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**\*\* FOR IMMEDIATE RELEASE \*\***

## **Attorneys for FPC, FPF File 923-Page Opposition to ATF’s Illegal “Bump-Stock” Ban Proposal, Demand Hearing**

Attorneys for two advocacy organizations submitted over 900 pages of analysis and supporting exhibits, including a video that shows the actual operation of a “bump-stock-device” on an AR-15 type firearm, in an extensive opposition that shows the Trump Administration’s unlawful proposed ban fails every test.

WASHINGTON, DC (June 27, 2018) — [Firearms Policy Coalition](http://www.firearmspolicy.org) (FPC) and [Firearms Policy Foundation](http://www.firearmspolicy.org) (FPF) have announced that their extensive, 923-page opposition comment was filed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regarding the agency’s proposed rulemaking to ban “bump-stock” devices. The FPC Comment and its 35 exhibits can be viewed online in their entirety at <https://www.firearmspolicy.org/fpc-fpf-opposition-atf-bump-stock-ban>.

The FPC Comment in opposition was filed on the groups’ behalf by attorneys [Joshua Prince](#) and [Adam Kraut](#) of [Firearms Industry Consulting Group \(FICG\)](#), after President Trump directed Attorney General Jeff Sessions to use executive actions to unlawfully and unconstitutionally expand the scope of the statutes and force the destruction, absent just compensation, of legally-acquired property or subject possibly over half a million Americans to severe federal criminal penalties. FICG attorney Adam Kraut produced a video ([Exhibit 28](#)) with Patton Media and Consulting to show how a bump-fire-type device actually works when it is installed on a firearm.

“It is beyond outrageous that ATF has purposely misled the public on the function of bump-stock-devices,” said FICG Chief Counsel Joshua Prince. “Even setting aside the constitutional concerns, there are a plethora of issues that preclude ATF from moving forward with its bump-stock proposal. ATF is unlawfully attempting to usurp the Congress’ power by modifying a definition codified in the tax code by Congress and is attempting to retroactively apply this definition, which is precluded by federal tax laws designed to prevent this kind of action by the Government.”

“Perhaps more frightening than the text of this unlawful executive action is the fact that the Trump Administration is expressly saying that not only can the ATF re-write Congress’ statutes to mean whatever they prefer, but that the Second Amendment doesn’t protect conduct with common semi-automatic firearms and parts, let alone devices like machineguns,” commented FPC President and FPF Chairman Brandon Combs. “That should send chills down the spines of American gun owners.”

“Our important opposition is not only a substantial addition to the rulemaking record, but a warning shot across the ATF’s bow. If the ATF proceeds with this unlawful and unconstitutional proposal, our attorneys have been instructed to explore every possible legal remedy, including filing a federal lawsuit and seeking an injunction. We would relish the opportunity to defend the Constitution and law-abiding American people against the Trump Administration’s patently anti-gun arguments in a court of law,” Combs concluded.

**Firearms Policy Coalition** ([www.firearmspolicy.org](http://www.firearmspolicy.org)) is a 501(c)4 grassroots, non-profit public policy organization. FPC’s mission is to protect and defend the Constitution of the United States, especially the fundamental, individual Second Amendment right to keep and bear arms. FPC protects and promotes

individual liberty through programs including legal action, direct and grassroots advocacy, legislation, government oversight, research, education, and outreach.

**Firearms Policy Foundation** ([www.firearmsfoundation.org](http://www.firearmsfoundation.org)) is a 501(c)3 grassroots, non-profit public policy organization. FPF's mission is to defend the Constitution of the United States and the People's rights, privileges and immunities deeply rooted in this Nation's history and tradition, especially the inalienable, fundamental, and individual right to keep and bear arms. FPF conducts charitable programs including research, education, and legal action to protect and advance individual liberty.

**Firearms Industry Consulting Group** ([www.firearmsindustryconsultinggroup.com](http://www.firearmsindustryconsultinggroup.com)) represents individuals, organizations, firearms licensees, and others across the United States in complex state and federal firearms law matters.

## **BACKGROUND**

In ten letter rulings between 2008 and 2017, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) concluded that bump-stocks and some similar devices did not qualify as "machineguns" because they did not "automatically" shoot more than one shot with a single pull of the trigger.

On October 1, 2017, a terrorist used firearms in a premeditated attack on attendees of an outdoor concert in Las Vegas, Nevada, killing 58 people and injuring more.

On December 26, 2017, ATF published an Advance Notice of Proposed Rulemaking (ANPRM) in the Federal Register regarding the "Application of the Definition of Machinegun to 'Bump Fire' Stocks and Other Similar Devices" as an initial step in the process of substantively changing through fiat regulation the statutory definition of "machinegun" with the intent to ban bump-stock-type devices they previously ruled were legal to acquire, possess, and use.

On January 25, 2018, Firearms Policy Coalition (FPC) submitted comments responding to the ATF – an agency under the Department of Justice – Advance Notice of Proposed Rulemaking (ANPRM) in opposition to the "Application of the Definition of Machinegun to "Bump Fire" Stocks and Other Similar Devices."

