



Written by [D. Michael DeRidder](#) on June 14, 2024

Supreme Court Invalidates Trump-era Bump Stock Ban

The U.S. Supreme Court (SCOTUS) voted 6-3 in *Garland v. Cargill* to repeal a Trump-era ban on “bump stocks.” Former President [Donald Trump directed the Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\)](#) to ban the firearm accessories in February 2018 in response to the 2017 Las Vegas shooting, during which 60 people were killed at the Route 91 Harvest music festival.

Before the [ATF announced its final ruling](#), Trump stated “don’t worry about bump stock, we’re getting rid of it, we’re – it’ll be a – I mean you don’t have to complicate the bill by adding another two paragraphs. We’re getting rid of it. I’ll do that myself. Because I’m able to, fortunately we’re able to do that without going through congress.”

The [SCOTUS majority decision](#) states a bump stock does not change the firing mechanism of a semiautomatic firearm and convert it into a machine gun:

A semiautomatic rifle equipped with a bump stock does not fire more than one shot “by a single function of the trigger.” The phrase “function of the trigger” refers to the mode of action by which the trigger activates the firing mechanism. No one disputes that a semiautomatic rifle without a bump stock is not a machinegun because a shooter must release and reset the trigger between every shot. And, any subsequent shot fired after the trigger has been released and reset is the result of a separate and distinct “function of the trigger.” Nothing changes when a semiautomatic rifle is equipped with a bump stock. Between every shot, the shooter must release pressure from the trigger and allow it to reset before reengaging the trigger for another shot. A bump stock merely reduces the amount of time that elapses between separate “functions” of the trigger.

The majority decision also held that by banning bump stocks, the Trump-era ATF exceeded its authority, stating:

ATF therefore exceeded its statutory authority by issuing a Rule that classifies bump stocks as machineguns.

Supreme Court Justice Samuel Alito [wrote in his concurring opinion](#) he believed the Congress that enacted 26 U. S. C. §5845(b) would have likely included bump stocks, and stated Congress can now amend the law if it chooses to do so, stating:



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I join the opinion of the Court because there is simply no other way to read the statutory language. There can be little doubt that the Congress that enacted 26 U. S. C. §5845(b) would not have seen any material difference between a machinegun and a semiautomatic rifle equipped with a bump stock. But the statutory text is clear, and we must follow it. The horrible shooting spree in Las Vegas in 2017 did not change the statutory text or its meaning. That event demonstrated that a semiautomatic rifle with a bump stock can have the same lethal effect as a machinegun, and it thus strengthened the case for amending §5845(b). But an event that highlights the need to amend a law does not itself change the law's meaning. There is a simple remedy for the disparate treatment of bump stocks and machineguns. Congress can amend the law — and perhaps would have done so already if ATF had stuck with its earlier interpretation. Now that the situation is clear, Congress can act

Supreme Court Justice Sonia Sotomayor [wrote in her dissenting opinion](#) that bump stocks circumvent Congress's intent to ban "machineguns," and the bump stock achieves the rapid-fire function of a fully automatic firearm.

Start with the phrase "single function of the trigger." All the tools of statutory interpretation, including dictionary definitions, evidence of contemporaneous usage, and this Court's prior interpretation, point to that phrase meaning the initiation of the firing sequence by an act of the shooter, whether via a pull, push, or switch of the firing mechanism. The majority nevertheless interprets "function of the trigger" as "the mode of action by which the trigger activates the firing mechanism." Ante, at 7. Because in a bumpstock-equipped semiautomatic rifle, the trigger's internal mechanism must reset each time a weapon fires, the majority reads each reset as a new "function." That reading fixates on a firearm's internal mechanics while ignoring the human act on the trigger referenced by the statute.

Sotomayor stated that the majority opinion defining a "single function of the trigger" as the internal firing mechanism functioning, and not the human action of pulling the trigger, creates a definition that evades Congress's intent to regulate machine guns.

The majority creates a definition of the statute that bans only "traditional" machineguns, even though its definition renders Congress's clear intent readily evadable.

The majority defines "single function of the trigger" as a reset of a rifle's internal trigger mechanism. Ante, at 11. A more accurate definition is the human action required to initiate the firing sequence.

Plaintiff Michael Cargill responded to the ruling, saying "I beat them in the United States Supreme Court.... So now we have a case that is case law that we can move forward around this country and defend our Second Amendment rights." in a video [statement posted on X](#):

Gun Owners of America responded to the decision, [stating on X](#):



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HUGE WIN: This critical ruling protects your AR-15 from a tyrannical ATF ban. If bump stocks were machine guns then all semiautomatic firearms could also have been banned as illegal machine guns. SCOTUS has now closed that door. ☐☐

The National Rifle Association also responded to the decision, [stating on X](#):

☐NRA STATEMENT ON GARLAND v. CARGILL: “The Supreme Court has properly restrained executive branch agencies to their role of enforcing, and not making, the law. This decision will be pivotal to NRA’s future challenges of ATF regulations.” - Randy Kozuch, NRA-ILA Exec. Dir.

Everytown for Gun Safety disagreed with the Court’s decision, alleging that it has “put countless lives in danger,” [stating on X](#):

BREAKING: The Supreme Court just struck down the federal ban on bump stocks — deadly devices that effectively convert assault weapons into machine guns — in Garland v. Cargill. Bump stocks were used to kill 60 people and wound at least 411 more in our country’s deadliest mass shooting in Las Vegas in 2017. #SCOTUS

Bump stocks were designed to skirt the law and mimic automatic fire. There is no reason anyone should be able to easily convert a weapon to fire 800 rounds per minute. Machine guns don’t belong in our communities.

The Supreme Court has put countless lives in danger. Congress can and should right this deadly wrong by passing bipartisan legislation to ban bump stocks that has already been introduced in the House and Senate.



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