



Written by [Joe Wolverton, II, J.D.](#) on April 1, 2019

Bump Stock Ban Goes Into Effect; ATF Rule Turns Thousands Into Felons Overnight

On Monday, in a 2-1 decision with a strong dissent, the Court of Appeals for the D.C. Circuit ruled that the ATF's rewriting of the definition of "machine gun" survived various legal challenges. Also, the U.S. Supreme Court has refused to hear two petitions asking the court to prevent President Donald Trump's ban on bump stocks from being carried into law.



With this ban, the president and the Supreme Court are violating the Second Amendment (the right to keep and bear arms), the Fourth Amendment (right against seizures without a warrant), the Fifth Amendment (the right to due process), Article 1, Section 9 (the prohibition on *ex post facto* laws), and perhaps most importantly, Article I of the U.S. Constitution (only Congress can make laws for the United States), and hundreds of thousands of gun owners are now felons.

Although the fiat issued by President Trump violated the Constitution and the principles of limited government, consent of the governed, and the separation of powers upon which it was based, an executive branch agency has followed their chief's lead and not only will enforce the ban, but will redefine existing law.

According to President Trump's proclamation, anyone found in possession of a "bump stock-type device" faces up to 10 years in federal prison and a \$250,000 fine.

There is no clearer example of an *ex post facto* "law" than that, as hundreds of thousands of Americans who purchased such devices were repeatedly reassured over the last couple of decades that such after-market accessories were completely legal.

Now, while one should have no doubt whatsoever about how Sam Adams or John Adams or John Hancock or George Washington or Thomas Jefferson or James Madison would react to such a demonstration of despotism, their 21st-century descendants seem content to, as Sam Adams described it, "crouch down and lick the hands which feed [us]."

As if all of this weren't enough, the folks at ATF took it upon themselves to redefine the existing statutes and to re-classify bump stock-like devices as machine guns! The new ATF rule outlaws "all bump-stock-type devices that harness recoil energy to facilitate the continuous operation of a semiautomatic long gun after a single pull of the trigger."



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“We still feel that the regulation is a factual misreading of the statute, and that ultimately we will be vindicated on it,” Michael Hammond, the legislative counsel for Gun Owners of America, told CNBC.

“ATF’s claim that it can rewrite Congressional law cannot pass legal muster. Agencies are not free to rewrite laws under the guise of ‘interpretation’ of a statute, especially where the law’s meaning is clear,” added GOA spokesman Erich Pratt in a statement issued to the press.

The Gun Owners of America (GOA) is one of several groups who have joined in a legal challenge to the president’s proclamation. So far, the federal courts have sided with President Trump and against the right of the people to keep and bear arms as protected by the Second Amendment.

For those of you who rightly oppose this tyrannical edict and the officers of the empire who will enforce it, but don’t own a bump stock-like device and wouldn’t know one if you saw it, here’s the GOA’s short description of the device:

Unlike the internal mechanisms of a machine gun that permit high rates of automatic fire in rapid bursts, a bump stock is an accessory that is affixed externally to a semiautomatic gun. Without changing the internal components, a bump stock uses the gun’s recoil to then “bump” the gun back against the user’s finger, causing another round to fire.

A bump stock does not change a semiautomatic gun’s ability to shoot one bullet per trigger pull, whereas a machine gun fires a rapid burst of bullets per single trigger pull.

Instead, a bump stock enables the trigger to be pulled quickly, simulating a higher rate of fire than a user can typically achieve with the unaided action of their finger.

While it certainly isn’t dispositive or even important as regards the rights that all Americans enjoy as an inheritance of God, the ATF itself issued a ruling in 2010 that explicitly exempted bump stocks from the definition of machine gun.

Well, it’s a new day, a Republican is in the White House, and finally the Constitution will be restored to its rightful place and we won’t have to put up with the “pen and phone” or “stroke of the pen, law of the land” tyranny that plagued our country during the past few administrations, right?

Apparently, the more things change, the more things stay the same.

If you can believe the gall, when President Trump announced his intention to be an autocrat and ban bump stocks by executive order, the then-acting Attorney General Matthew Whitaker explained why such an act was necessary.

“President Donald Trump is a law and order president,” Whitaker said.

No, President Trump believes he is a law unto himself, just as his predecessors have for generations.

Americans must not sit idly by as one president after another assumes dictatorial powers over our Union. If we do not act quickly and decisively to disgorge the federal government of its usurped authority, it will be too late. As history so clearly teaches, once it develops in the body politic, the tumor of tyranny grows until it destroys the entire being.

We have, sadly, sat in a stupor as the federal government has repeatedly ignored the Constitution and swallowed up the sovereignty of the states. We are living in the time that John Taylor of Caroline predicted would come, when he warned in 1820 that if we “folded our arms in apathy” we would watch



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as the federal behemoth set about to “change the whole face of our government, and to generate a thousand measures, which the framers of the Constitution never anticipated.”

Now that the Supreme Court has conspired with the Congress and the President to violate the Second Amendment, agents of the ATF have their marching orders: A piece of plastic (a bump stock) is a “machine gun,” anyone who owns one is a felon, and all this is the policy of a president who, according to his spokesmen, is committed to “law and order.”

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