On February 20, 2018, President Donald Trump issued a memorandum to Attorney General Sessions directing the Department of Justice to initiate a regulatory action to ban "bump fire" stocks and similar devices. (83 Fed. Reg. 7949.)

On March 29, 2018, the ATF published its Notice of Proposed Rulemaking regarding a proposed ban on "Bump-Stock-Type Devices" in the Federal Register. (83 Fed. Reg. 13442.)

On June 19, 2018, attorneys at Firearms Industry Consulting Group submitted over 900 pages of analysis and documents, along with multiple video exhibits, on behalf of FPC and FPF (the "FPC Opposition") in opposition to the ATF's proposed rulemaking. In the FPC Opposition, and by separate letter to ATF Acting Director Thomas E. Brandon, FIGG (on behalf of FPC and FPF) demanded a hearing before any final rulemaking action pursuant to the right codified under 18 U.S.C. § 926(b).

The comment period for ATF rulemaking docket no. 2017R-22 will close on June 27, 2018, at midnight Eastern Daylight Time.

## SUMMARY OF OPPOSITION ARGUMENTS

- ATF’s Proposed Rulemaking (docket no. 2017R-22) is procedurally flawed and violates the Administrative Procedure Act (APA)
- ATF’s proposed rule violates the Constitution in numerous ways, including:
  - Art. I – Separation of Powers
  - Art. I – Ex Post Facto Clause
  - Fundamental, individual right to keep and bear arms protected under the Second Amendment
  - Rights to due process, fair notice, and just compensation for the taking of property protected under the Fifth Amendment
- ATF’s proposed rule exceeds its statutory authority
- ATF’s proposed rule is arbitrary and capricious
- ATF’s proposed rule is unconstitutionally vague
- ATF failed to consider viable and precedential alternatives
- ATF’s proposed rule is not supported by policy considerations
- ATF’s proposed rule “should be withdrawn and summarily discarded, or, in the alternative, ATF should elect Alternative 1 and abandon the proposed rulemaking in its entirety.”

## RELATED NEWS RELEASES

Oct. 6, 2017: Firearms Policy Coalition Repudiates Proposed Bans on Semi-Automatic Firearms and Accessories, Including “Bump Fire” Stocks - <http://bit.ly/fpc-2017-10-6-bumpstocks>

Jan. 25, 2018: FPC Says ATF ‘Bump Stock’ Regulation Proposal is “Illegal” - <http://bit.ly/fpc-2018-1-25-bumpstock-ban-illegal>

Feb. 20, 2018: FPC Calls President Trump’s ‘Bump Stock’ Ban “Lawless” - <http://bit.ly/fpc-2018-2-20-trump-ban-lawless>

Feb. 26, 2018: President Trump Says He Will ‘Write Out’ Bump Stocks Without Congress; Two Second Amendment Groups Initiate Legal Action to Oppose Ban - <http://bit.ly/fpc-2018-2-26-trump-bumpstocks>

## ADDITIONAL QUOTES

### **Brandon Combs**

*President, Firearms Policy Coalition*

*Chairman, Firearms Policy Foundation*

“We have consistently opposed lawless executive actions that threaten gun owners, property rights, and the Constitution itself.”

“Our opposition lays waste to the ATF’s self-serving legal analysis and destroys the conclusory statements and logic of their politically-motivated attack on law-abiding gun owners and their lawfully acquired and possessed property.”

“FPC and FPF are proud to stand tall in the fight for our rights and important separation of powers principles no matter who is in office or which political party they belong to that day.”

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**Joshua Prince, Esq.**

*Chief Counsel, Firearms Industry Consulting Group*

“As is clearly shown in the Bump Stock Analytical video, bump-stock-type devices are not ‘machineguns’ and do not convert a semi-automatic firearm into one.”

“Our expert Mr. Richard Vasquez, a former ATF senior technical expert and Acting Chief of the Firearms Technology Branch, declared that bump-stock devices do not permit a continuous firing cycle with a single pull of the trigger nor do they permit automatic fire by harnessing the recoil energy of the firearm. Moreover, the cyclic rate of a firearm is neither increased nor decreased by the use of a bump-stock-device.”

“ATF has a well-documented record of spinning facts and engaging in outright deception of the courts, Congress, and the public.”

“It is imperative that the current Administration appoint a director to ATF, who has a stellar reputation for candor, honesty and upholding the law as written, so that ATF’s extremely tarnished reputation might be rehabilitated.”

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**Adam Kraut, Esq.**

*Attorney, Firearms Industry Consulting Group*

“The Government has taken a contradictory position by arguing bump stocks are machine guns. Previously, as documented in the Comment, attorneys for ATF argued in Federal Court that bump stocks were not machine guns, as they require manual user input in order to function as designed. ATF cannot have its cake and eat it too.”

“Working with Patton Media and Consulting allowed us to succinctly capture what happens when a bump stock is used. As clearly demonstrated, the firearm continues to function as any other semi-automatic firearm, that being a single function of the trigger resulting in only one round being fired. Video evidence, such as this, is important in dispelling the myths and misinformation surrounding bump stocks.”

