST, BANNING BUMP STOCKS BY REGULATION IS ILLEGAL AND UNCONSTITUTIONAL.

First of all, it would be illegal and contrary to statute to ban these devices through regulation.

Federal statutes make it clear that “machinegun” -- which has come to mean “fully automatic firearms” -- means: In 18 U.S.C. 921(a) (23) and 26 U.S.C. 5845(b), which it references, a “machinegun” must “shoot, automatically more than one shot, without manual reloading, by a single function of a trigger.”

Under the Hughes amendment (18 U.S.C. 922 (o)), a retrofit which newly (post May, 1986) makes a firearm function in this manner is unlawful.

However, the “bump stock” does not do this.

A “bump stock” allows a trigger to function much more rapidly than would otherwise be the case. But this function of the firearm remains the same! The trigger must function for each round to be discharged.

Thus, under 18 U.S.C. 921 (a) (28), the firearm with the “bump stock” remains a semi-automatic firearm because there is a “separate pull of the trigger to fire each cartridge.”

So there is no statutory authority to ban a “bump stock,” “trigger crank,” or any similar device.

Some have talked about “Chevron deference.” This doctrine allows the courts to defer to an agency with respect to the interpretation of its own statute. But it doesn’t allow the

agency to ignore or violate the statute. And this is what is being proposed with respect to “bump stocks.”

If, in fact, the government has the residual, non-statutory authority to ban a device which allows a semi-automatic to function more efficiently as a semi-automatic, then it has the residual authority to ban semi-automatics entirely -- or handguns -- or even all guns.

Clearly, this is not the case.

SECOND, PROPOSED LEGISLATIVE LANGUAGE TO OUTLAW “BUMP STOCKS” WOULD ALSO OUTLAW HIGH-CAPACITY MAGAZINES -- AND IT IS HARD TO IMAGINE THAT REGULATIONS WOULD NOT DO THE SAME.

S. 1916 makes it illegal to “possess” any firearm accessory which “functions to accelerate the rate of fire of a semiautomatic rifle...”

Everyone agrees that this language would outlaw lighter trigger pulls, accelerated hammer drops, polished bolts, and any other device used by a competitive shooter to accelerate the rate of fire of his semi-automatic firearm.

But it is equally clear that high-capacity magazines are intended by Feinstein to be covered by her language -- and could, in fact, be outlawed, perhaps immediately.

Outlawing magazines has been a long-time goal of Feinstein and the anti-gun Left. And yet, all of the current legislation in Congress right now to ban bump stocks -- even the bills introduced by Republicans -- would open this door to banning high-capacity magazines.

It is difficult to conceive of how the Trump administration will navigate between this Scylla and Charybdis -- regulating bump stocks without also using a definition that can apply to high-capacity magazines.

And the day a Democrat gets elected to the White House, there is a 100% complete-and-total absolute certainty that high-capacity magazines will be retroactively outlawed by the anti-bump stock language. And they will not be grandfathered.

In fact, with embedded bureaucrats, career Assistant U.S. Attorneys, Clinton and Obama judges, crusading Leftist states' attorneys general, and Bloomberg-financed lawsuits, we may not have to wait until the end of the Trump administration to see this come to pass.

So what does it mean when the Feinstein language bans a device which could “accelerate the rate of fire”? The obvious conclusion is that, if there is a tenth-of-a-second interval between the discharge of rounds, rather than a half-second, that represents an “acceleration.” And it certainly does.

But what if a larger magazine allows the gun to fire 20 rounds in 20 seconds, rather than the 22 seconds required if the shooter has to change the magazine? Is the ability to fire 20 rounds in 20 seconds, rather than 22 seconds, an “accelerated” rate of fire? Again, it is clear that it is.

But what about the ridiculous argument -- one can foresee the anti-gun left making -- that rather than putting one round at a time into a rifle, a magazine helps “accelerate the rate of fire” of a semi-auto?

Certainly, that argument would endanger all magazines, no matter what the size.

THIRD, POLITICALLY AND SUBSTANTIVELY, IT IS A FAR DIFFERENT PROPOSITION FOR REPUBLICANS TO ATTACK THE SECOND AMENDMENT THAN FOR DEMOCRATS TO DO SO.

The electorate expects Democrats to attack the Second Amendment. They don't expect the Republican leadership to do so.

Pursuing an infringement of the Second Amendment -- in regard to bump stocks -- would place Republicans to the left of Obama's ATF.

One of the major pillars of the Republican Party platform is support for the Second Amendment. To compromise here could inflict irreparable damage to the Republican base in the next elections.

Remember that public opinion polls are always at wide variance with what happens in the voting booth. President Bill Clinton zealously pursued a gun control agenda when opinion polls appeared to show that Americans favored what he was doing.

But the resounding defeat of Democrats in the 1994 election caused President Clinton to lament during his 1995 State of the Union Address that:

I don't think it's a secret to anybody in this room that several members of the last Congress who voted for [the Brady bill and the assault weapons ban] aren't here tonight because they voted for it...[A] lot of people laid down their seats in Congress.

On any given day, you might read about a poll where a majority of Americans support a particular ban. But that support does NOT translate into votes on election day. Why not?

Because the INTENSITY factor on gun issues lies with protecting Second Amendment rights.

The Gallup organization has been asking Americans for years about the “most important problem” facing the country. This question is designed to gauge what it is that government officials should address most immediately.

For years, the top answers have ranged from the economy to dissatisfaction with government. But through that entire time, “gun control” is ALWAYS at the bottom of the list.

For example, the last time that Gallup asked Americans this question, the top three categories were “Economic Problems” at 26%, “Dissatisfaction with government/Poor leadership” at 18%, and “Immigration/Illegal aliens” at 12%.

However, way down at the very bottom of the list was the desire for more “Gun control” at less than .5%. (March, 2017.)

This is NOT an outlier. Support for gun control is ALWAYS at the bottom or near the bottom. Which means that support for the Second Amendment is not only good policy, it is popular at the polls.

I hope that you will do everything in your power to protect our Second Amendment rights without compromise.

In Liberty,

A handwritten signature in cursive script that reads "Erich Pratt".

Erich Pratt
Executive Director