**ADDITIONAL MEDIA CONTACTS**

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**LIST OF DOCUMENTS AND EXHIBITS FILED**

All documents and videos listed below are available online at <https://www.firearmspolicy.org/fpc-fpf-opposition-atf-bump-stock-ban>.

FPC and FPF's Comments in Opposition to Proposed Rule ATF 2017R-22

*Exhibits to FPC/FPF Comments in Opposition*

Exhibit 1 - FICG Expedited FOIA request dated March 30, 2018

Exhibit 2 - LVMPD Preliminary Investigative Report, January 18, 2018

Exhibit 3 - Video: Iraqveteran8888, Worlds Fastest Shooter vs Bump Fire! – Guns Reviews, YouTube, October 13, 2014

Exhibit 4 - Video: Miculek.com, AR-15 5 shots in 1 second with fastest shooter ever, Jerry Miculek (Shoot Fast!), YouTube, June 20, 2013

Exhibit 5 - Carl Bussjaeger, [Update] Bumbling Machinations on Bump Stocks?, April 2, 2018 and [Updated] Bump-fire Rule: “Comments Not Accepted”, March 30, 2018

Exhibit 6 - Motion in Limine, United States v. Friesen, CR-08-041-L (W.D. Okla. Mar. 19, 2009)

Exhibit 7 - John Bresnahan and Seung Min Kim, Attorney General Eric Holder held in contempt of Congress, June 28, 2012

Exhibit 8 - Testimony of Gary Schaible, United States v. Rodman, et al., CR-10-01047-PHX-ROS

Exhibit 9 - Senator Diane Feinstein, Feinstein: Congress Shouldn't Pass the Buck on Bump-Fire Stocks, October 11, 2017

Exhibit 10 - ATF Determinations

Exhibit 11 - Video: Shooting Videos, Rapid manual trigger manipulation (Rubber Band Assisted), YouTube, December 14, 2006

Exhibit 12 - Video: StiThis1, AK-47 75 round drum Bumpfire!!!, YouTube, September 5, 2011

Exhibit 13 - Video: ThatGunGuy45, 'Bump Fire' without a bump-fire stock, courtesy of ThatGunGuy45, YouTube, October 13, 2017

Exhibit 14 - Video: M45, How to bumpfire without bumpfire stock, YouTube, October 8, 2017

Exhibit 15 - Verified Declaration of Damien Guedes

Exhibit 16 - Verified Declaration of Matthew Thompson

Exhibit 17 - Video: Vice News, Meet One Of The Analysts Who Determined That Bump Stocks Were Legal, YouTube, October 11, 2017

Exhibit 18- Video: Fastest Shooter OF ALL TIME! Jerry Miculek | Incredible Shooting Montage, DailyMotion, 2014

Exhibit 19- Gun Control Act of 1968, 82 Stat. 1235

Exhibit 20 - 26 C.F.R. § 179.120

Exhibit 21 - Joshua Prince, Violating Due Process: Convictions Based on the National Firearms Registration and Transfer Record When its 'Files are Missing', September 28, 2008

Exhibit 22 - Eric Larson's testimony and exhibits of April 3, 1998, before the House Committee on Appropriations

Exhibit 23 - ATF Quarterly Roll Call Lesson Plan, July 12, 2012

Exhibit 24 - Eric M. Larson, How Firearms Registration Abuse & the "Essential Operational Mechanism" of Guns May Adversely Affect Gun Collectors, Gun Journal, March 1998

Exhibit 25 - U.S. Government's Brief in Support of Cross Motion For Summary Judgment And In Opposition to Plaintiff's Motion For Summary Judgment, Freedom Ordinance Mfg. Inc., v. Thomas E. Brandon, Case No. 3:16-cv-243-RLY-MPB

Exhibit 26 - Video: Molon Labe, hogan 7 m16.wmv, YouTube, October 25, 2011

Exhibit 27 - Testimony of ATF Senior Analyst Richard Vasquez in U.S. v. One Historic Arms Model54RCCS, No. 1:09-CV-00192-GET

Exhibit 28 - Video: Adam Kraut Esq. and Patton Media and Consulting, Bump Stock Analytical Video, June 14, 2018

Exhibit 29 - National Firearms Act: Hearings Before the Committee on Ways and Means, H.R. Rep. No. 9066, 73rd Cong. 2nd Sess. April 16, 18, and May 14, 15, and 16 1934

Exhibit 30 - Testimony of Police Chief J. Thomas Manger

Exhibit 31 - ProPublica, Workers' Comp Benefits: How Much is a Limb Worth?, March 5, 2015

Exhibit 32 - Verified Declaration of former ATF Acting Chief of FTB Rick Vasquez

Exhibit 33 - Verified Declaration of Jonathan Patton of Patton Media and Consulting

Exhibit 34 - FICG's Letter on Behalf of FPC to Acting Director Brandon

Exhibit 35 - FPC's January 25, 2018 Letter in Opposition to ATF's ANPRM re: "Application of the Definition of Machinegun to 'Bump Fire' Stocks and Other Similar Devices"

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